



TO: Chair Conway, Vice Chair Pinsky and members of the Senate Education, Health and Environmental Affairs Committee

FROM: ACLU of Maryland, CASA, Jews United for Justice, League of Women Voters-Maryland, Libertarian Party of Maryland, Public Justice Center, No Boundaries, Doug Colbert, LBS, Progressive Md, JOTF, CJSJ, BUILD, NAACP, OPD

DATE: February 26, 2018

RE: OPPOSITION to HB 1638/ SB 788 Public Information Act - Revisions

For the reasons expressed below, the undersigned organizations respectfully urge an unfavorable report on HB 1638/ SB 788 Public Information Act – Revisions.

The PIA currently has robust privacy protections and other necessary safeguards

Currently, the Public Information Act (PIA) provides adequate discretion to custodians to deny release of sensitive information or images. Custodians may deny requests for information if disclosure would be an unwarranted invasion of personal privacy; endanger the life or physical safety of an individual; or interfere with a valid and proper law enforcement proceeding. Custodians have long employed these exemptions to shield sensitive materials from disclosure and currently apply these principles to body camera footage.

Not a single example exists to show that the current law is insufficient to protect sensitive footage from disclosure

As noted above, the current PIA exemptions give sufficient guidance for shielding sensitive information from disclosure. Proponents of additional measures cannot point to a single example of body camera footage being improperly released. This shows that the current law is working.

Custodians have the right and responsibility to redact sensitive footage

As with other documents—photographs, medical information, etc.—custodians can and should redact portions of body camera footage that ought not be released. The power to redact footage obviates the need for categorical bans on disclosure of footage.

In order to be an accountability tool, body camera footage must remain reasonably accessible

HB 1638/ SB 788 Public Information Act – Revisions is an invitation to enact a categorical bar on access to public information. This is the camel’s nose under the tent—if the General Assembly begins carving out exemptions for public information access, soon body cameras will be a tool of surveillance instead of accountability. Unless communities have access to footage, it cannot be a mechanism for accountability.

Sincerely,

ACLU of Maryland

CASA

Jews United for Justice

League of Women Voters-Maryland

Libertarian Party of Maryland

Public Justice Center