

BILL: House Bill 380
TITLE: Public Information Act - Denial of a Part of a Public Record -
Investigations by Inspectors General
DATE: February 11, 2020
POSITION: SUPPORT
COMMITTEE: Health and Government Operations Committee
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The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, supports House Bill 380.

MABE supports this bill because we believe it will appropriately allow a custodian of a public record to deny inspection of records of investigations by an inspector general. In 2019, the Blueprint for Maryland's Future Act established the Maryland Office of the Inspector General for Education. This office is, quite reasonably, granted broad access to records, data, reports, contracts, correspondence, and other documents of the local school systems and other entities it may investigate. Therefore, MABE strongly supports ensuring the protection of information gathered in the course of an IG investigation.

Local school systems take very seriously the responsibility to comply with the Maryland Public Information Act, which is intended to grant the public a broad right of access to records that are in the possession of State and local government agencies, including local boards of education. Local school systems are responsible for managing and maintaining an enormous amount information, including public records, but also including student records, and records not subject to inspection or access under state or federal laws.

Restriction of public access to records maintained by local school systems is already limited in other circumstances under state law. For example, there is an affirmative duty to deny access to county board records that are legally confidential, such as pursuant to lawyer-client privilege. The law additionally provides for required denial for personnel files, letters of reference, retirement records, or individual student records. Other required denials are for medical and psychological records, home addresses and telephone numbers of employees, individual financial records, and records of information system security. Finally, a local board may deny access to records where disclosure would be contrary to the public interest, such as, investigation records, security records, testing records, and real estate appraisals while acquisition is pending.

Again, MABE supports this legislation to allow the denial of a request to inspect public records arising in the context of an inspector general investigation. Therefore, MABE requests a favorable report on House Bill 380.