



Senate Bill 193

Public Information Act - Denial of Part of a Public Record - Investigations by Inspectors General

MACo Position: **SUPPORT**

To: Education, Health, and Environmental
Affairs Committee

Date: February 5, 2020

From: Alex Butler

The Maryland Association of Counties (MACo) **SUPPORTS** SB 193. This bill provides reasonable protections against the release of certain records of investigation conducted by an Inspector General under the Maryland Public Information Act (PIA).

The bill allows a custodian to temporarily deny inspection, under the PIA, of investigation records and an investigatory file compiled by an Inspector General. Comparable protections already exist for investigations conducted by the Attorney General, a State's Attorney, a municipal or county attorney, a police department, or a sheriff. The denial exists to allow these officials to conduct investigations without having their work undermined by the premature release of information critical to their work.

Inspectors General are increasingly used by governments to provide independent oversight of, and investigation into, sensitive materials including whistleblower complaints. These investigations deserve to be conducted without interference, until they yield an outcome which would then become public. However, under current PIA law, an Inspector General's investigatory files are subject to disclosure even while still underway, potentially leaving a whistleblower's identity available to the public. Such disclosure could obviously threaten the effectiveness of whistleblower laws and undermine the investigation.

SB 193 is narrowly crafted to extend existing protections for ongoing investigations to those conducted by Investigators General, granting them the freedom to perform their work, and preserving the integrity of such accountability measures. Accordingly, MACo recommends the Committee issue a **FAVORABLE** report on SB 193.