

Maryland General Assembly
Joint Committee on Legislative Information Technology and
Open Government

This report is submitted to satisfy the requirement of State Government Article § 2-10A-14.

Subject to § 2-1246 of this title, the committee shall submit a report to the Legislative Policy Committee on or before December 1 of each year. The report shall include (1) a description of the work of the committee and (2) any recommendations of the committee.

**Maryland General Assembly
Joint Committee on Legislative Information Technology
and Open Government
2016 Interim
Membership Roster**

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Luke Clippinger, House Chairman**

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J.B. Jennings
Nancy J. King
Katherine Klausmeier
Nathaniel J. McFadden

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THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

Joint Committee on Legislative Information Technology and Open Government

December 1, 2016

The Honorable Thomas V. Mike Miller, Jr., Co-chairman
The Honorable Michael E. Busch, Co-chairman
Members of the Legislative Policy Committee

Ladies and Gentlemen:

The Joint Committee on Legislative Information Technology and Open Government respectfully submits its 2016 interim activities report. The joint committee met on November 2, 2016, and its work is summarized below.

Office of Information Systems Projects

Michael Gaudiello, Director of the Office of Information Systems (OIS) in the Department of Legislative Services, briefed the joint committee on the status of ongoing and new OIS projects. He explained that OIS has upgraded all General Assembly computers to the Windows 10 operating system and has updated various applications and databases to accommodate Windows 10. Additional updates included upgrading Microsoft Exchange to the latest version and increasing mailbox space. He also described the new web-based floor system that was introduced as a pilot program during the 2016 session and will be available to additional members and staff during the 2017 session. OIS continues to explore a change in the constituent tracking application from Commence to Microsoft Dynamic Customer Relationship Management (CRM). OIS plans to explore modifications to CRM and implement a pilot program during the 2017 interim. Other OIS projects include replacing member floor laptops on a three-year cycle and offering training on Windows 10 and the web-based floor system to members and staff.

In response to questions, Mr. Gaudiello stated that OIS does not need to rebid computer contracts each year to obtain competitive prices and that OIS is a Dell-certified provider which allows OIS to make repairs. Regarding CRM, he explained that the new application will have better support for mobile devices and tablets, may be cloud based, and will allow the transfer of constituent information from the old system. Concerning training for members and staff, Mr. Gaudiello stated that in addition to offering standard classes in the Joint Hearing Room, OIS is available to provide one-on-one training. Relating to feedback from the pilot program for the web-based floor system, he stated that the system has been refined and additional information made available. Additional responses included that the General Assembly is slowly moving toward a paperless process and that the best way to email large files is by creating a PDF file rather than scanning documents.

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Council on Open Data

Julia Fischer, Geographic Information Officer for the Department of Information Technology, briefed the joint committee on the Maryland Council on Open Data and the Open Data Portal. Ms. Fischer described the membership changes on the council and upcoming term expirations. Current initiatives of the council include establishing dataset freshness reports; making address points (real property assessments) and LiDAR (elevation data and derivative products) available to the public for search, review, and download; and creating dashboards to help citizens analyze crime data and the State of Maryland operating budget. Future initiatives of the council include determining how to increase the number of end users and data contributors; formalizing data standards, policies, and procedures; and better integrating open data portals with public information act requests.

In addition, Ms. Fischer explained that Maryland has two open data portals, the GIS Data Catalog, which includes spatial or mapped data, and the Open Data Portal, which includes nonspatial or unmapped data. The portals have received over 800,000 page views during the 2016 calendar year. The most popular datasets are the real property assessments and the county boundaries. To illustrate the usefulness of the data portals, Ms. Fischer described how citizens can use the Maryland Child Care Mapping Tool to locate childcare and the Give Maryland dashboard to find nonprofits and make donations. Ms. Fischer also explained how data is shared between local, state, and federal jurisdictions.

In response to questions, Ms. Fischer explained that the council is still determining how to increase the number of end users of the portals but that she expects the council to take a multi-pronged approach that looks at topics discussed in the news and the most popular searches within the system. Luis Estrada, Deputy Secretary for the Department of Information Technology, added that the council will also consider comments from users and seek input from the departments who provide data for the portals.

Office of the Public Access Ombudsman

Lisa Kershner, Public Access Ombudsman, briefed the committee on the establishment of the Office of the Public Access Ombudsman and its activities since her appointment on March 30, 2016. She explained how the Office of the Public Access Ombudsman and Public Information Act (PIA) Compliance Board work together through a mutual referral of matters. She described the types of questions and issues the ombudsman addresses, including inadequate responses to PIA requests and fee waiver requests and inappropriate exemptions and redactions. She also described the diverse community of requestors who make requests of the office including the press, nonprofit or advocacy groups, businesses, and individual citizens. Ms. Kershner discussed the amount of time it takes to resolve requests made to the ombudsman and encouraged

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agencies to access the office earlier in the PIA request process to make it more likely that a satisfactory resolution will be reached.

Ms. Kershner explained her role in investigating PIA compliance by the Howard County Public School System, as directed by the General Assembly. She explained that she has found the investigation interesting and beneficial to the public but also expressed concern that the investigation took time away from the original purpose of the ombudsman and created conflicting roles for the ombudsman as auditor and mediator. Ms. Kershner suggested that future compliance monitoring could be done in a different manner and that the Federal Office of Information Services has a model that could be considered.

Public Information Act Compliance Board

John H. West, III., Chair of the Public Information Act Compliance Board, described how the board was established, the board's membership, and the board's responsibilities. He stated that the Public Access Ombudsman is an invaluable resource for the board in dealing with issues outside the jurisdiction of the board and in providing mediation. Mr. West wanted members of the committee to be aware that a frequent issue the board faces is an expectation by members of the public that the board can waive fees but that the board does not have jurisdiction over waivers of fees. The board issued two rulings during the past year. In one ruling, the board determined the fee was reasonable and denied the complaint. In the second ruling, the board determined that the fee included duplication of effort and employee benefits in addition to salary and ordered a partial refund. On behalf of the board, Mr. West suggested that changes to PIA may include (1) standardizing fees; (2) clarifying the grounds for waivers and the prohibition on charging for duplicate review of documents; and (3) changing the time public bodies have to respond to PIA requests from 30 days to 15 days. Additionally, Mr. West explained that the statute authorizing the inclusion of employee salaries in the determination of fees does not address whether employee benefits may be included in the determination.

In response to a question, Mr. West clarified that if the response time for departments is changed to 15 days, it could be extended for legitimate reasons.

Open Meetings Compliance Board

Jonathan Hodgson, Chair of the Open Meetings Compliance Board, described the board membership. He stated that the board received 51 complaints and issued 41 opinions during the last fiscal year. He also stated that the board has received more complaints in recent fiscal years than in the past and attributed the increase to recent changes to the open meeting laws and a lack of familiarity with the changes by public bodies. He described the range of issues raised by complaints but said that specific trends could not be identified. He noted, however, that the

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majority of complaints were generated by a small group of individuals. Further, he explained that notice complaints included issues with wording, failure to update all notices when posted on multiple web pages, and failure to provide notice. In regards to repeat offenders, Mr. Hodgson described two instances but stated that, generally, the board has not seen other repeat offenders or any bodies with contempt for the open meeting laws. The board is not proposing legislation at this time but recognizes that, in the future, legislation may need to be introduced to address electronic communications. Mr. Hodgson also reiterated the board's opposition to increasing the authority of the board to include enforcement stating that the structure of the board and lack of an appeals process do not equip the board to serve as a substitute court for open meetings law matters. Mr. Hodgson also stated that it is helpful for the board to receive as much notice as possible on upcoming legislation in order to allow the board to conduct a meeting and offer a thoughtful position.

In response to questions, a discussion on educating new members of a public body on open meeting laws took place between members of the committee and Mr. Hodgson. An email addressing the issue was sent to Delegate Miller by a constituent and forwarded to all of the members of the committee. The discussion focused on requiring an educational component at the first meeting of a public body. While members of the committee expressed support for additional education requirements, Mr. Hodgson pointed out that because of the large number of public bodies, particularly small groups at the local government level, it would be difficult to enforce. Additionally, Mr. Hodgson noted that, in his opinion, the current notice and agenda requirements are sufficient.

Public Comment

The committee heard public testimony from Jim Snider of iSolon.org. Mr. Snider expressed concerns about not receiving email notification of meetings and the State's lack of a mechanism to sign up for email alerts on public meetings and topics of interest. Mr. Snider also expressed concern regarding the release of machine-readable roll call votes. Additionally, Mr. Snider shared his opinion that the Office of the Public Access Ombudsman, the Public Information Act Compliance Board, and the Open Meetings Compliance Board were designed, perhaps inadvertently, to do more harm than good regarding information requests from average citizens.

Mr. Snider also reiterated his concern with the lack of transparency of government officials' emails which he shared with the committee in September 2015. He distributed an op-ed from *The Huffington Post* on the Clinton email scandal and opined that the email practices of State and local officials are more egregious.

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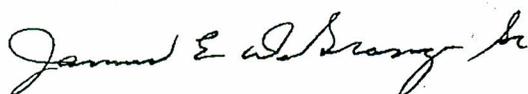
In response to questions, Mr. Snider clarified that the concern about email practices is limited to Executive Branch officials because Legislative Branch officials have legislative privilege.

Closing Remarks

Closing remarks for the meeting addressed two possible areas for further consideration by the committee. Senator DeGrange asked committee members if they wanted to pursue reducing the amount of time public bodies have to respond to PIA requests from 30 days to 15 days, as recommended by the PIA Compliance Board. Members of the committee noted that agencies can be understaffed and responses to larger requests take more time. Additionally, Delegate Miller noted that his constituent would be appreciative of any consideration committee members want to give the points addressed in her email that was forwarded earlier. No motions or additional comments were made on either issue and the meeting was adjourned.

The joint committee appreciates the advice and assistance of the private citizens and public officials who participated in the joint committee's activities during the 2016 interim. We also wish to thank the staff of the Department of Legislative Services for their assistance.

Respectfully submitted,



James E. DeGrange, Sr.
Senate Co-chair



Luke Clippinger
House Co-chair

JED:LC/KHS/mpd

cc: Mr. Warren G. Deschenaux
Mr. Ryan Bishop
Ms. Carol Swan