

BILL: House Bill 717
TITLE: Public Information Act - Required Denials - Distribution List
DATE: February 11, 2020
POSITION: OPPOSE
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, opposes House Bill 717.

MABE opposes this bill because we believe the law enacted in 2018 already appropriately limits public access to the personal contact information included on lists maintained by government entities solely for public information outreach purposes.

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.

Regarding student records, the Maryland Public Information Act Manual acknowledges that “the Family Educational Rights and Privacy Act of 1974 (FERPA) restricts access to student records” and cites 92 Opinions of the Attorney General 137 (2007). Maryland law further provides specific limitations on access to student records; providing that a custodian must deny inspection of a school district record about the home address, home phone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student.

In this context, MABE supports maintaining the current law which was reformed recently in 2018. The law should continue to reasonably restrict public access to lists containing personal contact information which a government entity, including a local school system, is maintaining for the narrowly defined purpose of providing informational notices or emergency communications.

For these reasons, MABE requests an unfavorable report on House Bill 717.