

The Ombudsman and members of the PIA Compliance Board unanimously support HB 183

February 12, 2021

The “PIA” guarantees governmental transparency by requiring State and local government agencies, upon request, to allow for the inspection of their records “with the least cost and least delay,” subject to certain exceptions for confidentiality, privacy, and privilege.

The General Assembly, in 2015, created two independent options for resolving PIA disputes without the need to go through the expensive, time-consuming, and often complex court process. The first option is the Office of the Public Access Ombudsman; the Ombudsman tries to resolve all kinds of PIA disputes, but can only do so on a voluntary and non-enforceable basis. The second option is the PIA Compliance Board, an administrative board that can review and issue a decision on a PIA dispute, but only if the dispute is about a fee greater than \$350.

HB 183 strengthens the PIA and enhances transparency and good government by providing both agencies and requesters with a more accessible and practical extra-judicial dispute resolution process. The bill is based on recommendations for improvements to the PIA made in a joint report published in 2019 by the Ombudsman and the Compliance Board. The report was required by the General Assembly, and was informed by careful study and the experience of the Ombudsman and Board with the current system. In particular, the bill expands the jurisdiction of the Compliance Board to review and decide a wider variety of PIA disputes, including allegations that access to records was improperly denied or that a request was vexatious, frivolous, or made in bad faith—but only after the parties first attempt to mediate the dispute. Now more than ever, there is a real need for transparency in government and an effective dispute resolution process.

[Link to the Ombudsman’s written testimony to support HB 183.](#)

[Link to the PIA Compliance Board’s written testimony to support HB 183.](#)