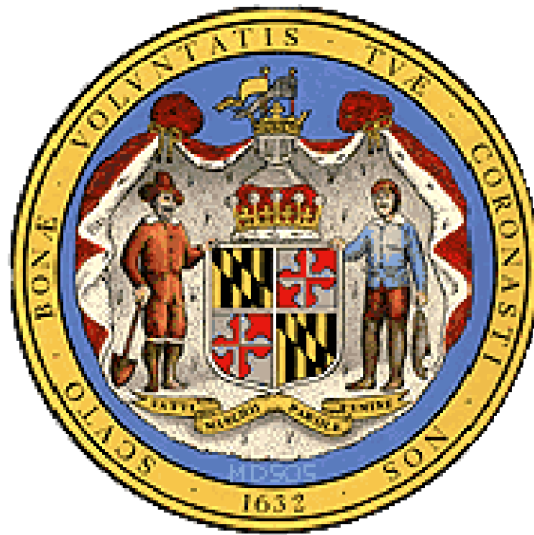


Maryland Public Information Act Manual



Office of the Attorney General

Brian E. Frosh
Attorney General

Seventeenth Edition
2022

MARYLAND PUBLIC INFORMATION ACT MANUAL

OFFICE OF THE
MARYLAND ATTORNEY GENERAL

BRIAN E. FROSH
ATTORNEY GENERAL

200 Saint Paul Place
Baltimore, Maryland 21202

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PREFACE

The Maryland Public Information Act is based on the enduring principle that public knowledge of government activities is critical to the functioning of a democratic society; that a Government of the people, by the people, and for the people must be *open* to the people. Members of the public need and deserve complete information as they make the decisions and form the opinions that determine our future path, and the Act ensures that those needs are met fairly and expeditiously while protecting important privacy rights and other public policy goals.

As Attorney General, I am committed to open access to information, and to promoting a consistent application of the Act throughout State and local government. The Office of the Attorney General has long worked toward ensuring the correct implementation of the Act, and I am continuing and expanding on that tradition.

This manual is designed to be a resource for a range of users, from members of the public and the media who request information, to the government officials who have the responsibility to implement the Act's requirements.

The 17th edition of this manual, like those that precede it, is the work of many talented and committed individuals from the Office of the Attorney General. Special credit goes to former Deputy Attorney General, later Judge, Dennis M. Sweeney for preparing the first several editions, and to former Assistant Attorneys General Jack Schwartz and Robert N. McDonald (now Judge McDonald), as well as to Assistant Attorney General Adam D. Snyder, who assumed responsibility for subsequent editions. This most recent edition has been produced under the supervision of Patrick B. Hughes, the current Chief Counsel for Opinions & Advice.

I also wish to thank the local government officials, the Public Access Ombudsman, members of the private bar, and representatives of the media and open-government advocacy groups for their many constructive suggestions about how best to implement the PIA.

In addition to being available in printed version, the Manual is on-line at <http://www.oag.state.md.us/Opengov/pia.htm>.

Please let me know if you have suggestions for further refinements.

*Brian E. Frosh
Attorney General
July 2022*

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Chapter 1:

Scope and Agency Responsibilities

A. *Origin*

Maryland's Public Information Act ("PIA"), Title 4 of the General Provisions Article ("GP"), grants the public a broad right of access to records that are in the possession of State and local government agencies. It has been a part of the Annotated Code of Maryland since its enactment as Chapter 698 of the Laws of Maryland 1970 and is similar in purpose to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the public information and open records acts of other states. The text of the PIA is reproduced in Appendix E.

The basic mandate of the PIA is to enable people to have access to government records without unnecessary cost or delay. Custodians of records are to provide such access unless the requested records fall within one of the exceptions in the statute.

1. **Relation to Common Law**

Public information statutes such as the PIA expand the limited common law right of the public in some jurisdictions to inspect certain government records. Originally, the right to inspect public records in Maryland was very limited under common law, even as to court records. *See, e.g., Belt v. Prince George's County Abstract Co.*, 73 Md. 289 (1890) (while title company was entitled pursuant to its charter to have access to certain court records, it must pay fees required by law). A 1956 Attorney General's opinion noted that the Court of Appeals had held that records could not be inspected "out of mere curiosity." 41 *Opinions of the Attorney General* 113, 113 (1956) (citing *Pressman v. Elgin*, 187 Md. 446 (1947)); *see also Fayette Co. v. Martin*, 130 S.W.2d 838, 843 (Ky. 1939) ("[A]t common law, every person is entitled to the inspection, either personally or by his agent, of public records . . . provided he has an interest therein which is such as would enable him to maintain or defend an action for which the document or record sought can furnish evidence or necessary information.").

More recently, the Court of Appeals recognized that the “common law principle of openness” concerning court proceedings is not limited to the trial itself, but extends generally to court proceedings and documents. *Baltimore Sun Co. v. Mayor and City Council of Baltimore*, 359 Md. 653, 661 (2000); *see also Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597-99 (1978).

The two main liberalizations of most modern public information laws, including Maryland’s, are the abrogation of a personal “legal interest” requirement to obtain access to records and the expansion of the types of records that are available for public inspection. In passing the PIA, the Legislature sought to accord wide-ranging access to public information concerning the operation of government. *See* GP § 4-103; *Ireland v. Shearin*, 417 Md. 401, 408 (2010).

2. Relation to Public Records Statutes of Other Jurisdictions

In many circumstances, FOIA, other states’ public information acts, and cases decided under those laws are persuasive in interpreting the PIA. Maryland’s original act was very similar to those of Wyoming and Colorado and one of those laws was likely used as a model. The United States Department of Justice publishes an extensive guide to FOIA titled *United States Department of Justice Guide to the Freedom of Information Act*, available on-line, <https://www.justice.gov/oip/doj-guide-freedom-information-act-0>. The leading treatise on FOIA also contains a chapter on state laws. 2 James T. O’Reilly, *Federal Information Disclosure* Ch. 27 (3d ed. 2000). For a review of state public information acts, *see* Burt A. Braverman and Wesley R. Heppler, *A Practical Review of State Open Records Laws*, 49 Geo. Wash. L. Rev. 720 (1981). The Reporters Committee for Freedom of the Press has published a summary of each state’s public records laws titled *Open Government Guide*, available on-line at <http://www.rcfp.org/ogg/index.php>.

B. Scope of the PIA

1. Public Agencies and Officials Covered

The PIA covers virtually all public agencies or officials in the State. It includes all branches of State government—legislative, judicial, and executive. As explained more fully in Chapter 10, however, the Judiciary has adopted its own rules to govern access to judicial records in the custody of judicial agencies, judicial personnel, and

special judicial units. More specifically, in recent amendments to its judicial records rules, the Court of Appeals has clarified that those rules, though they often rely on procedures borrowed from the PIA and have some exemptions from disclosure similar to those in the PIA, are the exclusive method for obtaining access to judicial records. *See* Md. Rule 16-901(a) (“Except as expressly provided or limited by other Rules, the Rules in this Chapter govern public access to judicial records . . . that are in the custody of a judicial agency, judicial personnel, or a special judicial unit”); Rule 16-921 (providing that the judicial access rules generally “constitute the exclusive procedures for requesting inspection of judicial records”); Rule 16-931 (providing that the judicial access rules “constitute the exclusive methods of resolving disputes regarding access to judicial records”).

On the local level, the PIA covers all counties, cities, towns, school districts, and special districts. *See* GP § 4-101(j), (k). Although the statute has also included the term “unincorporated town” since its inception, that term is undefined and it is not clear what, if any, entities it encompasses.

The PIA also applies to any unit or instrumentality of the State or of a political subdivision. GP § 4-101(k); *see, e.g., Moberly v. Herboldsheimer*, 276 Md. 211, 225 (1975) (Memorial Hospital of Cumberland is subject to the PIA as an instrumentality of the City of Cumberland). That language is “intentionally expansive” and must be interpreted broadly to effectuate the broad remedial purposes of the PIA. 106 *Opinions of the Attorney General* 100, 104 (2021). For example, even agencies that receive no public funds but are created by statute may be subject to the PIA. *See, e.g., A.S. Abell Publ’g Co. v. Mezzanote*, 297 Md. 26, 38-39 (1983) (holding that one such agency, the former Maryland Insurance Guaranty Association, was subject to the PIA). The Court in that case considered factors such as whether the entity served a public purpose, was subject to a significant degree of control by the government, and was immune from tort liability. *See also* 106 *Opinions of the Attorney General* at 107-08 (applying similar factors and concluding that, as a general rule, an advisory committee created by the government to advise that government about the exercise of its public functions is very likely to be a unit or instrumentality of the government under the PIA); 86 *Opinions of the Attorney General* 94, 106 (2001) (concluding that a proposed citizen police review board, established by municipal ordinance, funded and staffed by municipality, and performing public function would be unit or instrumentality of municipal government for purposes of PIA); Letter of Assistant Attorney General Kathryn M.

Rowe to Delegate Alfred C. Carr (June 2, 2009) (Citizen Advisory Board on Traffic Issues is an instrumentality of Montgomery County).

Similarly, a nonprofit entity incorporated under the State's general corporation law may be considered a unit or instrumentality of a political subdivision for purposes of the PIA, if there is a sufficient nexus linking the entity to the local government. *See Baltimore Development Corp. v. Carmel Realty Associates*, 395 Md. 299, 332-36 (2006) (nonprofit corporation formed to plan and implement long range development strategies in city was subject to substantial control by city and thus was instrumentality of city subject to PIA); *Andy's Ice Cream, Inc. v. City of Salisbury*, 125 Md. App. 125, cert. denied, 353 Md. 473 (1999) (Salisbury Zoo Commission subject to PIA, given the Mayor and City Council's role in the appointment of Commission members, authority over budget and bylaws, and power to dissolve Commission); Letter of Assistant Attorney General Kathryn M. Rowe to Delegate Kevin Kelly (Aug. 3, 2006) (volunteer fire department is not a unit of government subject to the PIA); Letter of Assistant Attorney General Robert N. McDonald to Senator Joan Carter Conway (Oct. 4, 2007) (status of various organizations under the PIA).

In rare instances, the General Assembly has exempted an instrumentality of the State from coverage under the Public Information Act. *Napata v. University of Md. Medical System Corp.*, 417 Md. 724, 737-40 (2011) (UMMS not subject to the PIA because its enabling law provides that it "is not subject to any provisions of law affecting only governmental or public entities").

The PIA covers a broader range of government entities than FOIA and some other public records laws. The PIA, unlike FOIA, covers all "public" records, and is not limited to records of "agencies." For example, under FOIA, the immediate personal staff of the President is not included in the term "agency." As a result, records held by advisors to the President need not be disclosed under FOIA. *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136, 155-56 (1980). Under the PIA, however, the Governor and the Governor's immediate staff are not automatically exempt. *Office of the Governor v. Washington Post Co.*, 360 Md. 520, 536 (2000). As explained by the Court of Appeals, "cases deciding whether governmental documents are 'agency records' within the meaning of [FOIA] are not very pertinent in determining whether a governmental document is disclosable under the [PIA]." *Id.* at 555. The Maryland courts have not definitively addressed the status of records of

individual legislators, many of which are covered by constitutional privileges. *See* pp. 3-6 and 3-7, below.

The PIA does not apply to a private entity, such as a homeowners' association. However, other provisions of State law may provide for the retention and availability of records in specific contexts. *See* Md. Code Ann., Real Prop. § 11-116 (books and records of council of unit owners of condominium); § 11A-128 (books and records of time-share property); § 11B-112 (books and records of homeowners association).

In light of the very broad scope of the PIA, the burden falls on any governmental entity or official asserting exclusion from the PIA to show a legislative intent to exempt that entity's or official's records from the PIA's general rule of disclosure.

2. Records Covered

All "public records" are covered by the PIA. The term "public record" is defined in GP § 4-101(k) and includes not only written material but also photographs, photostats, films, microfilms, recordings, tapes, computerized records, maps, drawings, and any copy of a public record. *See* 92 *Opinions of the Attorney General* 26, 29 (2007) ("public record" includes police mug shots); 81 *Opinions of the Attorney General* 140, 144 (1996) ("public record" includes both printed and electronically stored versions of e-mail messages); 71 *Opinions of the Attorney General* 288, 290, 296 (1986) (tape records of calls to 911 Emergency Telephone System centers are public records, but portions of the recordings may fall within certain exceptions to disclosure); 73 *Opinions of the Attorney General* 12, 24 (1988) ("public record" includes correspondence that is made or received by a unit of State government in connection with its conduct of public business). *See also* *Armstrong v. Executive Office of the President*, 1 F.3d 1274, 1287 (D.C. Cir. 1993) (electronic version of e-mail message is a "record" under the Federal Records Act). Given that broad definition, the term "public record" would also include, for instance, text messages and other electronic communications if (as discussed further below) they are made or received in connection with the transaction of public business. In addition, a private document that an agency has read in connection with its public business and incorporated in its files is thus a "public record." *Artesian Indus. v. Department of Health and Hum. Servs.*, 646 F. Supp. 1004, 1007 n.6 (D.D.C. 1986).

As addressed in more detail in Chapter 5, the PIA provides extra-judicial dispute resolution options. A requester or custodian who wishes to pursue these options must

first attempt to resolve the dispute through the Public Access Ombudsman, typically in the context of confidential mediation. If the dispute is not resolved, then—depending on the nature of the dispute—the requester or custodian may be able to file a complaint with the Public Information Act Compliance Board. The definition of public record thus excludes “a record or any information submitted to the Public Access Ombudsman or the Board under Subtitle 1A.” GP § 4-101(k)(3)(ii). Although the language of this provision is not entirely clear, it seems doubtful that the General Assembly intended to categorically exclude from the scope of the PIA an initial complaint, or an initial response to a complaint, submitted to the PIA Compliance Board. Rather, it is more likely that this definitional change was primarily intended to prevent those records submitted in connection with dispute resolution that the Ombudsman and Board are required to keep confidential under their respective statutes from being the subject of a subsequent PIA request.

Public records are any records that are made or received by a covered public agency in connection with the transaction of public business. The scope is broad, and all “records” possessed by an agency generally fall within the definition of “public records.” As the Court of Appeals has explained, “[t]his definition is in line with the purpose of the [PIA] generally. Because the [PIA] is designed to grant access to documents regarding the affairs of government and the official acts of public officials, it follows that the definition of a public record should be broad enough to cover a wide range of document types.” *Lamson v. Montgomery County*, 460 Md. 349, 362 (2018). As such, the “mere physical location of a record is not necessarily dispositive” as to whether it constitutes a public record. *Id.* at 365. For example, notes kept by an agency supervisor in a private journal might potentially constitute a public record if those notes relate to an employee’s job performance. *Id.* at 365, 370 (remanding for the lower court to determine the nature of the records).

The same logic applies, for instance, to email communications from private email accounts and text messages stored on private devices; if they are made or received by a custodian in connection with the transaction of public business, they are public records. *See, e.g., Competitive Enter. Inst. v. Office of Sci. & Tech. Pol’y*, 827 F.3d 145, 149-50 (D.C. Cir. 2016) (agency director’s work-related correspondence in private email account was within scope of FOIA request); *City of San Jose v. Superior Court*, 389 P.3d 848, 858 (Cal. 2017) (email and text messages that conducted public business but were sent from mayor and council members’ private devices were subject to California’s

Public Records Act). Similarly, a database set up by a private vendor for use by a public agency for risk management purposes is a “public record.” *Prince George’s County v. Washington Post Co.*, 149 Md. App. 289, 335 (2003) (remanded to allow government or vendor to demonstrate whether database fields qualify as vendor’s proprietary intellectual property).

Materials supplied to a legislative committee are public records normally available for inspection. Letter of Assistant Attorney General Kathryn M. Rowe to Delegate John Adams Hurson (May 14, 2004). Photographs posted on the Governor’s website are public records. Letter of Assistant Attorney General Kathryn M. Rowe to Senator Roy P. Dyson (July 14, 2005). Individual criminal trial transcripts in the hands of the Public Defender are public records available for inspection and copying, 68 *Opinions of the Attorney General* 330, 331-32 (1983), as are prosecutorial files of a State’s Attorney unless subject to an exemption under the PIA. 81 *Opinions of the Attorney General* 154, 156-57 (1996). In addition, records gathered by a unit of State government, given to the federal government to be used at a federal trial, and not used exclusively at a State trial, are considered “public records” subject to disclosure, if the State agency has either the original documents or copies of them. *Epps v. Simms*, 89 Md. App. 371, 380-81 (1991).

The term “public record” explicitly encompasses the salaries paid to public employees, including bonuses and performance awards. GP § 4-101(k)(2); *Moberly v. Herboldsheimer*, 276 Md. 211, 225-28 (1975); Opinion of the Attorney General No. 81-034, at 1-2 (Nov. 23, 1981) (unpublished); 83 *Opinions of the Attorney General* 192, 192-93 (1998). It also includes an employment contract of a public employee because such a contract evidences how a publicly-funded salary is earned. *University Sys. of Md. v. Baltimore Sun Co.*, 381 Md. 79, 89-90, 102-03 (2004).

Although most records located at a public agency fall within the definition of “public records,” some records might fall outside the definition. For example, the Supreme Court held that Henry Kissinger’s notes of telephone conversations, prepared while he was in the Office of the President, were not State Department records under FOIA, even though Kissinger had brought them with him to the State Department. *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136, 155-57 (1980). The Court noted that “[i]f mere physical location of papers and materials could confer status as an ‘agency record’ Kissinger’s personal books, speeches, and all other

memorabilia stored in his office would have been agency records subject to disclosure under the FOIA.” *Id.* at 157.

Certain records in possession of the State might not qualify as “public records.” For example, records of telephone calls made from Government House, the official residence of the Governor in Annapolis, are not public records under the PIA. *Office of the Governor v. Washington Post Co.*, 360 Md. 520, 536 (2000). Similarly, personal matters and family engagements may properly be redacted prior to release of the Governor’s scheduling records under the PIA. *Id.* at 543. In *Office of the Governor*, the Court of Appeals declined to address whether telephone message slips and an official’s individual appointment calendar that is not distributed to other staff are public records. *Id.* at 555; *cf. Bureau of Nat’l Affairs v. Dep’t of Justice*, 742 F.2d 1484, 1496 (D.C. Cir. 1984) (such records not “agency records” under FOIA); *see also Consumer Fed’n of America v. United States Dep’t of Agric.*, 455 F.3d 283, 288-93 (D.C. Cir. 2006) (electronic appointment calendars of certain officials were “agency records” under FOIA); *Bloomberg, L.P. v. United States Sec. and Exch. Comm’n*, 357 F. Supp. 2d 156, 165-66 (D.D.C. 2004) (telephone message slips and computerized calendar created for personal use of SEC Chairman not “agency records”).

A private contractor’s own records are not “public records” if the agency does not possess them, even if the agency has a contractual right to obtain them. *Forsham v. Harris*, 445 U.S. 169, 170 (1980); *see also 80 Opinions of the Attorney General* 257, 259 (1995) (definition of “public record” does not extend to records that are required to be maintained by an applicant for a residential child care facility license, if they never come into the possession of a State agency). On the other hand, an agency’s own records—those created or received in connection with public business—remain “public records” even if the agency outsources the task of maintaining them to a private contractor.

C. Role of the Custodian and Official Custodian

Central to the structure of the PIA are the roles played by the “custodian” and “official custodian” of the agency records. They are the public officials who must take actions under the statute. Certain other agency personnel may have key roles in responding to PIA requests. For example, the agency’s Public Information Officer may respond to inquiries from the press or the agency may designate a PIA coordinator to

coordinate responses to certain types of requests. *See* Appendix H. These officials may or may not also perform the statutory functions of “custodian” or “official custodian.”

A custodian is any “authorized” person who has physical custody and control of the agency’s public records. GP § 4-101(d). The “custodian” is the person who has the responsibility to allow inspection of a record and to determine, in the first instance, whether inspection can or should be denied. GP § 4-201. The custodian is also responsible for preparing written denials when inspection is not allowed. GP § 4-203(c). An agency official or employee who is not entitled by law to possess agency records may still become a “de facto” custodian and, therefore, become “authorized” within the meaning of GP § 4-101(d) when he or she in fact has assumed custody of public records. 65 *Opinions of the Attorney General* 365, 366, 369 (1980).

The “official custodian” is the officer or employee of the agency who has the overall legal responsibility for the care and keeping of public records. GP § 4-101(f); *see also Glass v. Anne Arundel County*, 453 Md. 201, 211 (2017) (explaining the roles of the “official custodian”). Often, the “official custodian” will be the head of the agency. The official custodian is to consider designating specific types of public records of the unit that can be made available immediately on request and maintaining a list of such records. GP § 4-201(c). The official custodian is authorized to decide whether to seek court action to protect records from disclosure. GP § 4-358. The official custodian is also the person who must establish “reasonable fee” schedules under GP § 4-206. The official custodian can also be the “custodian” of the records, depending upon who has physical custody and control of the records. GP § 4-101(d), (f).

Under a law passed in 2021, and which became effective on July 1, 2022, official custodians must “adopt a policy of proactive disclosure of public records that are available for inspection.” The policy may “vary as appropriate to the type of public record and to reflect . . . staff and budgetary resources” and may also—but is not required to—“include publication of public records on [a] website . . . or publication of prior responses to requests for inspection.” GP § 4-104. To be clear, this provision does not affirmatively require an agency to proactively disclose any particular records; it merely requires the official custodian to adopt a policy governing which records, if any, should be proactively disclosed and, if so, how. The legislative history of this particular provision suggests that the General Assembly did not intend it to be an onerous one for agencies. Rather, it was “assumed that agencies can meet this requirement with existing resources, as the bill specifies that the proactive disclosure

policy may reflect the staff and budgetary resources of an agency.” Revised Fiscal & Policy Note, H.B. 183, 2021 Leg., Reg. Sess. at 8.

Although a PIA request directed to the “official custodian” of records will suffice under the Act, applicants (usually referred to more colloquially as requesters) may also submit requests to the PIA representative identified on the agency’s website. *See* GP § 4-503 (requiring each governmental unit to post on its website the contact information of its PIA representative); *see also* Appendix J. There is also no requirement that the request be made to the *physical* custodian of the records. *See Ireland v. Shearin*, 417 Md. 401, 410 (2010) (official custodian had no basis for requiring requester to resubmit PIA request to physical custodian of records sought); *ACLU v. Leopold*, 223 Md. App. 97, 125 (2015) (explaining that a “higher-level official” may not simply “kick the PIA responsibility down the chain of command” to a physical custodian). Similarly, an agency custodian can sometimes retain custody of agency records even where those records are no longer in the physical custody of the agency. *Glass*, 453 Md. at 234 (agency records manager was still custodian of archived emails stored by separate information technology office). At the same time, the official custodian is not obligated to bring records from disparate custodians to one location for inspection, especially if it would interfere with official business. *Ireland*, 417 Md. at 411.

Section 4-201(b) provides that, “[t]o protect public records and to prevent unnecessary interference with official business, each official custodian shall adopt reasonable rules and regulations that . . . govern timely production and inspection of a public record.” A set of model regulations for State agencies is included in Appendix F.

Chapter 2:

Right of Access to Records

A. *Right to Inspect Records*

GP § 4-103(a) provides that “[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.” The right is made clear in GP § 4-201(a)(1), which states that, “[e]xcept as otherwise provided by law, a custodian shall permit a person or governmental unit to inspect any public record at any reasonable time.” Inspection or copying of a public record may be denied only to the extent permitted under the PIA. GP § 4-201(a)(2).

The PIA grants a broad right of inspection to “any person.” The term “person,” defined in GP § 1-114, extends to entities as well as individuals. A person need not show that he or she is “aggrieved” or a “person in interest.” *Superintendent v. Henschen*, 279 Md. 468, 473 (1977). Nor is access restricted to citizens or residents of Maryland. *Cf. McBurney v. Young*, 569 U.S. 221, 224 (2013) (holding that provision of Virginia FOIA law limiting access to Virginia citizens did not violate federal Constitution). In most cases, a person need not justify or otherwise explain a request to inspect records, and a custodian of records may not require a person to say who they are or why they want the records as a prerequisite to responding to a request. GP § 4-204. Nor may a custodian ignore a request on the grounds that it was made for the purpose of harassment. GP § 4-203(c)(2).

In some instances, the PIA provides a “person in interest” with a greater right of access to a particular type of record than that available to other requesters. In these instances, the custodian must determine whether the requester is a “person in interest.” Such special rights of access apply to the following types of records or information: promotional examination records (GP § 4-345(b)), information about a person’s finances (GP § 4-336(c)), higher education investment contracts (GP § 4-314(b)), information relating to notaries (GP § 4-332(d)), licensing information (GP §§ 4-333(d) and 4-334(b)), medical or psychological information (GP § 3-229(c)), personnel records (GP § 4-311(b)), records pertaining to investigations (GP § 4-351(b)), retirement

records (GP § 4-312(b)), student records (GP § 4-313(b)), records concerning persons with alarm or security systems (GP § 4-339(b)), and records with identifying information concerning enrollees at senior centers (GP § 4-340(c)).

The term “person in interest” is defined generally by GP § 4-101(g) as the subject of the record or, in some cases, that person’s representative. Cases construing the term “person in interest” within the investigatory records context have limited it to the person that is being investigated and have not extended it to either the complainant or the person performing the investigation. *See Maryland Dep’t of State Police v. Dashiell*, 443 Md. 435, 461-63 (2015) (person making the complaint that triggered internal investigation is not a “person in interest”); *Mayor and City Council of Baltimore v. Maryland Committee Against the Gun Ban*, 329 Md. 78, 90 (1993) (political committee that was served with a subpoena was not a “person in interest” in connection with records relating to a Baltimore City Police Department Internal Affairs investigation; the officers who served the subpoena were the subject of the investigation and were thus the “persons in interest”); *see also* 71 *Opinions of the Attorney General* 297, 302 (1986) (with respect to a tape recording of a hearing involving involuntary admission of a patient to State mental health facility, “the person in interest” is the patient or the patient’s representative, not the staff who participated in the hearing).

The term “person in interest” includes the “designee” of the person who is the subject of the record. GP § 4-101(g). While the statute does not state how an individual is identified as a “designee,” agencies may find it useful to require affirmation from the person who is the subject of the record when access to the record is otherwise limited. Letter of Assistant Attorney General Bonnie A. Kirkland to Delegate Kevin Kelly (April 14, 2004). If a “person in interest” has a legal disability, then that individual’s parent or legal representative may act on the individual’s behalf as a “person in interest.” GP § 4-101(g)(2). However, a parent whose parental rights have been terminated with respect to a child may not act as a “person in interest” on the child’s behalf. 90 *Opinions of the Attorney General* 45, 58-59 (2005).

While a custodian generally cannot require a requester to explain the purpose for which the requester wants the records as a prerequisite to responding to a PIA request, the requester’s intended use may be an appropriate subject of discussion in certain circumstances. For example, a requester who wishes to convince a custodian that it is “in the public interest” for the requester to waive a fee under GP § 4-206(e) or to release records covered by one of the discretionary exceptions in Part IV may choose

to explain the purpose underlying the request. *See* pp. 3-33 and 7-5 below. The use to which the requester intends to put the requested information may also be relevant in an action for a protective order brought under GP § 4-358. *See Glenn v. Maryland Dep't of Health & Mental Hygiene*, 446 Md. 378, 386-89 (2016); *Howard v. Alexanderson*, Nos. C-13-063914, C-13-063484 (Cir. Ct. Carroll County Jan. 16, 2014); p. 3-50 below.

An agency has no obligation to *create* records to satisfy a PIA request. For example, if a request is made for the report of a consultant and the consultant did not issue a written report, the PIA does not require that a written report be created in order to satisfy the request.

Whether or not an agency response would involve the creation of a “new record” has sometimes arisen in the context of electronic records. For example, if an agency maintains certain records in an electronic database and a PIA request seeks a subset of that database or the generation of a report from the database, is the request seeking access to existing records—required by the PIA—or seeking the creation of a “new record”—not required by the PIA?

The General Assembly addressed this question in 2011 legislation concerning access to electronic records under the PIA. 2011 Md. Laws, ch. 536; *see* Chapter 6, below. In a provision obligating a custodian of records to provide a copy of an electronic record in a “searchable and analyzable electronic format,” the General Assembly indicated that the custodian was not required to “create, compile, or program a new public record.” GP § 4-205(c)(4)(iii). That 2011 law also provided that, “if a public record exists in a searchable and analyzable electronic format, the act of a custodian providing a portion of the public record in a searchable and analyzable electronic format does not constitute creating a new public record.” GP § 4-205(c)(5). Application of this provision will depend on the nature and characteristics of particular databases, but generally speaking, an agency is obligated to extract data from an existing database if it has the capacity to do so “within [its] existing functionality and in the normal course.” *Comptroller of the Treasury v. Immanuel*, 216 Md. App. 259, 271 (2014), *aff'd* 449 Md. 76 (2016).

So an agency should comply with a request if it has staff available who routinely perform the type of data extraction requested, but the agency need not do so if that task would call for expertise outside the agency’s existing capabilities. Nor must the agency

comply with requests that call for it to generate new data or to analyze or summarize data. *See id.* at 270-71 (requiring Comptroller to extract data from database of unclaimed property in response to PIA request because request did “not require the Comptroller to generate new data, perform any analysis on existing data, or even to gather disparate pieces of information stored elsewhere into one new place”).

Sometimes a person will present an agency with a “standing request” which seeks production of a category of public records at regular intervals in the future as those records are created. Although an agency may honor such a request, the agency is not required to commit itself to provide records that have not yet been created. *See* Letter of Assistant Attorney General Jack Schwartz to Mark M. Viani, Associate County Attorney, Calvert County (May 22, 1998).

Of course, records that no longer exist cannot be examined. *Prince George’s County v. Washington Post Co.*, 149 Md. App. 289, 323 (2003). However, a custodian should not destroy records to avoid compliance with a pending request or in a manner contrary to the agency’s record retention schedule.

B. Government Agency’s Access to Records

The PIA generally regulates the access of one government agency to the records of another. A governmental unit is specifically given the right to inspect certain public records in GP §§ 4-103(b), 4-201(a), and 4-202(a) and is given the right to appeal a denial of inspection by GP § 4-362. Thus, when a request for inspection of records is made to a State agency by another State agency, a federal agency, or a local government entity, the custodian should consider the effect of the PIA. *See Prince George’s County v. Maryland Comm’n on Hum. Rels.*, 40 Md. App. 473, 484-85 (1978), *vacated on other grounds*, 285 Md. 205 (1979); 81 *Opinions of the Attorney General* 164, 167 (1996); *see also* 86 *Opinions of the Attorney General* 94, 108-09 (2001). In some instances, though, a government agency might implicitly have access to records that the PIA otherwise protects in order to fulfill a statutory duty given to it by the Legislature. *See, e.g.*, 86 *Opinions of the Attorney General* at 108-09 (although an agency may not generally share personnel records with other agencies under what is now GP § 4-311, an agency charged with responsibilities related to personnel administration may implicitly have access to those records to the extent necessary to carry out its duties). In addition, the agencies involved should consider whether another law governs the matter of interagency access. For example, requests for access to records by the Legislative

Auditor in connection with an audit are *not* governed by the PIA. 76 *Opinions of the Attorney General* 287, 288, 290-94 (1991). If the other law limits access to records, the requesting agency has no greater access under the PIA, as the PIA defers to other law. 92 *Opinions of the Attorney General* 137, 145-47 (2007).

C. *Scope of Search*

The PIA does not address the issue of the adequacy of the agency's search for records. Guidance may be found, however, in the case law under FOIA. "As is the case under . . . FOIA, the adequacy of the agency's search is measured by whether it is reasonably calculated to uncover responsive records, not by whether it locates every possible responsive record." *Glass v. Anne Arundel County*, 453 Md. 201, 212 (2017); *see also Ethyl Corp. v. EPA*, 25 F.3d 1241, 1246-47 (4th Cir. 1994); *Neighborhood Alliance of Spokane County v. Spokane County*, 261 P.3d 119, 127-28 (Wash. 2011) (applying FOIA standard in absence of analogous provision of state law).

Under this standard, agencies may be required to conduct relatively broad and time-consuming searches. *See, e.g., Ruotolo v. Dep't of Justice*, 53 F.3d 4, 9 (2d Cir. 1995) (onus is on the agency to demonstrate that a search would be unduly burdensome, and this obligation is met only in cases involving truly massive volumes of records). However, "[t]his does not mean that the agency must robotically examine every record in its possession, running up an extravagant fee and diverting public resources in furtherance of a futile effort; rather, the search should be focused on where responsive records are likely to be found." *Glass*, 453 Md. at 232. Moreover, an agency need not "hire a computer expert and conduct a forensic examination of its information systems to recover deleted electronic records that may be contained in computer backup files in order to respond to a PIA request." *Id.* at 236 n.32; *see also CareToLive v. Food and Drug Administration*, 631 F.3d 336, 343-44 (6th Cir. 2011). Instead, "[i]f the agency is able—and does—access the particular records for its own purposes without extraordinary expense, it is not unreasonable for the agency to cause a similar search of those records when such a search is likely to yield records responsive to a particular PIA request." *Glass*, 453 Md. at 236 n.32. As summarized by the Court of Appeals:

In the end, what the PIA requires is a *reasonable* search designed to locate all records responsive to the particular PIA request, not a perfect search that leaves no stone unturned. Reasonableness must

be measured against the specificity of the request and the willingness of the requestor to focus a request to improve the efficiency of the search. An agency is not expected to divert its resources to an exhaustive search in response to a broadly worded request that the requester refuses to focus and at an expense that will not be recovered.

Id. at 233.

Because broadly worded or otherwise burdensome requests may stem from a requester's lack of knowledge about what records an agency keeps or how it keeps them, it is often beneficial for the agency to assist the requester in refining a request based on the type and scope of potentially responsive agency records. "In practice, a productive response to a PIA request is often an iterative process in which the agency reports on the type and scope of the files it holds that may include responsive records, and the requestor refines the request to reduce the labor (and expense) of searching those records." *Id.* According to the Court of Appeals, "[w]hen the requestor and agency work together, the process approximates the purpose and policy of the PIA." *Id.*

Chapter 3:

Exceptions to Disclosure

The general right of access to records granted by the PIA is limited by numerous exceptions to the disclosure requirement. Given the PIA's policy in favor of public access and the requirement that the PIA generally "be construed in favor of permitting inspection of a record," these exceptions should be construed narrowly, unless an "unwarranted invasion" of personal privacy would result. GP § 4-103(b). *See also Glenn v. Maryland Dep't of Health & Mental Hygiene*, 446 Md. 378, 386-87 (2016) (explaining that although the exceptions "rebut the presumption in favor of disclosure," they should generally be construed narrowly); *Police Patrol Sec. Sys., Inc. v. Prince George's County*, 378 Md. 702, 717 (2003) (although there is no "general catchall" exemption for personal privacy, the language of what is now GP § 4-103(b) directs that "the [PIA] be construed more narrowly, and its exemptions more broadly, when privacy issues are at stake"); *Office of the Governor v. Washington Post Co.*, 360 Md. 520, 544-45 (2000).

The PIA exceptions fall into three basic categories. First, the exceptions in Subtitle 3, Part I generally require a custodian to deny inspection if a source of law outside the PIA prevents disclosure. GP § 4-301. Second, the mandatory exceptions in Parts II and III require the custodian to deny inspection for specific classes of records and information. Third, the exceptions in Part IV permit the custodian to exercise discretion as to whether the specified records are to be disclosed. More than one exception may apply to a public record, and the exceptions are not mutually exclusive. *Office of the Attorney General v. Gallagher*, 359 Md. 341, 353-54 (2000). Many of the exceptions are an attempt by the Legislature to balance individual privacy interests against the public right of access. *University System of Maryland v. Baltimore Sun Co.*, 381 Md. 79, 95 (2004).

In addition, Part V of the PIA contains a "last resort" provision, which allows a custodian to deny inspection temporarily and seek court approval to continue to withhold a record that otherwise would be subject to inspection. GP § 4-358. Unless an agency obtains a special court order under the statute to justify withholding a record, there is no basis for withholding a record other than an exception in the PIA. *See, e.g.,*

Police Patrol Sec. Sys., 378 Md. at 716-17 (there is no discrete “public interest,” “personal information,” or “unwarranted invasion of privacy” exemption to PIA).

Many of the PIA’s exceptions parallel those in FOIA. Cases decided under similar provisions of the federal FOIA are persuasive precedents in construing the PIA. *See, e.g., Glass*, 453 Md. 201, 208 (2017); *Equitable Tr. Co. v. State Comm’n on Human Relations*, 42 Md. App. 53, 75-76 (1979), *rev’d on other grounds*, 287 Md. 80 (1980); 58 *Opinions of the Attorney General* 53, 58-59 (1973).

A. Exceptions Based on Other Sources of Law

Under GP § 4-301(a)(1), inspection is to be denied where “by law, the public record is privileged or confidential.” Furthermore, under GP § 4-301(a)(2), the custodian must deny inspection if the inspection is contrary to:

- State statute, GP § 4-301(a)(2)(i);
- federal statute or regulation, GP § 4-301(a)(2)(ii); or
- a rule adopted by the Court of Appeals or order of a court of record, GP § 4-301(a)(2)(iii), (iv).

1. State Statutes

Many State statutes bar disclosure of specified records. Some representative examples of these statutes include, among others:

- Section 10-219 of the Criminal Procedure Article restricts dissemination of “criminal history record information.” 92 *Opinions of the Attorney General* 26, 30-37 (2007);
- Section 3-8A-27 of the Courts & Judicial Proceedings Article protects certain police and court records pertaining to minors. *See* 85 *Opinions of the Attorney General* 249 (2000) (protection under statute only applies to records concerning matter that could bring minor within jurisdiction of the juvenile court);
- Section 3-602 of the Correctional Services Article protects inmates’ case records. *See* 86 *Opinions of the Attorney General* 226 (2001) (protection does not extend to projected release date for mandatory supervision);

- Section 16-118(d) of the Transportation Article provides that records of the Medical Advisory Board are generally confidential. *See 82 Opinions of the Attorney General* 111 (1997) (person in interest is entitled to MVA information relating to the person's fitness to drive, subject to limited exceptions);
- Tax information is protected under § 13-202 of the Tax-General Article and § 1-301 of the Tax-Property Article. *See MacPhail v. Comptroller*, 178 Md. App. 115, 120-22 (2008); Letter of Assistant Attorney General Kathryn M. Rowe to Ms. Ann Marie Maloney (Dec. 15, 2004); and
- Disclosure of "medical records" is restricted by the Maryland Confidentiality of Medical Records Act, §§ 4-301 through 4-309 of the Health-General Article. *See 90 Opinions of the Attorney General* 45, 48-52 (2005).

Under GP § 4-301(a)(2)(i), statutes of this kind bar disclosure despite the otherwise broad right of access given by the PIA. *See, e.g., Waterkeeper Alliance, Inc. v. Maryland Dep't of Agric.*, 439 Md. 262, 268 (2014) (with regard to nutrient management plans, citing § 8-801.1(b)(2) of the Agriculture Article as "the operative excepting statute"); *81 Opinions of the Attorney General* 164, 165-67 (1996) (applying statutory accountant-client privilege).

2. Federal Statutes

Similarly, a federal statute or regulation may prevent disclosure of a record. For example, the Family Educational Rights and Privacy Act of 1974 (FERPA) restricts access to student records. *See 20 U.S.C. § 1232g(a) and (b); 34 C.F.R. § 99.3; 92 Opinions of the Attorney General* 137, 143-45 (2007); Letter of Assistant Attorney General Robert N. McDonald to Delegate William A. Bronrott (March 3, 2010) (FERPA regulations permit disclosure of University determination that a student committed a crime of violence or non-forcible sex offense). Also, states must limit disclosure of information concerning food stamp applicants. 7 U.S.C. § 2020(e)(8). Certain critical infrastructure information and homeland security information that the federal government shares with the State or local governments may not be disclosed under the PIA. *See 6 U.S.C. §§ 673(a)(1)(E) and 482(e)*, respectively.

These exceptions are basically statements of the federal preemption doctrine. *See* 94 *Opinions of the Attorney General* 44, 46-64 (2009); 88 *Opinions of the Attorney General* 205 (2003) (addressing confidentiality of medical records under HIPAA and State law). In some instances, a federal prohibition against disclosure that is a condition of federal funding is effective only if the State has “accepted” that condition. *See Chicago Tribune Co. v. University of Illinois Board of Trustees*, 781 F. Supp. 2d 672, 675-76 (N.D. Ill. 2011).

3. Court Rules

A rule adopted by the Court of Appeals or order of a court of record can also prevent disclosure of a record. A court rule fitting this description is Maryland Rule 4-642, which requires court records pertaining to certain criminal investigations to be sealed and protects against disclosure of matters occurring before a grand jury. *Office of the State Prosecutor v. Judicial Watch, Inc.*, 356 Md. 118, 131-34 (1999) (discussing Rule 4-642). Similarly, the Maryland Rules require that a search warrant be issued “with all practicable secrecy” and set restrictions on the subsequent dissemination of copies of search warrants. *See* Md. Rules 4-601 and 4-263. A public official or employee who improperly discloses search warrant information prematurely may be prosecuted for contempt. Rule 4-601; 87 *Opinions of the Attorney General* 76 (2002) (absent court order, State’s Attorney’s Office may not make available to a community association the address and date of execution of a search warrant relating to drug violations for community association’s use in bringing a drug nuisance abatement action if information has not otherwise been made public). Another example of a court order that would fall within this exception is an order to seal records in a divorce or custody case.

A rule that permits limited disclosure does not necessarily open a record to the general public. For example, Rule 19-707(f)(3) permits Bar Counsel to disclose to a complainant, on request, the status of an investigation and any disciplinary or remedial proceedings resulting from information from the complainant. In interpreting a predecessor to the current rule, the Court of Appeals held that, although it allows limited disclosure to the complainant, it does not make the information subject to general disclosure under the PIA. *Attorney Grievance Commission v. A.S. Abell Co.*, 294 Md. 680, 686-89 (1982).

As explained further in Chapter 10, the Court of Appeals, pursuant to its power under Article IV, § 18(a) of the Maryland Constitution to adopt rules concerning the practice and procedure in and the administration of the courts of the State, has also adopted rules governing access to various categories of judicial records. Md. Rule 16-901 through 16-934. Although these rules sometimes track the exemptions that are in the PIA (or make those PIA exemptions applicable to certain judicial records), the rules are what governs access to judicial records, *see* Md. Rules 16-901(a) and 16-902(b), and the PIA, by its terms, defers to that “other law” governing confidentiality. *See, e.g.*, GP §§ 4-301, 4-304, 4-328, 4-343.

4. Privileges

The “privileged or confidential by law” exception under GP § 4-301(a)(1) refers to traditional privileges like the attorney-client privilege and the doctrine of grand jury secrecy. While records subject to the attorney-client privilege must be protected under GP § 4-301(a)(1), the privilege may be waived by the party entitled to assert it. *Caffrey v. Department of Liquor Control for Montgomery County*, 370 Md. 272, 304 (2002) (Montgomery County Charter provision effectuated limited waiver of attorney-client privilege); *see also* 64 *Opinions of the Attorney General* 236, 239-40 (1979) (applying common law doctrine of grand jury secrecy). In addition, in *Harris v. Baltimore Sun Co.*, 330 Md. 595, 604-05 (1993), the Court of Appeals concluded that the Maryland Rule of Professional Conduct that governs client confidentiality for lawyers can sometimes provide a separate legal basis for protecting material of this kind, even if the material would not be protected by the attorney-client privilege. *See also* Md. Rule 19-301.6 (generally prohibiting an attorney from revealing information about the representation of a client without client consent). Under that decision, a custodian who is an attorney may not disclose a public record consisting of confidential client information if disclosure would put the attorney in violation of what is now Rule 19-301.6. *See Harris*, 330 Md. at 602-05.

Another example of information protected by a recognized privilege is confidential executive communications of an advisory or deliberative nature. *See Stromberg Metal Works, Inc. v. University of Maryland*, 382 Md. 151, 161-63 (2004); *Office of the Governor v. Washington Post Co.*, 360 Md. 520, 557-65 (2000); *Hamilton v. Verdow*, 287 Md. 544, 553-67 (1980); *Laws v. Thompson*, 78 Md. App. 665, 690-93 (1989); 66 *Opinions of the Attorney General* 98, 100-01 (1981). The Court of Appeals

has stated that the executive privilege encompassed within GP § 4-301(a)(1) shields records made in connection with the deliberative decision-making process used by high executive officials such as the Governor and the Governor's immediate advisors—although the actual custodian of the records may be someone other than the official holding the privilege. *Stromberg Metal Works, Inc.*, 382 Md. at 161-63. The executive privilege encompassed within GP § 4-301(a)(1) is not limited to the executive branch of government; it extends to the Chief Judge of the Court of Appeals and presiding officers of the General Assembly as well. *Hamilton*, 287 Md. at 553-54 n.3. Records that reveal the deliberative process of other government officials may be protected under a broader common law deliberative process privilege that is encompassed by the discretionary inter- and intra-agency exemption in GP § 4-344. *Stromberg Metal Works, Inc.*, 382 Md. at 163-67; see Part D.1 of this Chapter below.

To be clear, not every executive communication is itself advisory or deliberative. In *Office of the Governor*, the Court of Appeals rejected a blanket claim of executive privilege for telephone and scheduling records sought by the newspaper. Because these documents were not of an advisory or deliberative nature, the Governor was not entitled to a presumptive privilege. However, the Court instructed the trial court on remand to consider whether individual records were privileged because the disclosure of particular phone numbers or scheduling records in “identified special circumstances” would interfere with the deliberative process of the Governor's office. The Court also recognized that the passage of time might mitigate any harmful effect disclosure could have on the current deliberations of the executive. 360 Md. at 561-65.

The Speech and Debate Privilege—or “legislative privilege”—provided to State legislators by the Maryland Constitution may also prohibit disclosure of certain records of legislators and legislative agencies. See Maryland Constitution, Art. III, § 18 (providing immunity from civil and criminal liability for “words spoken in debate”); Declaration of Rights, Art. 10 (prohibiting the judiciary from “impeach[ing]” the “freedom of speech and debate”); Letter from Assistant Attorney General Richard E. Israel to William Ratchford (June 29, 1993); see also *Blondes v. State*, 16 Md. App. 165, 176-77 (1972). These constitutional provisions not only protect legislators from the consequences of litigation but also from the attendant burdens and, therefore, function as a recognized evidentiary and testimonial privilege. See, e.g., *Montgomery County v. Schooley*, 97 Md. App. 107, 118 (1993). The protections of the legislative privilege can also extend to legislative staff when the activities, if performed by legislators, would

be privileged. *Marylanders for Fair Representation v. Schaefer*, 144 F.R.D. 292, 298 (D. Md. 1992).

The scope of the legislative privilege is broad; it applies generally “to acts which occur in the regular course of the legislative process and into the motivation for those acts.” *Blondes*, 16 Md. App. at 177; *see also id.* at 178 (explaining that the privilege extends to acts that are “an integral part of the deliberative and communicative process by which Members participate in committee and House proceedings” (quoting *Gravel v. United States*, 408 U.S. 606, 625 (1972))). It is not, however, unlimited. For example, the privilege was found not to apply to shield a legislator from prosecution for bribery, as it does not “prohibit inquiry into activities which are causally or incidentally related to legislative affairs but not a part of the legislative process itself.” *Id.* at 177-79. The privilege also likely does not apply, at least as a general matter, to documents involving routine constituent service, which is not “ordinarily an integral part of the legislative process.” Letter from Deputy Attorney General Ralph S. Tyler to Hon. Leo Green (July 22, 1991).

Although the constitutional protections applicable to State legislators do not extend to members of county or municipal governing bodies, those officials—when acting in a legislative capacity—do possess a common law privilege that is considered co-extensive in scope. *Floyd v. Baltimore City Council*, 241 Md. App. 199, 211 (2019); *Schooley*, 97 Md. App. at 114-15; *see* Letter of Assistant Attorney General Richard E. Israel to Senator David R. Craig (March 4, 1998); *see also* Part D1 of this Chapter, addressing inter- and intra-agency memoranda, below, and *Purtilo v. Dwyer*, Case No. 269262-v (Circuit Court for Montgomery County, April 24, 2006) (discussing PIA action against State legislators).

5. Local Ordinances and Agency Regulations

An ordinance enacted by a local government does not constitute other “law” for purposes of § 4-301(a)(1) and cannot by itself supply a basis for withholding a public record otherwise available under the PIA. *Lamson v. Montgomery County*, 460 Md. 349, 364 (2018); *Police Patrol Security Systems v. Prince George’s County*, 378 Md. 702, 710, 713-15 (2003); *see also* 86 *Opinions of the Attorney General* 94, 106-07 (2001) (municipal ordinance, if construed as a blanket prohibition on disclosure of certain records, would thwart the purpose of the PIA). However, a confidentiality provision

in a local ordinance that is derived from a State statute can be a basis for denying access to records. *See* 92 *Opinions of the Attorney General* 12, 15-16 (2007) (confidentiality provision in local ethics ordinance based on model ordinance under the Public Ethics Law).

Conversely, local law may not authorize release of a public record if disclosure is expressly prohibited by the PIA. *Police Patrol Sec. Sys.*, 378 Md. at 712; *see also Caffrey v. Dep't of Liquor Control for Montgomery County*, 370 Md. 272, 303 (2002). An exception would be where a local law required disclosure in a manner authorized by a State statute other than the PIA. *See, e.g.,* 71 *Opinions of the Attorney General* 282 (1986) (financial disclosures pursuant to county ethics ordinance). However, local law might affect access to public records that are subject to discretionary exemptions under Part IV. Thus, “home rule counties may direct or guide the exercise of this discretion, or even eliminate it entirely, by local enactment.” *Police Patrol Sec. Sys.*, 378 Md. at 712; *see also Caffey*, 370 Md. at 305 (permissible denials of PIA subject to waiver by county). The same rule would apply to enactments of municipal corporations. 86 *Opinions of the Attorney General* 94, 107 (2001) (suggesting that a municipal ordinance could direct a custodian’s exercise of discretion permitted by the PIA).

Nor may an agency regulation provide an independent basis for withholding a public record (except for the special case of “sociological data,” discussed in Part C.1 of this Chapter, below). A contrary interpretation would allow State agencies at their election to undermine the Act. *Cf. Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1287 (D.C. Cir. 1983) (for this reason, the court gave little weight to an FDA regulation broadly interpreting the “trade secret” exemption). Additionally, had the General Assembly intended to give this effect to a State regulation, it would have been included in the list in GP § 4-301, which does mention federal regulations.

B. Required Denials — Specific Records

Under Subtitle 3, Part II the custodian must deny the inspection of certain specified records. However, any of these records may be available for inspection if “otherwise provided by law.” GP § 4-304. Thus, if another source of law allows access, then an exception in Part II does not control. *See Immanuel v. Comptroller of Maryland*, 449 Md. 76, 95 (2016) (financial information that would otherwise be

exempt from disclosure under the PIA must be provided when the Abandoned Property Act independently requires disclosure); 79 *Opinions of the Attorney General* 366 (1994) (although personnel records and other information regarding employees in Baltimore City School System would otherwise be nondisclosable, disclosure was authorized by virtue of a federal district court order). Subpoenas might also serve as “other law” capable of overriding a specific exemption under the Act, although the Court has never addressed the issue or explored the extent to which different types of subpoenas might have different compulsive effect. *See Fields v. State*, 432 Md. 650, 677-79 (2013) (McDonald, J. concurring); *see also* pp. 3-53 to 3-55 below (discussing interplay between civil discovery and the PIA).

The converse is also true: Part II may allow access to records, but “other law” may deny access. For example, names, addresses, and phone numbers of students may be disclosed to an organization such as a PTA under GP § 4-313(c)(1)(i). However, the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (also known as the “Buckley Amendment,” or by its acronym FERPA), is “other law” that supersedes the PIA. Under this federal statute, a student or parent may refuse to allow the student’s name and address to be released by refusing to allow it to be classified as directory information. If they do not refuse, the name and address are considered directory information and may be released. As to the types of records protected under the Buckley Amendment, *see Kirwan v. Diamondback*, 352 Md. 74, 89-94 (1998) (federal statute governing “education records” does not cover records of parking tickets or correspondence between the NCAA and the University of Maryland, College Park Campus); *cf. Zaal v. State*, 326 Md. 54, 72-76 (1992) (FERPA and Maryland regulations concerning the disclosure of student records do not exclude a student’s education records from discovery in litigation).

The following categories of records are listed in Subtitle 3, Part II:

1. Adoption and Welfare Records

Under GP §§ 4-305 and 4-307, adoption records and welfare records, respectively, on an individual person are protected. *See* 71 *Opinions of the Attorney General* 368 (1986) (discussing limited conditions under which information about the handling of a child abuse case by a local department of social services may be disclosed); *see also* 89 *Opinions of the Attorney General* 31, 43 & n.7 (2004); Md. Code Ann.,

Family Law § 5-357(a) (permitting access to information in the adoption record—other than certain identifying information—to an adoptee or the adoptive or former parent of an adoptee).

2. Library Circulation Records

Under GP § 4-308, public library circulation records that identify the transaction of a borrower are protected. *See* Letter from Assistant Attorney General Richard E. Israel to Delegate John J. Bishop (Feb. 28, 1990) (FBI agents may not inspect library records unless acting pursuant to a lawfully issued search warrant or subpoena). However, another statute may provide authority for a search absent a warrant or subpoena. *See* 50 U.S.C. § 1862 (authority of FBI to obtain order under USA Patriot Act for production of records in connection with certain foreign intelligence and internal terrorism investigations).

3. Letters of Reference

Under GP § 4-310, letters of reference are protected. This exemption applies to all letters, solicited or unsolicited, that concern a person's fitness for public office or employment. 68 *Opinions of the Attorney General* 335 (1983). The exemption may also extend to letters of reference submitted to the government in connection with applications for professional licenses, although the Maryland courts have not yet addressed that question. *See* Letter from Assistant Attorney General Patrick B. Hughes to Insurance Commissioner Al Redmer (June 19, 2019). The Court of Appeals has also left open the question whether a record, memorandum, or notes reflecting a telephone conversation or meeting to obtain information about a prospective appointee might come under the exception. However, a record simply indicating that a telephone conversation or meeting occurred about a prospective appointee is “certainly not a ‘letter of reference.’” *Office of the Governor v. Washington Post Co.*, 360 Md. 520, 547 (2000).

4. Personnel Records

Under GP § 4-311, “personnel records” of an individual are protected; however, such records are available to the person who is the subject of the record and to the officials who supervise that person. Additionally, the parts of a personnel record that contain the individual's home address, home telephone number, and cell phone

number are available to certain employee organizations. GP § 4-311(b)(3). An agency may not generally share personnel records with other agencies; however, it is implicit in the personnel records exemption that another agency charged with responsibilities related to personnel administration may have access to those records to the extent necessary to carry out its duties. 86 *Opinions of the Attorney General* 94, 108-09 (2001).

The PIA does not define “personnel records,” but it does indicate the type of documents that are covered: applications, performance ratings, and scholastic achievement information. “Although this list was probably not intended to be exhaustive, it does reflect a legislative intent that ‘personnel records’ means those documents that directly pertain to employment and an employee’s ability to perform a job.” *Kirwan v. Diamondback*, 352 Md. 74, 82-84 (1998) (rejecting argument that information concerning parking tickets constitutes personnel record). Accordingly, the category includes records “relating to hiring, discipline, promotion, dismissal, or any other matter involving an employee’s status.” *Montgomery County v. Shropshire*, 420 Md. 362, 378 (2011), *superseded by statute on other grounds*, 2021 Md. Laws, ch. 62.

As to some examples of the specific type of records that are protected, *see* GP § 4-311(c)(2) (records related to a “technical infraction,” as defined by GP § 4-101(l), committed by a police officer are personnel records); 79 *Opinions of the Attorney General* 362 (1994) (information related to performance evaluation of judges is not disclosable); 78 *Opinions of the Attorney General* 291 (1993) (personnel records exemption to the PIA prohibits release of certain employee-related information generated as a result of allegations contained in a complaint that was filed against the employee); *see also* Memorandum from Assistant Attorney General Jack Schwartz to Principal Counsel (Jan. 31, 1995) (information about leave balances is itself considered part of an official’s personnel records and therefore is not disclosable); *cf. Dobronksi v. FCC*, 17 F.3d 275, 278-80 (9th Cir. 1994) (sick leave records of an assistant bureau chief for FCC were “personnel files” under FOIA Exemption 6 but were disclosable because of that exemption’s balancing test, not found in Maryland’s personnel exception). “The obvious purpose of [GP § 4-311] is to preserve the privacy of personal information about a public employee that is accumulated during his or her employment.” 65 *Opinions of*

the Attorney General 365, 367 (1980); *see also* 82 *Opinions of the Attorney General* 65, 68 (1997); 68 *Opinions of the Attorney General* 335, 338 (1983).

Prior to 2021, records related to investigations of alleged misconduct by police officers were generally considered personnel records. *See, e.g., Baltimore City Police Dep't v. State*, 158 Md. App. 274, 282-83 (2004). However, in 2021, the General Assembly passed a law explicitly removing records “relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision” from the ambit of GP § 4-311. *See* 2021 Md. Laws, ch. 62, codified at GP § 4-311(c). These records are now treated as investigatory records subject to the discretionary exemption codified at GP § 4-351, discussed in Part D.8 of this Chapter below, with the exception of records related to “technical infraction[s],” which remain personnel records. A technical infraction is defined as “a minor rule violation by an individual solely related to the enforcement of administrative rules that: (1) does not involve an interaction between a member of the public and the individual; (2) does not relate to the individual’s investigative, enforcement, training, supervision, or reporting responsibilities; and (3) is not otherwise a matter of public concern.” GP § 4-101(l). To be clear, records related to an employer’s investigation of alleged misconduct by government employees *other than police officers* also remain subject to GP § 4-311’s mandatory exemption.

A record is not a “personnel record” simply because it mentions an employee or has some incidental connection with an employment relationship. For example, a record simply indicating with whom an official met or a phone number called in connection with a possible future employment decision is not a personnel record under the PIA. *Office of the Governor v. Washington Post Co.*, 360 Md. 520, 547-48 (2000). Nor is directory-type information concerning agency employees a “personnel record” under GP § 4-311. *Prince George’s County v. Washington Post Co.*, 149 Md. App. 289, 324 (2003) (roster listing names, ranks, badge numbers, dates of hire, and job assignments of county police officers not exempt from disclosure as “personnel records”). Furthermore, an employment contract, setting out the terms and conditions governing a public employee’s entitlement to a salary, is not a “personnel record.” *University System of Maryland v. Baltimore Sun Co.*, 381 Md. 79, 101-02 (2004); Letter of Assistant Attorney General Robert A. Zarnoch to Delegate Joanne Parrott (Feb. 9, 2004). Nor is a description of a job or position considered to be a “personnel record.”

Attorney General Opinion 77-006 (Jan. 13, 1977) (unpublished). Generally, a record generated by an agency that lacks supervisory authority over an employee would not qualify as a “personnel record.” *Washington Post Co.*, 149 Md. App. at 331 (records of county human relations commission that provided recommendations to supervisory agency following public hearings on alleged police misconduct).

In some contexts—particularly where an agency has a special duty to inform the public—different distinctions may need to be made as to the nature of information. For example, in assessing what a public school may or should disclose to parents about an inappropriate relationship between a teacher and student, a 1982 opinion observed that first-hand observation or information contained in an oral report to the school was not a “personnel record” because it was not a “record.” Also, student-related information in documentary material about the teacher may be disclosed without destroying the confidentiality of employee-related information. *See 82 Opinions of the Attorney General* 65, 67-70 (1997). On the other hand, documents generated by a complaint about court clerks’ conduct did fall within the exception. *78 Opinions of the Attorney General* 291, 294 (1993).

Records that, if unredacted, qualify as “personnel record[s] of an individual” for purposes of GP § 4-311 may lose that status once “all identifying information” is redacted. *Maryland State Police v. NAACP*, 430 Md. 179, 195 (2013) (State Police must disclose records reflecting the agency’s investigation of all complaints of racial profiling). What constitutes “identifying information,” however, will depend on the specifics of each request. For example, the agency may disclose records in response to a general, programmatic request of the sort at issue in *Maryland State Police v. NAACP* simply by redacting the names, titles, or other identifying information of the personnel involved. *See Fether v. Frederick County*, Civil No. CCB-12-1674 (D. Md., March 19, 2014) (“statistical information” available under *NAACP*); *Shriner v. Annapolis City Police Department*, Civil No. ELH-11-2633 (D. Md., March 19, 2012) (“aggregated data”).

By contrast, no amount of redaction will enable an agency to comply with a request for the personnel records of a specific State employee because, even if “identifying information” is redacted, the documents provided would still constitute the personnel records of the individual who is the subject of the request. *See Glass v. Anne Arundel County*, 453 Md. 201, 245-46 (2017) (where PIA request was for the

internal affairs file of a specific, identifiable police officer at a time when such internal affairs files were classified as personnel records, agency was required to withhold file in its entirety)

Requests that lie between these extremes will require the custodian to determine what amount of redaction, if any, is necessary to ensure that the record released cannot be identified as the “personnel record of an individual.” *See, e.g., Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 41 F. Supp. 3d 39, 46 (D.D.C. 2014) (upholding non-disclosure of emails under FOIA exemption 6 when, due to the small number of people involved, releasing even redacted versions “could easily lead” to the revelation of exempt material); *see also* 90 *Opinions of the Attorney General* 45, 54-55 (2005) (even with the name redacted, the medical information in an ambulance event report might still be “about an individual” if the unredacted information “sharply narrows” the class of individuals to whom the information might apply or “likely” could be used to identify the individual with “reasonable certainty”).

The personnel record exception is not limited to paid officials and employees; biographical information submitted by individuals seeking to serve on agency advisory committees is also protected. *See* Letters from Assistant Attorney General Kathryn M. Rowe to Senator Brian E. Frosh and Delegate Jennie M. Forehand (Oct. 6, 2000). Similarly, the names of those seeking appointment to an office may not be disclosed if the information is derived from their applications. Letter from Assistant Attorney General Kathryn M. Rowe to Senator Leo E. Green (May 13, 2002) (names of applicants for Prince George’s Board of Education not to be disclosed).

Records regarding the salaries, bonuses, and the amount of a monetary performance award of public employees may not be withheld as personnel records. 83 *Opinions of the Attorney General* 192 (1998). On the other hand, information concerning the specific benefits choices made by specific employees must be withheld because those benefit elections are exempt from disclosure under the PIA as personnel records (GP § 4-311) and records of an individual’s finances (GP § 4-336(b)). Benefits choices made by an individual employee can reveal information about the employee’s family circumstances and medical needs, as well as disclose personal financial decisions. The federal personnel regulations similarly allow for disclosure of salary, but not benefits selection information, in response to a request under FOIA. *See* 5 C.F.R. § 293.311.

On occasion, the question has arisen whether the death or termination of an employee affects access to personnel records concerning the employee. Although there is no case law on this question, the exception does not expressly distinguish between personnel records of live or current employees and those of employees who have died or moved on to other endeavors. This suggests, then, that the personnel records of former employees do not receive less protection than those of current employees. And the fact that the PIA defines “person in interest” to include a parent or legal representative of an individual with a legal disability, GP § 4-101(g), suggests that cessation of employment does not affect the applicability of the exception. With regard to personal information in other types of documents, such as investigative files, the federal courts have noted that an individual’s death might diminish, but does not eliminate, the individual’s privacy interest. *See Clemente v. FBI*, 741 F. Supp. 2d 64, 85 (D.D.C. 2010).

5. Retirement Records

Under GP § 4-312, retirement files or records are protected. This section, however, includes several exceptions. Under subsection (d)(1), a custodian must state whether an individual receives a pension or retirement allowance. The law also requires the disclosure of specified information concerning the retirement benefits of current and retired appointed and elected officials. *See* GP § 4-312(d)(2). Specific provisions are applicable to Anne Arundel County officials. *See* GP § 4-312(e). Note that subparagraph (b)(1)(v) requires a custodian to permit an auditing agency to inspect retirement files or records if a county requires, by law, that agency to conduct audits of such records. The employees of the auditing agency must keep all information confidential and must not disclose information that would identify the individuals whose files have been inspected. Retirement records may also be inspected by public employee organizations under conditions outlined in §§ 21-504 or 21-505 of the State Personnel and Pensions Article. *See* GP § 4-312(c). The law also allows the sharing of certain information for purposes of administering the State’s optional defined contribution system in accordance with § 21-505 of the State Personnel and Pensions Article. *See* GP § 4-312(c). A law enforcement agency seeking the home address of a retired employee is entitled to inspect retirement records in order to contact that person on official business. GP § 4-312(b)(iv). Other exceptions authorize access by a

person in interest, an employee's appointing authority, and certain persons involved in administering a deceased individual's estate. *Id.*

6. Student Records

Under GP § 4-313, school district records containing the "home address, home telephone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student" are protected; however, these records are available to the student and to officials who supervise the student. The custodian may allow inspection of students' home addresses and phone numbers by organizations such as parent, student, or teacher organizations, by a military organization or force, by an agent of a school or board of education seeking to confirm an address or phone number, and by a representative of a community college in the State. *See* Letter from Assistant Attorney General Christine Steiner to Senator Victor Cushwa (Aug. 14, 1984) (names and addresses of parents of Senatorial Scholarship recipients may not be released; the PIA protects school district records about the family of a student). Even if some identifying information is stripped from the student records, the exemption would still apply if a person could readily match students with the disclosed files. Letter from Assistant Attorney General Kathryn M. Rowe to Delegate Dereck Davis (Aug. 20, 2004). This exception may be trumped by other federal or State law that permits access to student records. 92 *Opinions of the Attorney General* 137, 146 (2007) (county auditor could have access to student records to the extent allowed by State statute authorizing audit).

A separate exception for student records at institutions of higher education is contained in GP § 4-355. *See* p. 3-50 below.

7. Police Reports Sought for Marketing Legal Services

Under GP § 4-315, police reports of traffic accidents, criminal charging documents, and traffic citations are not available for inspection by an attorney or an employee of an attorney who requests inspection for the purpose of soliciting or marketing legal services. *See also* Business Occupations & Professions Article, § 10-604. The federal district court in Maryland has ruled that this provision is of doubtful constitutionality under the First Amendment. *Ficker v. Utz*, Civil No. WN-92-1466 (D. Md. Sept. 20, 1992) (order denying motion to dismiss).

Subsequently, some courts have upheld state efforts to restrict access to similar public information when sought for commercial purposes while other courts have struck down such restrictions. *See* Letter from Assistant Attorney General Kathryn M. Rowe to Delegate John A. Giannetti, Jr. (Feb. 28, 2000); *see also Los Angeles Police Department v. United Reporting Publishing Corporation*, 528 U.S. 32, 37, 40-41 (1999) (rejecting facial challenge to a California statute that restricts access to the addresses of individuals arrested for purposes of selling a product or service).

In 2008, the General Assembly amended the Maryland Lawyers Act to forbid non-lawyers from accessing an accident report for the purpose of soliciting a person to sue another. Business Occupations & Professions Article § 10-604(b)(2). The Attorney General's Office found that such a provision is constitutional. *See* Letter from Assistant Attorney General Kathryn M. Rowe to Senator Brian E. Frosh (April 1, 2008).

8. Arrest Warrant

Subject to enumerated exceptions, under GP § 4-316, a record pertaining to an arrest warrant is not open to inspection until the warrant has been served or 90 days have elapsed since the warrant was issued. An arrest warrant issued pursuant to a grand jury indictment or conspiracy investigation is not open to inspection until warrants for any co-conspirators have been served.

9. Motor Vehicle Administration Records

Under GP § 4-320, absent written consent from the person in interest, a custodian of a “public record of the Motor Vehicle Administration containing personal information” may not disclose that record or personal information from that record in response to a request for the individual record or for inclusion in a list sought for purposes of marketing, solicitations, or surveys. “Personal information” is defined as “information that identifies an individual” including an individual’s address, driver’s license number or any other identification number, medical or disability information, name, photograph or computer generated image, Social Security number, or telephone number. GP § 4-101(h). However, this definition does not include an individual’s “driver’s status,” “driving offenses,” “5-digit zip code,” or “information on vehicular accidents.” GP § 4-101(h)(3); *see also* Md. Code Ann., Pub. Safety §§ 2-306, 2-308, and COMAR 29.02.02.01 (governing the public dissemination of motor vehicle accident

reports and requiring certain information to be on those reports, including the driver's name). The statute includes an extensive list of exceptions whereby personal information must be disclosed. The exceptions are modeled in large part after provisions of the federal Driver's Privacy Protection Act, 18 U.S.C. §§ 2721 through 2725. A custodian of a Motor Vehicle Administration record may not disclose personal information from the record under any circumstances for purposes of "telephone solicitation," a term defined in the PIA. GP § 4-320(a) and (e)(4).

In 2021, after overriding a gubernatorial veto, the General Assembly enacted the Maryland Driver Privacy Act. *See* 2021 Md. Laws, ch. 18. Though the law's title refers to drivers in particular, it broadly precludes "an officer, an employee, an agent, or a contractor of the State or a political subdivision" from allowing inspection of "the part of a public record that contains personal information or inspection of a photograph of an individual by any federal agency seeking access for the purpose of enforcing federal immigration law, unless the officer, employee, agent, or contractor is provided with a valid warrant issued by a federal court or a court of th[e] State." GP § 4-320.1(b)(1). The provision also precludes warrantless "inspection using a facial recognition search of a digital photographic image or actual stored data of a digital photographic image" under the same circumstances. *Id.* § 4-320.1(b)(2).

10. RBC Records Filed with Insurance Commissioner

Under GP § 4-323, records that relate to Risk Based Capital reports or plans are protected. All Risk Based Capital reports and Risk Based Capital plans filed with the Insurance Commissioner are to be kept confidential by the Commissioner, because they constitute confidential commercial information that might be damaging to an insurer if made available to competitors. These records may not be made public or subject to subpoena, other than by the Commissioner, and then only for the purpose of enforcement actions under the Insurance Code. *See* Md. Code Ann., Insurance § 4-310.

11. Miscellaneous Records

Other public records protected under Part II include:

- Hospital records relating to medical administration, medical staff, medical care, or other medical information and containing information about one or more individuals, GP § 4-306;
- Library, archives, and museum material contributed by a private person to the extent that any limitation of disclosure is a condition of the contribution, GP § 4-309;
- Account holders and beneficiaries under the State's College Savings Plans program, GP § 4-314;
- Certain school safety evaluations, emergency plans, and emergency response policies and guidelines, GP § 4-314.1;
- Department of Natural Resources' records containing personal information about the owner of a registered vessel, GP § 4-317;
- Certain records created or obtained by or submitted to the Maryland Transit Administration in connection with electronic fare media, GP § 4-318;
- Certain records created or obtained by or submitted to the Maryland Transportation Authority in connection with an electronic toll collection system or an associated transaction system, GP § 4-319;
- Recorded images produced by systems used to monitor compliance with traffic control signals, speed limits, or certain vehicle height restrictions, GP § 4-321;
- Applications for certification and claims for credits filed under the Renewable Fuels Promotion Act of 2005, GP § 4-324;
- Records relating to persons authorized to sell, purchase, rent, or transfer regulated firearms, or to carry, wear, or transport a handgun, GP § 4-325;
- License plate numbers and other data collected by or derived from certain automatic license plate reader systems, GP § 4-326; and

- Criminal and police records relating to certain criminal convictions that are shielded from public access under Title 10, Subtitle 3 of the Criminal Procedure Article, GP § 4-327.

C. Required Denials— Specific Information

Under Subtitle 3, Part III, unless otherwise provided by law, the custodian must deny inspection of the part of a public record that contains the following specific information:

1. Medical, Psychological, and Sociological Data

GP § 4-329(b) prevents disclosure of medical or psychological information about an individual person, as well as personal information about a person with a disability. The exception also explicitly makes confidential certain reports that local health departments receive from physicians who diagnose cases of HIV or AIDS. GP § 4-329(b)(3).

Thus, medical information such as the symptoms of an ill or injured individual recorded during a call to 911 to assist in dispatch of emergency personnel is not to be released. 90 *Opinions of the Attorney General* 45, 53 (2005). A record containing medical information need not identify an individual with absolute precision to fall within this exception, if other unredacted information permits identification of the individual with reasonable certainty. *Id.* at 54-55. Medical and psychological information is available for inspection by the person in interest to the extent permitted by Title 4, Subtitle 3 of the Health-General Article. See 71 *Opinions of the Attorney General* 297, 302 (1986) (tape recording of involuntary admission hearing may be disclosed only to a patient or authorized representative). GP § 4-329 does not protect from disclosure autopsy reports of a medical examiner, but does protect photographs and other documents developed in connection with an autopsy. See Letter from Assistant Attorney General Kathryn M. Rowe to Senator Leo E. Green (May 30, 2003).

The exemption for personal information about an individual with a disability, which was added to the PIA in 2006, is apparently intended to restrict disclosure of addresses of community residences and group homes that serve individuals with disabilities. See Bill Review Letter of Attorney General J. Joseph Curran, Jr. to Governor Robert L. Ehrlich concerning House Bill 1625 and Senate Bill 1040 (May 1,

2006). An exception in the exemption related to nursing homes and assisted living facilities has raised interpretive questions. *Id.*

Section 4-330 forbids disclosure of “sociological information.” However, this basis for denial may be used only if an official custodian has adopted rules or regulations that define, for the records within that official’s responsibility, the meaning and scope of “sociological data.” The Division of Parole and Probation of the Department of Public Safety and Correctional Services, for example, has adopted regulations (COMAR 12.11.02.02B(13)) that define “sociological data.” While the Act itself does not define “sociological data,” *see* Letter from Assistant Attorney General Kathryn M. Rowe to Senator Nancy J. King (Feb. 9, 2011), it seems unlikely that the Legislature intended to authorize agencies to withhold aggregate statistical compilations under this provision.

2. Home Addresses and Phone Numbers of Public Employees

GP § 4-331 prevents disclosure of the home address or telephone number of a public employee unless the employee consents or the employing unit determines that inspection is needed to protect the public interest. Thus, the home telephone number of a State employee would be redacted from records otherwise available to a requester. *See Office of the Governor v. Washington Post Co.*, 360 Md. 520, 550 (2000). Similarly, our Office has long been of the view that the personal cellphone numbers of State employees are equivalent to home telephone numbers and thus are protected from disclosure under this exemption. Public employee organizations are permitted greater access to the information protected by this exemption under certain conditions outlined in § 3-208 and § 21-504 of the State Personnel and Pensions Article. Also, if a public employee is a licensee, members of the General Assembly may obtain the licensee’s home address pursuant to GP § 4-103(c). *See* Letter from Assistant Attorney General Robert A. Zarnoch to Michael A. Noonan, Esquire (Dec. 23, 1993); Letters from Assistant Attorney General Robert A. Zarnoch to Dr. William AuMiller (Feb. 21, 2005; Nov. 29, 2000) (State legislators are entitled to names and addresses of teachers and other certified employees of county boards of education).

3. Occupational and Professional Licensing Records

GP § 4-333 contains a general privacy protection for occupational and professional licensing records on individual persons. This amendment resulted from a

recommendation of the Governor's Information Practices Commission. In explaining its recommendation, the Commission stated:

The observation was made earlier in this report that the formulation of sound public policy in the area of information practices requires the striking of a delicate balance among competing interests. The occupational and professional licensing field provides a good illustration of this dictum. The various licensing boards throughout the State need to collect a sufficient amount of personally identifiable information in order to assess the qualifications of candidates. The public has a right to examine certain items in licensure files to be assured that specific licensees are competent and qualified. Licensees, in turn, have a right to expect that boards limit themselves to the collection of relevant and necessary information, and that strict limitations are placed on the type of personally identifiable data available for public inspection.

The Information Practices Commission has invested a considerable amount of time and energy in attempting to determine which data elements pertinent to licensees should be available for the public, and which items should be confidential. The Commission believes that its recommendations constitute a careful balancing of the access rights of the public and the privacy rights of licensees. The Commission asserts that the public has a right to have access to basic directory information about a licensee, should it need to contact the licensee. The Commission believes, however, that under usual circumstances, the business address and business telephone number should be disclosed rather than residential data. If, however, the board cannot furnish the business address, it should make the licensee's home address available to the public. The Commission furthermore asserts that the public has a right to examine a licensee's educational and occupational background and professional qualifications. Before hiring a plumber, for example, an individual should have the right to assess the plumber's credentials as presented to the Department of

Licensing and Regulation. . . . If a board has determined that a licensee was guilty or culpable of some unfair or illegal practice and subsequently took disciplinary action against that licensee, the public has a right to know that as well. Finally, if a licensee is required by statute to provide evidence of financial responsibility, that evidence should also be available for public inspection. This latter issue is of particular importance in the home improvement field.

The Commission does not believe that the release of other personally identifiable information pertinent to licensees would serve the public interest The Commission recognizes that there may be extenuating circumstances in which a compelling public purpose would be served by the release of data in addition to that recommended by the Commission. The Commission believes that discretionary authority should be given to records' custodians to release additional data; however, custodians should be required to issue rules and regulations explaining the need and the basis for disclosure.

Governor's Information Practices Commission, Final Report 535-38 (1982).

Consistent with the purposes outlined in that report, this provision generally protects the professional and occupation licensing records "of an individual" from disclosure but requires certain specified information—such as (among other things) the name, business address, and educational qualifications of the licensee—to be disclosed. *See* GP § 4-333(a), (b). The provision also permits custodians to promulgate regulations allowing for disclosure of information that would otherwise be protected if there is a "compelling public interest" in disclosure. GP § 4-333(c). The Department of Labor, Licensing, and Regulation has, for example, concluded that "a compelling public interest" is served by disclosure of, among other information, the number, nature, and status of complaints against a licensee, if the requester is contemplating a contract with the licensee. COMAR 09.01.04.11. As noted above, this exemption applies only to licensees who are individuals and not to business entities. 71 *Opinions of the Attorney General* 305, 311 (1986). A 2006 amendment of the exemption limits disclosure of the

home address of a licensee if the location is identified as the home address of an individual with a disability.

4. Trade Secrets; Confidential Business and Financial Information

GP § 4-335 prevents disclosure of trade secrets, confidential commercial or financial information, and confidential geological or geophysical information, if that information is furnished by or obtained from any person or governmental unit. The comparable FOIA exemptions are similar. *See* 5 U.S.C. § 552(b)(4) (protecting “[t]rade secrets and commercial or financial information obtained from a person and privileged or confidential”); § 552(b)(9) (protecting “geological and geophysical information and data, including maps concerning wells”). Note, however, that the federal exemption for geological and geophysical information, unlike the analogous Maryland exemption, is not expressly limited to “confidential” information, meaning that the Maryland exemption may be narrower. *See* Letter from Assistant Attorney General Jeremy McCoy to Delegate Vaughn Stewart, at 4 (Sept. 23, 2021). The geological or geophysical data provision is also obviously limited in scope and in practice applies only to a few Maryland agencies.

Given the similarity between Maryland’s exemption and the analogous federal exemptions, federal cases and FOIA legislative history are highly persuasive in interpreting what is now GP § 4-335. *See Amster v. Baker*, 453 Md. 68, 79 (2017); 63 *Opinions of the Attorney General* 355, 360-62 (1978). The U.S. Department of Justice publishes a guide on the scope and extent of the analogous FOIA exemptions. U.S. Department of Justice, *Guide to the Freedom of Information Act*, Exemption 4 (available on-line at <https://www.justice.gov/oip/doj-guide-freedom-information-act-0>).

Under FOIA, a “trade secret” is considered a “secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.” *Prince George’s County v. Washington Post Co.*, 149 Md. App. 289, 312, n.17 (2003) (citing *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983)); *see also* 63 *Opinions of the Attorney General* at 359 (defining a “trade secret” as “an unpatented secret formula or process known only to certain individuals using it in compounding some article of trade having commercial

value. Secrecy is an essential element. Thus, [a] trade secret is something known to only one or a few, kept from the general public, and not susceptible of general knowledge. If the principles incorporated in a device are known to the industry, there is no trade secret” (footnotes, internal quotations, and citations omitted)).

Often the more difficult inquiry is what constitutes confidential commercial or financial information. To fit within that exemption, the information must, of course, be of a commercial or financial nature, and it must be obtained from a person outside the agency or from another governmental unit. Information generated by the agency itself is not covered by GP § 4-335, but it may be protected from disclosure by a different exception. *See Stromberg Metal Works, Inc. v. University of Maryland*, 382 Md. 151, 167-70 (2004); *Federal Open Market Committee v. Merrill*, 443 U.S. 340, 360 (1979).

In addition, a record is not confidential commercial or financial information simply because it was generated in the course of a transaction or has some other indirect connection to commercial activity. In *Office of the Governor*, for example, the Court of Appeals held that a record of a telephone call about an economic development project does not itself constitute confidential commercial information, although notes detailing the substance of the discussion might. 360 Md. at 549.

Under Maryland law, the proper test to determine if commercial information is “confidential” is relatively clear as applied to information *voluntarily* supplied to the government but still largely unsettled as applied to information *required* to be supplied to the government. As to commercial information that is voluntarily supplied to the government, the Court of Appeals recently held, relying on the then-existing federal standard, that such information is “‘confidential’—and therefore exempt from disclosure under the [PIA]—if it ‘would customarily not be released to the public by the person from whom it was obtained.’” *Amster*, 453 Md. at 81 (quoting *Critical Mass Energy Project v. Nuclear Regulatory Commission*, 975 F.2d 871, 879 (D.C. Cir. 1992)). The Court applied this test to a commercial lease that had been voluntarily supplied to a local government by a landowner and held that the local government and the landowner had not met their burden of proving that all of the information in the lease was confidential, because they had “not demonstrated that [the landowner] would not ‘customarily’ disclose” the contents of the records. *Id.* at 86; *see also, e.g., Environmental Technology, Inc. v. EPA*, 822 F. Supp. 1226, 1228-29 (E.D. Va. 1993).

(unit price information voluntarily provided by government contractor to procuring agency was “confidential” and not subject to disclosure under FOIA, where information was of a kind that contractor would not customarily share with competitors); *Allnet Comm. Services, Inc. v. FCC*, 800 F. Supp. 984, 990 (D.D.C. 1992) (proprietary cost and engineering data voluntarily provided by switch vendors to telecommunications companies under nondisclosure agreements were confidential under FOIA).

The *Amster* Court also discussed the then-predominant federal standard, from *National Parks & Conservation Ass’n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974), for determining the confidentiality of financial or commercial information that is *required* to be given to the government but stopped short of explicitly adopting that standard. Under the *National Parks* test, financial or commercial information that persons are required to give the government was considered confidential if disclosure of the information would likely: (1) impair the government’s ability to obtain the necessary information in the future; or (2) cause substantial harm to the competitive position of the person from whom the information was obtained. *National Parks & Conservation Ass’n*, 498 F.2d at 770 (footnote omitted); *see also, e.g., Canadian Commercial Corp. v. Department of the Air Force*, 514 F.3d 37, 40 (D.C. Cir. 2008) (item pricing exempt under the *National Parks* test because disclosure could cause substantial harm to competitive position of contractor); 69 *Opinions of the Attorney General* 231, 234 (1984) (applying the *National Parks* standard in concluding that construction drawings, submitted to a county as a prerequisite to issuance of a building permit, could not be protected from disclosure on the grounds that they would impair the government’s ability to obtain the information in the future but that the release of such drawings should be examined on a case-by-case basis to determine whether disclosure would give competitors a concrete advantage in obtaining future work on that or a similar project). For some guidance about how the federal courts typically distinguished, under this standard, between information voluntarily provided to the government and information required to be provided to the government, see the 2004 edition of the U.S. Department of Justice’s FOIA Manual, available at <https://www.justice.gov/oip/foia-guide-2004-edition-exemption-4>.

Recently, however, the U.S. Supreme Court abrogated the *National Parks* two-part test and, instead, held that commercial or financial information is confidential under FOIA’s Exemption 4 if, at a minimum, it is “both customarily and actually treated as private by its owner and provided to the government under an assurance of privacy.”

Food Mktg. Inst. v. Argus Leader Media, 139 S. Ct. 2356, 2366 (2019). The Court did not, however, reach the question of whether that information could *lose* its confidential character if it is provided to the government without assurances of privacy. *Id.* at 2363. In other words, although the Court found that it would be necessary for the information to be treated as private by the owner, the Court did not decide whether express or implied assurances of confidentiality from the government would always be required for the exemption to apply. *See also Renewable Fuels Ass’n v. United States Env’t Prot. Agency*, 519 F.Supp.3d 1, 12 (D.D.C. 2021) (noting that no district court has resolved whether the second prong of the *Argus Leader* test must be met, but suggesting that “[t]he better approach would be that privately held information is generally confidential absent an express statement by the agency that it would *not* keep information private, or a clear implication to that effect (for example, a history of releasing the information at issue)”).

Ultimately, in *Argus Leader*, the Court found that data held by the U.S. Department of Agriculture about retail stores’ participation in the national food stamp program constituted confidential information because the stores did not publicly release such data and because the government “has long promised them that it will keep their information private.” 139 S. Ct. at 2363; *see also Am. Small Bus. League v. United States Dep’t of Def.*, 411 F. Supp. 3d 824, 830-31 (N.D. Cal. 2019) (finding government contractors’ information about their subcontractors to be confidential because contractors “customarily and actually kept all of the aforementioned commercial information . . . confidential in the ordinary course of business”); U.S. Dep’t of Justice, *Exemption 4 after the Supreme Court’s Ruling in Food Marketing Institute v. Argus Leader Media*, <https://www.justice.gov/oip/exemption-4-after-supreme-courts-ruling-food-marketing-institute-v-argus-leader-media>.

Maryland’s appellate courts have not yet had occasion to consider the Supreme Court’s *Argus Leader* decision. That decision is not inconsistent with the test adopted by the Court of Appeals in *Amster*, which treats commercial information that is voluntarily supplied to the government as confidential if its owner does not customarily make the information public.¹ It is less clear, however, whether the Maryland courts

¹ To be clear, the Court in *Amster* did not suggest that assurances of confidentiality from the government were necessary for such information to qualify as “confidential” under

would adopt the *Argus Leader* test for information that is *required* to be supplied to the government.

Although the Court of Appeals in *Amster* held that federal precedent is highly persuasive in this context, which suggests that it may well adopt the new *Argus Leader* test, there is nothing in Maryland law that would *require* the Court to depart from the *National Parks* test, which the Court favorably cited (though did not expressly adopt) in its *Amster* decision. *See* 453 Md. at 78. Thus, there is at least some question as to whether the Court of Appeals will adopt the new *Argus Leader* test or the *National Parks* test with respect to information required to be supplied to the government. Unless and until the Court decides that issue, the safest course for custodians faced with a request for commercial information that was required to be provided to the government is to consider how both the *National Parks* test and the *Argus Leader* test would apply. In other words, if the information required to be provided to the government is confidential under both tests, then it should undoubtedly be protected from disclosure. But it is a more difficult call if the information meets only the *Argus Leader* test—*i.e.*, the information’s owner actually and customarily keeps the information private—but not the *National Parks* test—*i.e.*, the release of the information would not cause any substantial competitive harm to the information’s owner nor impair the government’s ability to obtain the information in the future. In that scenario, custodians should make their decisions in consultation with agency counsel and after considering the position of the owner of the information.

In fact, even in ordinary cases, custodians should generally consult with the owner of the information to obtain its views before the record(s) in question are

the PIA—an issue later left undecided by the Supreme Court in *Argus Leader* for purposes of FOIA. If the federal courts ultimately hold that some sort of express or implied assurance of confidentiality is required under FOIA, however, it is possible that the Maryland courts might adopt that factor as part of its test. At the very least, a Maryland court might well take into account whether the government provided an indication that, if the information were submitted, it would *not* be kept confidential. *See* U.S. Dep’t of Justice Step-By-Step Guide for Determining if Commercial or Financial Information Obtained From a Person is Confidential Under Exemption 4 of the FOIA (Oct. 7, 2019), <https://www.justice.gov/oip/step-step-guide-determining-if-commercial-or-financial-information-obtained-person-confidential> (suggesting that otherwise-confidential information would likely lose its confidential character if submitted to the government with understanding that the government was going to disseminate the information).

disclosed to a requester and give the owner a chance to object to the release of any such information. See Section H, below, on Reverse PIA Actions. Agencies may also wish to consider asking entities that submit commercial or financial information to the agency to designate, at the time of the initial submission, the specific information that the entity believes is confidential in nature.

5. Records of an Individual Person's Finances

GP § 4-336 protects from disclosure the part of a public record that contains information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, or credit worthiness. GP § 4-336(b). This exception explicitly does *not* apply to the actual compensation, including any bonus, paid to a public employee. GP § 4-336(a); 83 *Opinions of the Attorney General* 192 (1998).

Although the PIA does not define financial information, the listing in GP § 4-336(b) illustrates the type of financial information that the Legislature intended to protect. *Kirwan v. Diamondback*, 352 Md. 74, 85 (1998) (because the sanction for a parking violation is a fine rather than a debt, records of parking tickets do not fall in the same category as information about “assets, income, liabilities, net worth, bank balances, financial history or activities, or credit worthiness”); see also 77 *Opinions of the Attorney General* 188, 189 (1992) (value or description of abandoned property should not be disclosed because it constitutes personal financial information); Opinion No. 85-011 (April 15, 1985) (unpublished) (names of municipal bond holders should not be disclosed because they constitute information about a particular financial interest of an individual); Memorandum from Jack Schwartz to Principal Counsel (Aug. 17, 1995) (information that an individual was a lottery winner is considered a record of an individual person's finances and the Lottery Agency was prohibited from disclosing to the press the individual's identity); Letter of Assistant Attorney General Robert A. Zarnoch to Delegate Kevin Kelly (July 18, 2007) (public records related to paper gaming profits of businesses in Allegany County not covered by this exception); 71 *Opinions of the Attorney General* 282, 284 (1986) (county ethics ordinance, under authority of State ethics law, requires disclosure of information ordinarily non-disclosable under GP § 4-336(b)). The exemption is not limited to the actual value of the asset. Even information that reveals the *comparative* value of different assets is exempt from disclosure. See

Immanuel v. Comptroller of the Treasury, 449 Md. 76, 97-98 (2016) (ranking of assets by value reveals financial information even if absolute values are not disclosed).

The rationale for this exception was explained by the Governor's Information Practices Commission:

In the performance of their duties, public agencies quite properly collect a significant amount of detailed financial information pertaining to individuals. This data is [*sic*] essential in determining eligibility for State scholarship programs, income maintenance benefits, subsidized housing programs, and many other areas.

While the Commission recognizes that this data must be available to agencies, this does not mean that such information should be available to third parties

The Commission . . . recommends that an amendment be added to the Public Information Act specifying that personally identifiable data which is financial in character not be disclosed, unless otherwise provided by law. It is important to emphasize the last phrase, "unless otherwise provided by law." Enactment of the above recommendation would have no impact whatsoever on those personally identifiable financial records which the Legislature has determined should be available for public inspection. For example, the salaries of public employees would continue to be available under the Public Information Act; the Commission completely supports the disclosure of this information. The Commission's recommendation, therefore, would only affect financial data in those record systems, . . . which have been inadvertently disclosed.

Governor's Information Practices Commission, Final Report 534-35 (1982).

6. Records Containing Investigatory Procurement Information

GP § 4-337 prohibits the disclosure of any part of a public record that contains procurement information generated by the federal government or another state as a result of an investigation into suspected collusive or anticompetitive activity on the part of a transportation contractor. The reason for the exemption was explained as follows:

The Department of Transportation advises that if it receives the result of an investigation into suspected bid rigging activity on the part of a potential contractor, which investigation was conducted by the federal government or another State, that information is subject to disclosure under the Maryland Public Information Law. As a result, these sources have been unwilling to share this information with Maryland officials.

House Bill 228 would provide assurances to these sources that the information provided to Maryland investigators will remain confidential and not be subject to disclosure. Section 10-617 of the State Government Article, to which the bill is drafted, limits access to a part of a public record. This means that the results of the Maryland investigation would be public information, except for those parts which relate to the information gathered from the confidential sources. As a result, the MDOT will have access to a greater range of information when conducting its own investigation into collusive or anticompetitive activity.

Bill Analysis, House Bill 228 (1994).

7. Names and Addresses of Senior Center Enrollees

GP § 4-340(b) makes confidential the name, address, telephone number, and e-mail address of a member or enrollee of a senior citizen activities center. The statute permits access to the information by the person in interest, as well as law enforcement and emergency services personnel. Such information can also be protected under the exception for sociological information if an agency adopts a regulation defining

sociological information. *See* Letter from Assistant Attorney General Kathryn M. Rowe to Senator Nancy J. King (Feb. 9, 2011).

8. Distribution Lists

GP § 4-341 was enacted in 2018 and requires a custodian to deny inspection of “a distribution list and a request to be added to a distribution list” if:

- the distribution list “is used by a governmental entity or an elected official for the sole purpose of: (1) periodically sending news about the official activities of the governmental entity or elected official; or (2) sending informational notices or emergency alerts”; and
- the distribution list or request to be added to the distribution list “identifies a physical address, an e-mail address, or a telephone number of an individual.”

For purposes of this section, “governmental entity” is defined as “a unit or an instrumentality of the State or of a political subdivision.”

9. Miscellaneous Information

Other public information protected under Part III includes:

- Certain information about the application and commission of a notary public, GP § 4-332;
- Social security numbers provided in applications for marriage licenses or recreational licenses issued under the Fish and Fisheries title of the Natural Resources Article, GP § 4-334;
- Information about security of information systems, GP § 4-338; and
- Information that identifies or contains personal information about a person, including a commercial entity, that maintains an alarm or security system, GP § 4-339.

D. Discretionary Exceptions

Under Subtitle 3, Part IV, a custodian *may* deny the right of inspection to certain records or parts of records, but only if disclosure would be contrary to the “public interest.” GP § 4-343. These records are:

- Interagency or intra-agency memoranda or letters that would be privileged in litigation, GP § 4-344;
- Testing records for academic, employment, or licensing examinations, GP § 4-345;
- Specific details of a research project that an institution of the State or of a political subdivision is conducting, GP § 4-346;
- Information relating to an invention owned by a State public institution of higher education, GP § 4-347;
- Information relating to a trade secret, confidential commercial information, or confidential financial information owned by the Maryland Technology Development Corporation or by a public senior higher educational institution, GP § 4-348;
- Contents of a real estate appraisal made for a public agency about a pending acquisition (except from the property owner), GP § 4-349;
- Site-specific location of certain plants, animals, or property, GP § 4-350;
- Records of investigation, intelligence information, security procedures, or investigatory files, GP § 4-351;
- Plans and procedures relating to emergency procedures and records relating to buildings, facilities, and infrastructure, the disclosure of which would jeopardize security, facilitate planning of a terrorist attack, or endanger life or physical safety, GP § 4-352;

- Records reflecting rates for certain services and facilities held by the Maryland Port Administration and research concerning the competitive position of the port, GP § 4-353;
- Records of University of Maryland Global Campus concerning the provision of competitive educational services, GP § 4-354; and
- Records of a public institution of higher education that contain personal information about a student, GP § 4-355.
- Records of 911 communications that depict a victim of domestic violence, sexual abuse, or child abuse, GP § 4-356.

A “person in interest”—generally the person who is the subject of the record, GP § 4-101(g)—has a greater right of access to the information contained in investigatory and testing records. GP §§ 4-351(b) and 4-345(b); *see also* Chapter 2, Part A, above.

These exceptions are “discretionary” not in the sense that the agency may withhold or disclose as it pleases, but in the sense that the agency must make a judgment whether . . . disclosure ‘would be contrary to the public interest.’” *Glass v. Anne Arundel County*, 453 Md. 201, 210 (2017). Whether disclosure would be “contrary to the public interest” under these exceptions is in the custodian’s “sound discretion,” to be exercised “only after careful consideration is given to the public interest involved.” 58 *Opinions of the Attorney General* 563, 566 (1973). In making this determination, the custodian must carefully balance the possible consequences of disclosure against the public interest in favor of disclosure. 64 *Opinions of the Attorney General* 236, 242 (1979). If the custodian denies access under one of the discretionary exemptions, the custodian must provide “a brief explanation of why the denial is necessary” and “an explanation of why redacting information would not address the reasons for the denial.” GP § 4-203(c)(1)(i)2.

1. Inter- and Intra-Agency Memoranda and Letters

GP § 4-344 allows a custodian to deny inspection of “any part of an interagency or intra-agency letter or memorandum that would not be available by law to a private party in litigation with the unit.” This exemption “to some extent reflects that part of

the executive privilege doctrine encompassing letters, memoranda, or similar internal government documents containing confidential opinions, deliberations, advice or recommendations from one governmental employee or official to another for the purpose of assisting the latter official in the decision-making function.” *Office of the Governor v. Washington Post Company*, 360 Md. 520, 551 (2000); *see also* 66 *Opinions of the Attorney General* 98, 100-02 (1981) (executive agency budget recommendations requested by and submitted to the Governor in confidence are subject to executive privilege). However, the privilege can apply to a broader range of officials than the constitutionally-based executive privilege, which was discussed in more detail in Section A.4 above. This privilege, commonly referred to as the deliberative process privilege, arose from the common law, the rules of evidence, and the discovery rules for civil proceedings. *Stromberg Metal Works, Inc. v. University of Maryland*, 382 Md. 151, 163 (2004). Although the privilege “gives a measure of protection to the deliberative and mental process of decision-makers,” it “differs from other evidentiary privileges because it is for the benefit of the public and not the government officials who claim the privilege.” *Maryland Bd. of Physicians v. Geier*, 451 Md. 526, 568-69 (2017) (internal quotations, citations, and modifications omitted) (explaining that “preventing the disclosure of [a professional disciplinary board’s] pre-decisional deliberations greatly benefits the public by allowing [that board] to undertake their core public protection function without the constant threat of harassment and intimidation by aggrieved parties.”).

An agency that claims this privilege, when challenged, has the initial burden to provide “a relatively detailed analysis” as to why the exemption applies, including “enough detail to make understandable the issues involved in the claim of exemption without presenting so much detail as to compromise the privileged material.” *Cranford v. Montgomery County*, 300 Md. 759, 778 (1984). If the agency meets this initial burden and the court determines that the exemption applies, however, then it is presumed that disclosure of the material would be contrary to the public interest. *Id.* at 776.

This exception is very close in wording to the FOIA exemption in 5 U.S.C. § 552(b)(5), and the case law developed under that exemption is persuasive in interpreting GP § 4-344. *Stromberg Metal Works, Inc.*, 382 Md. at 163-64; 58 *Opinions of the Attorney General* 53, 56 (1973). The FOIA exemption is “intended to preserve

the process of agency decision-making from the natural muting of free and frank discussion which would occur if each voice of opinion and recommendation could be heard and questioned by the world outside the agency.” 1 O’Reilly, *Federal Information Disclosure* § 15.01 (Summer 2021 ed.); *see also Stromberg Metal Works, Inc.*, 382 Md. at 164.

To be an “interagency” or “intra-agency” letter or memorandum, the document must have been “created by government agencies or agents, or by outside consultants called upon by a government agency ‘to assist it in internal decisionmaking.’” *Office of the Governor*, 360 Md. at 552; *see also, e.g., National Inst. of Military Justice v. United States Dep’t of Defense*, 512 F.3d 677, 682 (D.C. Cir. 2008) (recognizing the so-called consultant corollary to the deliberative process privilege, under which communications with outside agency consultants can, under some circumstances, qualify for the privilege). Memoranda exchanged with federal agencies or agencies of other states as part of a deliberative process may also fall within this exception. *Gallagher v. Office of the Attorney General*, 141 Md. App. 664, 676 (2001).

This exception does not apply to all agency documents, however. A document such as a telephone bill or a simple listing of persons who have appointments with an official cannot be considered a “letter or memorandum” under the “ordinary meaning” of those terms. *Office of the Governor*, 360 Md. at 552. Nor does the exception apply to all memoranda or letters. For it to apply, the agency must have a reasonable basis for concluding that disclosure would inhibit creative debate and discussion within or among agencies or would impair the integrity of the agency’s decision-making process. *NLRB v. Sears*, 421 U.S. 132, 151 (1975).

Generally, the exception protects pre-decisional, as opposed to post-decisional, materials. *Stromberg Metal Works, Inc.*, 382 Md. at 165; *City of Virginia Beach v. Department of Commerce*, 995 F.2d 1247, 1254 (4th Cir. 1993); *Bristol-Myers Co. v. FTC*, 598 F.2d 18, 23 (D.C. Cir. 1978). For example, a State agency’s annual report on waste, fraud, and abuse submitted to the Governor is protected as a pre-decisional document, because it presents the Governor with recommendations for correcting these problems that the Governor may approve or disapprove; it does not reflect agency policy or an agency’s final opinion. Letter from Mary Ann Saar, Director of Operations in the Office of the Governor, to Anthony Verdecchia, Legislative Auditor (July 17, 1990); *see also United States Fish & Wildlife Serv. v. Sierra Club, Inc.*, 141 S. Ct. 777,

786 (2021). Once an agency's decision has been made, however, the post-decision records that embody the final decision or policy, and all subsequent explanations and rationales, are available for public inspection. Pre-decisional, deliberative materials remain protected, however, even after the final decision is made. *May v. Department of the Air Force*, 777 F.2d 1012, 1014-15 (5th Cir. 1985) (so long as the information in question was created prior to the particular decision that was involved, it can retain its privileged status long after the decision-making process has concluded).

The exception is also meant to cover only the deliberative parts of agency memoranda or letters. Generally, it does not apply to records that are purely objective or factual or to scientific data. *Stromberg Metal Works, Inc.*, 382 Md. at 166-67; *EPA v. Mink*, 410 U.S. 73, 87-88 (1973). Factual information may be withheld, however, if it can be used to discover the mental processes of the agency, *Dudman Communications Corp v. Department of the Air Force*, 815 F.2d 1565, 1568-69 (D.C. Cir. 1987); when it reflects "investigative facts underlying and intertwined with opinions and advice," *Office of the Governor*, 360 Md. at 559 (quoting *Hamilton v. Verdow*, 287 Md. 544, 565 (1980)); or when disclosure of the information might deter the agency from seeking valuable information, *Quarles v. Department of the Navy*, 893 F.2d 390, 392-93 (D.C. Cir. 1990). In addition, "facts obtained upon promises or understandings of confidentiality, investigative facts underlying and intertwined with opinions and advice, and facts the disclosure of which would impinge on the deliberative process" may also be encompassed by the exemption. *Stromberg Metal Works, Inc.*, 382 Md. at 166 (quoting *Hamilton*).

Both GP § 4-344 and the FOIA exemption have also been construed to temporarily protect some time-sensitive government-generated confidential commercial information. *Stromberg Metal Works, Inc.*, 382 Md. at 167-70; *Federal Reserve System v. Merrill*, 443 U.S. 340 (1979).

The exemption also covers materials protected under the attorney work-product doctrine. *Caffrey v. Dep't of Liquor Control for Montgomery County*, 370 Md. 272, 298 n.15 (2002). Under the Maryland Rules, attorney work product materials are discoverable only upon showing substantial need. Md. Rule 2-402(d). Because attorney work product is not routinely discoverable, for purposes of the PIA, it is not considered "available by law to a party in litigation with the agency." *Gallagher v. Office of the Attorney General*, 141 Md. App. 664, 673 (2001) (citing *Cranford v. Montgomery*

County, 300 Md. 759, 772-73 (1984)); *see also Gallagher*, 141 Md. App. at 676 (adopting the so-called “common-interest” rule, under which “parties with shared interests in actual or pending litigation against a common adversary may share privileged information without waiving their right to assert the privilege”). At the same time, the Court of Special Appeals has recently emphasized that an agency must be able to demonstrate that the material it seeks to withhold was created in anticipation of litigation and not in the ordinary course of business. *See Baltimore Action Legal Team v. Office of the State’s Attorney of Baltimore City*, 253 Md. App. 360 (2021).

The difficulty of applying the GP § 4-344 exception to the myriad of agency-generated documents is obvious. We suggest that a presumption of disclosure should prevail, unless the responsible agency official can demonstrate specific reasons why agency decision-making may be compromised if the questioned records are released. In applying the deliberative process privilege, an agency should determine whether disclosure of the requested information “would actually inhibit candor in the decision-making process if made available to the public.” *Army Times Publishing Co. v. Department of the Air Force*, 998 F.2d 1067, 1072 (D.C. Cir. 1993). Unless specific reasons can be articulated, the agency decision to withhold documents might be overturned by the courts.

In *Cranford v. Montgomery County*, 300 Md. 759 (1984), for example, the Court of Appeals vacated a decision by the Court of Special Appeals upholding an agency’s decision to withhold documents. The Court of Appeals stated that the agency’s proffered justification was too general and conclusory. The Court of Appeals also cited the failure of the courts below to analyze the agency memoranda exemption in relationship to discovery of particular documents and suggested that the lower courts had put too much emphasis on the public policy justification for nondisclosure. The Court agreed that reports prepared by outside consultants in anticipation of litigation are not routinely discoverable and may be protected from disclosure under the inter-agency and intra-agency documents exemption. *Cranford*, 300 Md. at 784. If the expert who made the report is to be called at trial, however, the report is not protected, because it is discoverable under Rule 2-402(g), which requires a party to “produce any written report made by the expert concerning those findings and opinion.” 300 Md. at 783.

Maryland Attorney General opinions on this exception are 58 *Opinions of the Attorney General* 53 (1975) and No. 75-202 (Dec. 1, 1975) (unpublished). Sources on the scope and extent of the FOIA exemption are: 1 Pierce, *Administrative Law Treatise* (5th ed. § 5.11); 1 O'Reilly, *Federal Information Disclosure*, Ch. 15 (Summer 2021 ed.); 168 A.L.R. Fed. 143; and United States Department of Justice, Guide to the Freedom of Information Act (<https://www.justice.gov/oip/page/file/1197816/download>).

2. Testing Data

GP § 4-345 allows a custodian to deny access to testing data for licensing, employment or academic examinations. For promotional examinations, however, a person who took the exam is given a right to inspect, but not copy, the examination and its results.

3. Research Projects

The specific details of an ongoing research project conducted by an institution of the State or a political subdivision (*e.g.*, medical research project) need not be disclosed by the custodian. GP § 4-346. Only the name, title, expenditures, and the time when the final project summary will be available must be disclosed. *See* 58 *Opinions of the Attorney General* 53, 59 (1973) for an application of this exception to a consultant's report. *See also* Letter from Assistant Attorney General Catherine M. Shultz to Leon Johnson, Chairman, Governor's Commission on Migratory and Seasonal Labor (Aug. 8, 1985) (census information revealing individual migrants' names may be protected under this provision).

4. Inventions Owned by Higher Education Institutions

Under GP § 4-347, information disclosing or relating to an invention owned in whole or in part by a State public institution of higher education need not be disclosed for a limited period. The purpose of this exception is to allow the institution an opportunity to evaluate whether to patent or market the invention and pursue economic development and licensing opportunities. However, this exception does not apply if the information has been published or disseminated by the inventors in the course of their academic activities or if it has been disclosed in a published patent. The exception also does not apply if the invention has been licensed by the institution for

at least four years, or if four years have elapsed from the date of the written disclosure of the invention to the institution.

5. Certain Proprietary Information Owned by the Maryland Technology Development Corporation or Senior Higher Education Institutions

GP § 4-348 allows protection of trade secret, confidential commercial information, and confidential financial information owned, in whole or in part, by the Maryland Technology Development Corporation or by a public senior higher education institution (Morgan State University, St. Mary's College, and constituent institutions of the University of Maryland) in connection with economic development efforts and certain arrangements with the private sector.

6. Real Estate Appraisals

GP § 4-349 concerns appraisals of real estate contemplated for acquisition by a State or local entity. An appraisal need not be disclosed until title has passed to that entity. However, the contents of the appraisal are available to the owner of the property at any time, unless some other statute would prohibit access.

7. Location of Plants, Animals, or Property

GP § 4-350 allows a custodian to deny inspection of a record that contains the location of an endangered or threatened species of plant or animal, plants and animals in need of conservation, a cave, or an historic property. However, this provision does not authorize the denial of information requested by the property owner or by any entity authorized to take the property through condemnation.

8. Investigatory Records

GP § 4-351 permits the withholding of certain investigatory records and records that contain intelligence information and security procedures. The determinations required of the custodian vary depending on the particular records at issue.

For certain named agencies, the custodian may deny the right of inspection of records of investigations conducted by the agency, intelligence information, or security procedures. The listed agencies are: any sheriff or police department, any county or city attorney, State's Attorney, or the Attorney General's office. GP § 4-351(a)(1). This

exception also applies to intelligence information and security procedures of these agencies, as well as of State and local correctional facilities. GP § 4-351(a)(3). Although not listed in GP § 4-351(a)(1), the State Prosecutor is considered in the same category as a State's Attorney. *Office of the State Prosecutor v. Judicial Watch, Inc.*, 356 Md. 118, 141 (1999). Many records received or created by law enforcement agencies may fall within this category. *See, e.g.*, 92 *Opinions of the Attorney General* 26, 44 (2007) (mug shot considered an investigatory record). Not every record in the possession of the law enforcement agency constitutes a record of an investigation, however. *See, e.g.*, 63 *Opinions of the Attorney General* 543, 547 (1978) (arrest logs not investigatory records).

When the records in question are investigatory, and when they come from one of these enumerated agencies, the exception applies without any need for an actual showing that the records were compiled specifically for law enforcement or prosecution purposes. The Court of Appeals has instead held that the investigatory records of one of the seven enumerated agencies are presumed to be for law enforcement purposes. *Superintendent v. Henschen*, 279 Md. 468, 475 (1977); *see also Blythe v. State*, 161 Md. App. 492, 525 n.6 (2005). Thus, an enumerated agency need not make a particularized showing of a law enforcement purpose to justify the withholding of a record relating to a criminal investigation. *See Office of the State Prosecutor*, 356 Md. at 140. As discussed further below (at page 3-43), however, once an investigation is closed, disclosure is less likely to be “contrary to the public interest,” and courts will require a more particularized factual basis for the separate requirement that the denial be in the “public interest.” *City of Frederick v. Randall Family, LLC*, 154 Md. App. 543, 562-67 (2004); *Prince George's County v. Washington Post Co.*, 149 Md. App. 289, 333 (2003).

On the other hand, the investigatory files of other agencies are exempt from disclosure only if there is a demonstration that the agency compiled them for a law enforcement, judicial, correctional, or prosecution purpose. GP § 4-351(a)(2). What constitutes a “law enforcement” purpose within the meaning of this exemption is broad; the exemption “covers investigatory files related to enforcement of [a]ll kinds of laws, labor and securities laws as well as criminal laws. This would include files prepared in connection with related Government litigation and adjudicative proceedings.” *Equitable Tr. Co. v. State, Comm'n on Human Relations*, 42 Md. App. 53, 76

(1979), *rev'd on other grounds*, 287 Md. 80 (1980) (quoting *Wellman Indus., Inc. v. NLRB*, 490 F.2d 427, 430 (4th Cir. 1974)); *see also ACLU v. Leopold*, 223 Md. App. 97, 128 (2015); Letter of Assistant Attorney General Robert A. Zarnoch to Senator Nathaniel J. McFadden and Delegate Stephen J. DeBoy, Sr. (Nov. 8, 2007) (investigations by State Ethics Commission), *but cf.* 71 *Opinions of the Attorney General* 305, 313-14 (1986) (agency's citizen response plan log ordinarily not an investigatory file). An agency, however, has the burden of demonstrating that it meets this criterion. *Fioretti v. State Board of Dental Examiners*, 351 Md. 66, 82 (1998) ("The agency must, in each particular PIA action, demonstrate that it legitimately was in the process of or initiating a specific relevant investigative proceeding in order to come under the aegis of the exemption."). Even if the agency makes such a showing, when the agency asserts that disclosure would "prejudice an investigation," the agency may be required to make a particularized showing of prejudice. *Id.* at 86-91; *but see id.* at 91-95 (Raker, J., concurring) (characterizing latter holding as "dicta"); *see also Bowen v. Davison*, 135 Md. App. 152, 160 (2000). For further discussion of satisfying the agency's burden when withholding investigatory records, *see* Chapter 5.A.3, below.

Records that relate to an administrative or criminal investigation of misconduct by a police officer are subject to the discretionary exemption for investigatory records. GP § 4-351(a)(4). Until October 1, 2021, *see* 2021 Md. Laws, ch. 62, such investigatory records were withheld under the mandatory exemption for personnel records. *See* Part B.4 of this Chapter, above. These records include internal affairs files, hearing records, and records related to disciplinary decisions, but do not include records of "technical infractions," which are considered personnel records that must be withheld under GP § 4-311. *See* Part B.4 of this Chapter, above.

A custodian must allow inspection of a record related to misconduct by a police officer by certain individuals, namely the United States Attorney, the Attorney General, the State Prosecutor, or the State's Attorney for the jurisdiction relevant to the record. GP § 4-351(c). When a custodian determines that inspection is warranted by anyone other than these individuals, the custodian has the responsibility to redact certain information. The custodian must redact the record to the extent that it reflects medical information of the person in interest, personal contact information of the person in interest or a witness, or information relating to the family of the person in interest. GP § 4-351(d)(1). A custodian may, in his or her discretion, redact witness information other than personal contact information, even if he or she determines that

inspection of additional portions of the file would not be contrary to the public interest and are therefore disclosable. GP § 4-351(d)(2). It appears that a custodian also continues to have discretion to redact other information not explicitly described in subsection (d) of the statute if the custodian determines that disclosure would not be in the public interest. *See* GP § 4-351(a); *see also* GP § 4-343. Finally, a custodian is required to notify the person in interest when the record is inspected but may not disclose the identity of the requester. GP § 4-351(e).

In carrying out its statutory function, an agency might have records obtained from investigatory files of another agency. In these circumstances, it is appropriate for the agency to withhold investigatory materials if the agency that provided the information would itself deny access under the investigatory records exemption. 89 *Opinions of the Attorney General* 31, 44 (2004) (addressing records of the Office of the Independent Juvenile Justice Monitor collected in the investigation of Department of Juvenile Services facilities).

Maryland's current investigatory records exception is similar to the investigatory records exemption in FOIA, 5 U.S.C. § 552(b)(7), and the case law developed under that exemption should be of assistance in interpreting GP § 4-351. *Faulk v. State's Attorney for Harford County*, 299 Md. 493, 506-11 (1984). FOIA cases also discuss criteria for determining whether a record was compiled for law enforcement purposes. *See, e.g., John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 153-55 (1990) (information or records not initially obtained for law enforcement purposes may qualify for the exemption if they were subsequently compiled for such purposes before the government invokes the exemption); *Rosenfeld v. Department of Justice*, 57 F.3d 803, 808 (9th Cir. 1995) (where compiling agency has clear law enforcement mandate, government has easier burden to establish that record it seeks to withhold was compiled for law enforcement purposes; under these circumstances, the government need only establish rational nexus between the enforcement of federal law and the document for which the law enforcement exemption is claimed); *see also* 55 A.L.R. Fed. 583.

A custodian of investigatory records must nonetheless disclose them to any person, unless the custodian determines that disclosure would be "contrary to the public interest" or unless other law would prevent disclosure. For example, the Court of Appeals held that it would be contrary to the public interest to disclose the Baltimore

City Police Department's report of its internal investigation of a police officer. Disclosure of an internal report would discourage witnesses or other persons with information from cooperating. *Mayor and City Council of Baltimore v. Maryland Comm. Against the Gun Ban*, 329 Md. 78, 94-96 (1993); *see also* 77 *Opinions of the Attorney General* 183, 185 (1992) (custodian of an investigatory record containing the name and address of a crime victim would be required under the PIA to consider the assertions of the public interest made by the requester, as well as the privacy interests of the victim); 64 *Opinions of the Attorney General* 236, 241 (1979) (police department need not disclose police investigative report to the extent that disclosure would be contrary to the public interest). In justifying the denial of a request for an investigatory record under GP § 4-351, the courts have recognized a distinction based on whether an investigation is ongoing or closed. While an investigation is ongoing or the defendant is awaiting trial, the justification for why disclosure would be contrary to the public interest is obvious. As noted above, however, once an investigation is closed, disclosure is less likely to be "contrary to the public interest," and courts will require a more particularized factual basis for a "public interest" denial. *Randall Family, LLC*, 154 Md. App. at 562-67; *Washington Post Co.*, 149 Md. App. at 333.

The rules are somewhat different when the request for an investigatory file is made by the "person in interest." Under GP § 4-351(b), the "person in interest" is entitled to inspect investigatory records of which he or she is the subject unless production would:

- (1) interfere with a valid and proper law enforcement proceeding;
- (2) deprive another person of a right to a fair trial or an impartial adjudication;
- (3) constitute an unwarranted invasion of personal privacy;
- (4) disclose the identity of a confidential source;
- (5) disclose an investigative technique or procedure;
- (6) prejudice an investigation; or
- (7) endanger the life or physical safety of an individual.

See generally Maryland Comm. Against the Gun Ban, 329 Md. at 81-83, 96-97; *Briscoe v. Mayor and City Council of Baltimore*, 100 Md. App. 124, 129-31 (1994); 82 *Opinions of the Attorney General* 111, 113-14 (1997); 81 *Opinions of the Attorney General* 154, 155-56 (1996). Because a person in interest enjoys a favored status, a custodian must point out precisely which of the seven grounds enumerated in GP § 4-351(b) justifies the withholding of an investigatory record and explain precisely why it would do so. *Blythe*, 161 Md. App. at 531.

The number and scope of these factors will often lead to a denial of disclosure by the law enforcement agency, especially where records have been recently obtained and are in active use in investigations. The seven factors listed above may also be considered as part of the more general “public interest” determination in deciding whether to deny access to a person who is not a person in interest. *See National Archives and Records Administration v. Favish*, 541 U.S. 157, 171-75 (2004) (request for death-scene photographs of White House Counsel properly denied under FOIA investigatory records exception in light of privacy interest of the decedent’s family). Indeed, under limited circumstances, one of these factors might even justify an agency’s refusal to confirm or deny that a record exists—something often referred to as a “Glomar response.” *See Wilner v. National Sec. Agency*, 592 F.3d 60, 67-68 (2d Cir. 2009) (a “Glomar response” is a response that neither confirms nor denies the existence of documents responsive to the request, and is permissible where to answer the FOIA inquiry by confirming or denying the existence of responsive documents would “cause harm cognizable under a[] FOIA exception”); *see also Beck v. Department of Justice*, 997 F.2d 1489, 1494 (D.C. Cir. 1993) (personal privacy of drug agent would be needlessly invaded if agency confirmed that record of misconduct investigation existed). Other reasons not listed could also justify nondisclosure to a person who is not a person in interest. 64 *Opinions of the Attorney General* 236, 241 (1979).

The focus of the provision that protects the identity of a confidential source is not on the motivation of the requester or the potential harm to the informant. “Rather, the purpose of the exception is to assist law enforcement officials in gathering information by ensuring reluctant sources that their identities would not be disclosed.” *Bowen v. Davison*, 135 Md. App. 152, 164 (2000). The Supreme Court has held that a law enforcement agency is not entitled to a presumption that all sources supplying information to that agency in the course of a criminal investigation are “confidential

sources” within the FOIA exception for investigatory records. Rather, only some narrowly defined circumstances provide a basis for inferring confidentiality, as when paid informants expect their information to remain confidential. *Department of Justice v. Landano*, 508 U.S. 165, 174-78 (1993). Thus, there must be an express or implied assurance of confidentiality to the informant. *Bowen*, 135 Md. App. at 164.

Although a “person in interest” is entitled to inspect certain investigatory records that may be denied to third parties, that person’s rights under GP § 4-351(b) do not override other exemptions under the PIA that might justify withholding the records. *Office of the Attorney General v. Gallagher*, 359 Md. 341, 347-48 (2000).

9. Records Relating to Public Security

In the aftermath of September 11, 2001, the PIA was amended to prevent use of certain public records to advance terrorist activities. To the extent inspection would jeopardize security of any building, structure, or facility, endanger the life or physical safety of an individual, or facilitate the planning of a terrorist attack, GP § 4-352 allows a custodian to deny inspection of the following public records:

(1) response procedures or plans prepared to prevent or respond to emergency situations, if disclosure would reveal vulnerability assessments, specific tactics, or specific emergency or security procedures;

(2) records prepared to prevent or respond to emergency situations that include certain information regarding medical or storage facilities or laboratories;

(3) drawings, operational manuals, and other records of airports, ports, mass transit facilities, certain transportation infrastructure, emergency response facilities, buildings where hazardous materials are stored, arenas and stadia, water and wastewater treatment systems, and any other building, facility, or structure if disclosure would reveal specified information relating to security; and

(4) records of any other building, facility, or structure if disclosure would reveal life, safety, and support systems, surveillance techniques, alarms or security systems or technologies, operational and evacuation plans or protocols, or personnel deployment.

The protection under this section does not extend to records relating to the inspection by the State or local governments, or citations issued by the State or local governments, of private-sector buildings, structures, or facilities, or records relating to such facilities that have experienced a catastrophic event.

There have not been any reported court decisions applying this exception. *See Police Patrol Security Systems, Inc. v. Prince George's County*, 378 Md. 702 (2003) (holding that what is now GP § 4-352 would apply to a PIA request pending at the time of its enactment, but declining to decide whether the exception would bar disclosure of the records at issue).

In December 2007, the Office of the Attorney General reviewed agency practice under the exception since 2002 and found that it had rarely been invoked by State or local agencies. *See Report of the Office of the Attorney General on the Public Security Exception of the Public Information Act*, at 1, 7-8 (Dec. 2008), available at **Error! Hyperlink reference not valid..** The Attorney General recommended that the exception be maintained in the statute without amendment. *Id.* at 13.

In preparing the report, the Attorney General's Office noted that some agencies decided not to invoke the public security exception and allowed access to records covered by the exception when the requester agreed to certain conditions. First, one agency reported that it had considered asserting the exception to deny access to such records, but had instead allowed inspection of those records when the requester agreed to forgo requesting a copy. A second agency indicated that, in some circumstances in which it would otherwise assert the exception, it did not do so when the requester agreed to undergo a background check for certain sensitive records.

It might be argued that these approaches are at odds with the PIA. The PIA generally does not allow agencies to condition access to records on disclosure of the identity, affiliation, or purpose of the requester. *See* GP § 4-204. Also, the general rule

under the PIA is that the right to inspect a public record also includes the right to a copy of that record. *See* GP § 4-201(a)(2) (“Inspection or copying of a public record may be denied only to the extent provided under [the PIA]”); GP § 4-205(b) (“an applicant who is authorized to inspect a public record may have . . . a copy, printout, or photograph of the public record”).

However, the practical compromises devised by these agencies might allow greater access to records than otherwise available, *i.e.*, the custodian might otherwise deny access to the records altogether under GP § 4-352 without some assurances as to the identity and background of the individual requesting the record or with the possibility of copies of the entire record circulating outside the agency.

The statutory language accommodates these approaches. GP § 4-352 authorizes a custodian to deny inspection of specified types of records related to public security “only to the extent” that inspection threatens public security in certain specified ways, that is, jeopardizes building or facility security, facilitates the planning of terrorist attack, or endangers life. Among the exceptions in the PIA, this exception is unusual in that it requires the custodian to assess, in light of the particular circumstances, the “extent” to which an adverse outcome will result from inspection. (The other exceptions in the PIA that employ the phrase “only to the extent” are GP § 4-332 (records relating to notary publics) and GP § 4-351 (investigatory records)). In both of those instances a custodian may deny a “person in interest” access to the specified records “only to the extent” that certain enumerated harms could occur—*e.g.*, disclosure of a confidential source. The custodian’s judgment inevitably depends on both the nature of the record and on other information available to the custodian. Although a custodian cannot require a requester to provide any information or assurances beyond the requirements of the PIA, the custodian may reasonably take into account any information that the requester voluntarily provides that could affect that judgment.

For example, there may be records that fall within GP § 4-352 and that the custodian reasonably believes should not be generally available for public inspection in full because they could facilitate a terrorist attack. Under the PIA, a requester is not required to undergo a background check, and a custodian of records may not insist on one. However, a requester might voluntarily undergo a background check to provide the custodian with information from which the custodian may reasonably conclude

that the inspection of those records is not likely to be used for that purpose. In this respect, the public security exception is unlike other exceptions in the PIA, which generally do not require the custodian to assess “the extent” to which inspection will result in an adverse outcome and thus generally do not allow for different decisions on access depending on information independent of the record itself that is available to the custodian. Massachusetts has adopted a similar approach in construing a public security exception recently added to its public records law. *See* Massachusetts Supervisor of Public Records, Bulletin No. 04-03 (April 1, 2003) (although a custodian ordinarily may not inquire as to the identity and motive of a requester, a custodian who would otherwise deny access under the public security exception may solicit information from the requester and, if the requester voluntarily provides that information, grant access).

10. Competitive Position of the Port

In order to protect the competitive position of the Port of Baltimore, GP § 4-353 allows a custodian to deny any part of a public record reflecting rates or proposed rates for stevedoring or terminal services or use of facilities that are generated by, received by, or negotiated by the Maryland Port Administration or by a private operating company established by the Port Administration. Proposals aimed at increasing waterborne commerce through Maryland ports as well as research and analysis relating to maritime businesses or vessels compiled to evaluate competitiveness also may be withheld.

11. University of Maryland Global Campus – Competitive Services

GP § 4-354 authorizes the withholding of certain public records relating to University of Maryland Global Campus’s competitive position with respect to educational services. It allows withholding part of a public record addressing fees, tuition, charges, and supporting information held by the Global Campus (other than fees published in catalogues and ordinarily charged students); proposals for the provision of educational services other than those generated, received, or negotiated with its students; and research, analysis, or plans relating to the Global Campus’s operations or proposed operations. Not protected under this provision are procurement

records, records required by law or by the Board of Regents, and certain records related to the collective bargaining process.

12. Public Institutions of Higher Education – Personal Information

GP § 4-355 authorizes a custodian at a public university to withhold a portion of any records that contain “personal information” concerning a student, former student, or applicant if the records are requested for “commercial purposes.” In this context, personal information means an address, telephone number, e-mail address and “directory information.” The latter phrase is defined in federal law to include the student’s name, address, telephone listing, date and place of birth, major field of study, and other information. *See* 20 U.S.C. § 1232g(a)(5). In a departure from the PIA’s general willingness to accommodate informal requests, *see* GP § 4-202(b), this exception permits a custodian to “require that a request to inspect a record containing personal information be made in writing and sent by first-class mail.” GP § 4-355(b)(1).

13. Records of Certain 911 Communications

GP § 4-356 requires a custodian to take certain steps before disclosing “the part of a 9-1-1 communications record that depicts a victim” of domestic violence, sexual abuse, or child abuse. Specifically, the custodian must:

- (1) within 30 days after receiving the request and if the custodian has contact information for the victim or victim’s representative, notify the victim or victim’s representative of the request;
- (2) allow 10 days for a response from the victim or victim’s representative indicating that inspection may be contrary to the public interest; and
- (3) consider any response received under item (2) of this subsection in determining whether to grant or deny the inspection.

GP § 4-356(c). The custodian may redact the relevant information “if a failure to do so would result in a constructive denial of the entire public record,” but must allow inspection by the person in interest. GP § 4-356(d), (e). Note that the PIA allows a custodian more time to respond to a request for records that fall under this exemption.

See GP § 4-203(a)(2) (“The custodian shall grant or deny an application that is the subject of § 4-356 of this title not more than 50 days after receiving the application.”).

This exemption does not apply to a record that has been entered into evidence in a court proceeding, and cannot be construed to either “create a right of civil action for a victim or victim’s representative” or “affect the discovery or evidentiary rights of a party to a civil or criminal prosecution.” GP § 4-356(b).

This provision was added to the PIA in 2019. See 2019 Md. Laws, ch. 297. As introduced, the legislation required custodians to deny inspection of certain information, including the identity of victims of sexual assault, domestic violence, and child abuse. See S.B. 5, 2019 Leg., Reg. Sess. (First Reader). The bill was amended to its present form before it passed over to the House, where the bill’s sponsor explained that the legislation “g[ave] some rights to victims of sexual assault, domestic violence, and child abuse, and g[ave] them a say in the matter as to what is released under the Maryland Public Information Act.” *Hearing on S.B. 5 Before the House Comm. on Health & Gov’t Operations*, 2019 Leg., Reg. Sess. (April 2, 2019) (statement of Sen. Cheryl Kagan). To the extent that certain victim-related information contained in 911 communications was already subject to an existing exemption in the PIA, see 71 *Opinions of the Attorney General* 288 (1986), the legislation as amended may simply have been intended to place certain notice obligations upon custodians who are charged with exercising discretion as to whether such information should be released, rather than to serve as a standalone exemption of its own.

E. Special Court Orders — Preventing Disclosure Where No Exception Applies

A record required to be disclosed under the PIA may be withheld temporarily if the official custodian determines that disclosure would “cause substantial injury to the public interest.” GP § 4-358. Within 10 days after this denial, the official custodian must file an action in the appropriate circuit court seeking an order to permit the continued denial of access. The person seeking disclosure is entitled to notice of the action and has the right to appear and be heard before the circuit court. GP § 4-358(b). An official custodian is liable for actual damages for failure to petition the court for an order to continue a denial of access under this provision. GP § 4-362(d).

After a hearing, the court must make an independent finding that “inspection of the public record would cause substantial injury to the public interest.” Although GP § 4-358 requires a custodian to show that disclosure would cause substantial injury to the public interest, it “does not demand absolute certainty that the public interest would be harmed by disclosure.” *Glenn v. Maryland Dep’t of Health & Mental Hygiene*, 446 Md. 378, 387 (2016). Instead, the custodian must present sufficient evidence of such harm to rebut the PIA’s presumption in favor of disclosure. *Id.* at 385-387. To make that determination, the circuit court will likely balance the interest supporting continued withholding of the record against the competing public interest in disclosure. *See 97 Opinions of the Attorney General* 95, 102-13 (2012) (describing balancing test that courts would likely apply when evaluating whether to allow the withholding of the private email addresses of constituents who correspond with county commissioners).

For example, the Court of Appeals in *Glenn* affirmed the decision of the Circuit Court for Baltimore City to permit the continued withholding, by the State Department of Health and Mental Hygiene, of the names of the administrators, owners, and medical directors of private surgical abortion facilities when releasing copies of licensure applications from such facilities. 446 Md. at 395; *see also id.* at 387 (explaining that the threat to the public interest in releasing such information “is more than speculative. It is well-known that there is widespread hostility in certain quarters towards abortion and abortion providers.” (internal quotations omitted)).

In another case before the Circuit Court for Baltimore City, the court concluded that potential competitive injury to the Port of Baltimore and BWI Airport justified withholding an agreement between the State and the government of Kuwait regarding the use of State facilities in the post-war reconstruction of Kuwait. *Evans v. Lemmon*, No. 91162022 (Cir. Ct. Balto. City July 31, 1991). By contrast, the Court of Special Appeals concluded that Baltimore City had no basis under what is now GP § 4-358 to withhold documents concerning the construction of the Patapsco Waste Water Treatment Plant. The Court held that the tactical disadvantage that the City might suffer in arbitration proceedings with the construction company was insufficient to establish the substantial injury to the public interest needed to protect records under this section. *Mayor and City Council of Baltimore v. Burke*, 67 Md. App. 147, 154-55 (1986). Similarly, the Circuit Court for Carroll County concluded that the disclosure of constituent email lists maintained by the county commissioners would not “cause

substantial injury to the public interest.” The court acknowledged the potential ill effects of releasing the email addresses, but concluded that the media’s interest in knowing who government officials are communicating with on a routine basis outweighed them. *Howard v. Alexanderson*, Nos. C-13-063914, C-13-063484 (Cir. Ct. Carroll Cty. Jan. 16, 2014).

Agencies should remember that, by seeking the GP § 4-358 remedy, they are foreclosed from an administrative determination that the records sought are subject to a statutory exception (although the agency might not be barred from simultaneously seeking a declaratory judgment that an exception applies). In *Burke*, the Baltimore City Department of Public Works lost its right to continue to assert the inter/intra-agency exemption when it sought relief from disclosure under the section. *Burke*, 67 Md. App. at 152. Agencies should also keep in mind that proceeding under GP § 4-358 might not insulate them from claims for attorneys’ fees in the event that the requester files a counterclaim under GP § 4-362 challenging the non-disclosure. Therefore, this remedy should be viewed as an extraordinary one, requiring careful consultation with counsel before a decision is made to bring a § 4-358 action.

F. Inspection of “Any Part” of the Record that Is Not Exempt

The fact that some portions of a particular record may be exempt from disclosure does not mean that the entire record may be withheld. *Blythe v. State*, 161 Md. App. 492, 519. Indeed, a custodian who denies a request for inspection must, among other requirements, “allow inspection of *any part* of the record that is subject to inspection.” GP § 4-203(c)(1)(ii) (emphasis added). In other words, if a record contains exempt and non-exempt material, the custodian must permit inspection of the non-exempt portion of a record, typically by redacting the exempt material. GP § 4-203(c)(1)(ii). And a custodian who denies a request for inspection under one of the discretionary exemptions above must provide a written “explanation of why redacting information would not address the reasons for the denial.” GP § 4-203(c)(1)(i)2.

In determining whether to disclose part of a record to which an exemption applies, the custodian should assess whether the contemplated disclosure “violate[s] the substance of the exemption.” *Maryland State Police v. NAACP*, 430 Md. 179, 195 (2013) (a personnel record with identifying information redacted was disclosable

because it no longer constituted a “record of an individual” under the exemption for personnel records in what is now GP § 4-311).

Relevant FOIA cases may be helpful in this inquiry to the extent they establish that an agency may deny inspection of an entire document if exempt portions are inextricably intertwined with nonexempt portions such that excision of the exempt information would impose significant costs on the agency and the final product would contain very little information. *See Nadler v. Department of Justice*, 955 F.2d 1479, 1490-91 (11th Cir. 1992) (factual material may be withheld when it is impossible to segregate it in a meaningful way from deliberative information), *abrogated on other grounds by U.S. Dep’t of Justice v. Landano*, 508 U.S. 165 (1993); *see also Newfeld v. IRS*, 646 F.2d 661 (D.C. Cir. 1981); *Wilkinson v. FBI*, 633 F. Supp. 336, 350 (C.D. Cal. 1986) (putting the burden on the agency to make that showing). However, the persuasive value of these federal cases is unclear in light of recent amendments to GP § 4-203 that deleted the provision that required agencies to redact exempt material only if it was “reasonably severable” from the rest of the record and in light of the fact that the PIA, as amended, now requires custodians to “allow inspection of *any part* of the record that is subject to inspection.” GP § 4-203(c)(1)(ii) (emphasis added).

G. Relationship of Exceptions to Discovery

Demands on custodians for documents for civil or criminal trials raise questions about the relationship of judicial discovery rules to the exceptions set forth in Subtitle 3, Parts II, III, and IV. *See* Edward A. Tomlinson, *The Use of the Freedom of Information Act for Discovery Purposes*, 43 Md. L. Rev. 119 (1984). For instance, must an agency resist discovery where the information sought is protected from disclosure by a mandatory or discretionary exception? The limited guidance in the case law is not entirely clear, but a custodian should proceed with caution.

The federal courts have generally held that the PIA does *not* create evidentiary privileges in discovery. In *Boyd v. Gullett*, 64 F.R.D. 169 (D. Md. 1974), for example, the court held that the exceptions in the PIA do not create privileges for purposes of the federal discovery rules. In reaching this decision, the court relied on analogous cases under FOIA:

The intention of Congress and presumably the Maryland Legislature was to increase public access to government

information. Both acts provide that “any person” has the right to non-exempt materials, and the exemptions are merely reasonable limitations on this broad right of “any person” to request information. It would not be reasonable to view such acts as creating new privileges where privileges never existed. Indeed, such an interpretation would result in a restriction of public access to government information. Such a paradoxical result could not have been intended by the Maryland Legislature by its passage of [the PIA], and the Court is satisfied that the exemptions in the statute do not create privileges for the purposes of discovery.

64 F.R.D. at 177-78; *see also Mezu v. Morgan State Univ.*, 269 F.R.D. 565, 576 (D. Md. 2010) (finding that the PIA is not a privilege that bars discovery of otherwise-discoverable documents).

However, although the PIA does not create discovery privileges, Maryland courts have sometimes held that the fact that a record is exempt from disclosure under the Act is relevant to the record’s discoverability. In *Fields v. State*, 432 Md. 650 (2013), for example, a defendant in a criminal case subpoenaed personnel records of a police officer. The police department moved to quash the subpoena on the ground that the records were made confidential by the PIA. The Court of Appeals treated the personnel records as “confidential material” and outlined a procedure for a trial court to determine the discoverability of such material. Under that procedure—which the Court referred to as the “Zaal test,” after *Zaal v. State*, 326 Md. 54 (1992)—the Court balanced competing interests: those of the party holding the protection of confidentiality and those of the defendant who has the right to confront the witness against him or her. *Fields*, 432 Md. at 667. The ultimate determination of whether to allow discovery of information that is exempt under the PIA is whether disclosing the material “would reveal or lead to admissible evidence.” *Id.* at 668.

Although a custodian, with advice of counsel, should make records available pursuant to appropriate civil discovery requests, care should be taken to protect records affecting individual privacy interests from broader disclosure than necessary by seeking, or inviting those who are affected to seek, protective orders limiting further disclosure of the record to the parties in the litigation. Often a protective order can be structured in such a manner that relevant information is provided but other

information is protected from discovery thereby maximizing the protection of the PIA. *See Fields*, 432 Md. at 672 (describing different options for protective orders). Note that the General Assembly has explicitly made certain records not discoverable in civil or criminal trials. *See, e.g.*, § 14-410 of the Health Occupations Article.

Just as the PIA does not narrow the scope of discovery, neither does the PIA expand it. A record that is open to public inspection under the PIA might nonetheless be undiscoverable or inadmissible at trial under the relevant judicial rules. *See, e.g., Smith v. Delaware N. Companies*, 449 Md. 371, 396 (2016) (“That a document is public does not remove it from the purview of the rules of evidence, or a statute explicitly governing its admissibility.” (internal quotations omitted)).

Similarly, in *Faulk v. State’s Attorney for Harford County*, 299 Md. 493 (1984), the Court of Appeals held that the PIA does not expand the right of discovery available to a criminal defendant under what is now Maryland Rule 4-263; *see also Office of Attorney General v. Gallagher*, 359 Md. 341, 347-48 (2000). The *Faulk* Court adopted the reasoning of *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214 (1978), in which the Supreme Court stated that FOIA was not intended to function as a private discovery tool. *See* 299 Md. at 508-10. Relatedly, due diligence does not require a criminal defendant to file a PIA request to obtain information that the State is required to disclose under *Brady v. Maryland*, 373 U.S. 83 (1963), and Maryland’s criminal discovery rules. *Smith v. State*, 233 Md. App. 372, 422 (2017). When a prosecutor provides a defendant with discovery in compliance with the court rules on discovery, the prosecutor is not responding to a PIA request. Accordingly, there is no basis under the PIA for charging a fee for mandatory discovery. 93 *Opinions of the Attorney General* 138 (2008). To the extent that a prosecutor provides services or materials not required by the discovery rules in response to a defense request, there may be a justification under the PIA to charge fees. *Id.*

The PIA is sometimes used by those involved in administrative proceedings where formal discovery may or may not be available. Because the PIA establishes a statutory right to public records, a person’s right to access such records may not be conditioned upon the person’s voluntary participation in a deposition in connection with an administrative proceeding unless some provision of the PIA itself justifies withholding the requested record. *See, e.g., Hammen v. Baltimore County Police Dep’t*, 373 Md. 440, 453-54 (2003).

H. Reverse PIA Actions

A special feature of the exceptions in Parts II and III is that they impose an obligation on the custodian to deny inspection of the listed records or information: “Unless otherwise provided by law, a custodian *shall* deny inspection” of the record or part of the record. GP §§ 4-304, 4-328 (emphasis added). If the custodian decides to release information or records that might be covered by Parts II and III, the question arises whether the subject of a record or the person submitting a record may bring suit to prevent such a disclosure. In *Chrysler Corp. v. Brown*, 441 U.S. 281, 290-94 (1979), the Supreme Court decided that FOIA does not afford a private right of action to prohibit disclosure of information covered by 5 U.S.C. § 552(b). Rather, a reverse FOIA action is generally brought under the federal Administrative Procedures Act, with the claim that the agency’s decision to release the document was “arbitrary and capricious.”

The exceptions in Parts II and III differ from FOIA in this significant respect: the PIA prohibits the disclosure of the records, whereas FOIA allows disclosure even if an exemption could be asserted. Consequently, a “reverse PIA action” (one to prevent rather than allow disclosure) has been authorized in Maryland despite the *Chrysler* case. See *CSX Transp., Inc. v. Maryland Dep’t of the Envir.*, No. 24-C-14-004378 (Cir. Ct. Balt. City Aug. 14, 2015) (recognizing “reverse PIA action” and upholding agency decision to release records); *Norfolk Southern Ry. Co. v. Maryland Dep’t of the Envir.*, No. 24-C-14-004367 (Cir. Ct. Balt. City Aug. 14, 2015) (same). If a custodian proposes to release a document arguably covered under these exceptions, the custodian should usually contact the person potentially affected by release so that the person may advise the custodian of his or her views and potentially seek judicial intervention to protect the record from disclosure. In the event of judicial intervention, the custodian or the agency should produce an administrative record that reveals why it proposes to release the document if that document may arguably be covered under the exceptions in Parts II and III. Cf. *Reliance Elec. v. Consumer Product Comm’n*, 924 F.2d 274, 277-78 (D.C. Cir. 1991).

It is also conceivable that a person who has provided information or records to an agency could pursue a “reverse PIA” action on a theory that disclosure of the information or records would violate a constitutional right. *Doe v. Reed*, 561 U.S. 186, 198-202 (2010) (holding that First Amendment does not bar disclosure under public

records act of identities of election petition signers, but allowing plaintiffs to pursue argument that disclosure in a particular case may be unconstitutional).

Chapter 4: Request Procedures

A. *Written Request*

The PIA envisions a written request. GP § 4-202. However, agencies must, under GP § 4-201(c), identify categories of records that are available for immediate release and must make those records available without a written request. GP § 4-202(b)(1). Furthermore, the agency may waive the requirement for a written application. GP § 4-202(b)(2). An agency need not and should not demand written requests for inspection of agency documents when there is no question that the public has a right to inspect them. For example, an agency's annual report and the agency's quarterly statistics are clearly open to the public for inspection. In other instances, a written request or the completion of an agency request form may help expedite fulfillment of the request when less commonly requested records are sought. A written request expressing a desire to inspect or copy agency records may be sufficient to trigger the PIA's requirements, even if it does not expressly mention the words "Public Information Act" or cite the applicable sections of the General Provisions Article.

In general, there is no requirement that the applicant give the reason for a request or identify himself or herself, although he or she is certainly free to do so. The reasons for which the information is sought are generally not relevant. *See Moberly v. Herboldsheimer*, 276 Md. 211, 227-28 (1975); 61 *Opinions of the Attorney General* 702, 709 (1976). These reasons might be pertinent, however, if the applicant seeks a waiver of fees. *See* p. 7-5 below, and Section A of Chapter 2. Knowledge of the purpose of the request may sometimes assist a custodian who is required under Part IV to make a "public interest" determination prior to releasing a record, *see* GP § 4-343, or to focus the custodian's search so as to reduce costs to the requester and the time needed for the response. In addition, a public institution of higher education has a right to know whether a requester seeking students' personal information is seeking records for a commercial purpose. GP § 4-355(b). The identity of an applicant is relevant if he or she is seeking access in one of the particular situations where the PIA gives a "person in interest" special rights of access.

The request must sufficiently identify the records that the applicant seeks. *See* Letter from Assistant Attorney General Kimberly Smith Ward to Deborah Byrd, Dorchester County Commissioner’s Office (May 7, 1996) (PIA request must sufficiently identify records so as to notify agency of the records requested); *see also* *Sears v. Gottschalk*, 502 F.2d 122, 125 (4th Cir. 1974) (FOIA calls for reasonable description, enabling government employee to locate requested records). In some instances, applicants may have only limited knowledge of the types of records the agency has and may not be able to describe precisely the records they seek. An agency should appropriately assist an applicant to clarify a request when feasible. *Glass v. Anne Arundel County*, 453 Md. 201, 232 (2017).

Generally, an agency may not require the Legislative Auditor to submit a written request pursuant to the PIA. However, if an employee of the Legislative Auditor—without stating an organizational affiliation and without invoking the powers granted under the audit statute (§§ 2-1217 to 2-1227 of the State Government Article)—requests information from an agency that is not the subject of the audit, the agency that receives the request should treat it as a request subject to all of the usual procedures of the PIA, including the requirement of a written application. 76 *Opinions of the Attorney General* 287, 288, 298-99 (1991).

B. Submitting the Request

Requests may be submitted to the agency’s “official custodian,” a physical custodian of the record, or to the person the agency designates as its PIA representative under GP § 4-503(a). In practicality, though, all agency employees and officials should know where to direct a PIA request if they receive one, and a custodian may not deny a request simply because it was not sent to a designated representative or physical custodian. *See ACLU v. Leopold*, 223 Md. App. 97, 125 (2015) (explaining that a “higher-level official” may not simply “kick the PIA responsibility down the chain of command” to a physical custodian). To help make it easier for applicants to submit requests (and for agencies to process them), GP § 4-503(a) requires that each governmental unit identify a representative to whom applicants should send PIA requests and post the representative’s contact information on the unit’s website or, if it does not have one, “at a place easily accessible by the public.” The contact information must include the representative’s name, business address, phone number, and email address, and the unit’s internet address. Each unit must update the contact information

annually and submit it to the Office of the Attorney General, which will publish the information on its website and in this Manual. *See* Appendix J.

C. Time for Response

Under GP § 4-203(b)(1), if a custodian determines that a record is responsive to a request and open to inspection, the custodian must produce the record “immediately” after receipt of the written request. An additional reasonable period “not to exceed 30 days” is available only where the additional period of time is required to retrieve the records and assess their status under the PIA. A custodian should not, however, wait the full 30 days to allow or deny access to a record if that amount of time is not needed to respond.

If access is to be granted, the record should be produced for inspection and copying promptly after the written request is evaluated. If it will take more than 10 working days to produce the requested records, the custodian must notify the requester, in writing or by email, of that fact. GP § 4-203(b)(2). The notification must be sent within the same 10-working-day time period and must indicate the amount of time needed to respond, the reason for the delay, and an estimate of the range of fees that may be charged. A sample 10-day letter is contained in Appendix B.

When access is denied (either within the initial 10-working-day period or afterward), the custodian must provide the applicant with a written statement of the reasons for the denial within 10 working days of the denial, in accordance with GP § 4-203(c)(1). This 10-day period is in addition to the maximum 30-day (or, with an agreed extension, 60-day) period for granting or denying a request. *Stromberg Metal Works, Inc. v. University of Maryland*, 382 Md. 151, 158-59 (2004). However, in practice, the denial and explanation generally are provided as part of a single response.

If the request is unclear or unreasonably broad, the custodian should promptly ask the applicant to clarify or narrow the request. If the applicant responds promptly, the custodian should fulfill the revised request as soon as possible within 30 days of the initial request. But if good faith discussions take an extended period of time, the custodian should clarify when the 30-day period has begun. Under no circumstances should the custodian wait the full 30 days and deny the initial request on the grounds that it is unclear or unreasonably broad.

The time periods imposed by GP § 4-203 may be extended, with the consent of the applicant, for an additional period not to exceed 30 days. GP § 4-203(d)(1). Those same time periods are extended by operation of law if the applicant turns to the Public Access Ombudsman for resolution of a dispute. GP § 4-203(d)(2).

A troubling question is presented where the custodian, acting in good faith, is unable to comply with the time limits set by the PIA. For example, a custodian may have trouble retrieving old records and then, after retrieval, may find that portions of the records must be redacted to protect confidential material from disclosure. Even with due diligence, the custodian may be unable to comply with the request within the time limits set by the PIA. Unless the applicant agrees to an extension under GP § 4-203(d), the custodian's failure to respond within 30 days may be deemed a denial of the request. GP § 4-203(b)(3).

To avoid a constructive denial, the custodian should make the best good faith response possible by: (1) providing an interim response within the 30-day period; (2) allowing inspection of any portion of the records that are currently available; and (3) informing the applicant, within the imposed time limit, of the reasons for the delay and an estimated date when the agency's review will be complete. The custodian may also bring the matter before the Public Access Ombudsman, who is authorized to make reasonable attempts to resolve disputes involving, among other things, "the amount of time a custodian needs, given available staff and resources, to produce public records." GP § 4-1B-04(a)(5). Either way, if the agency works with the applicant in good faith and complies with the 10-working-day notification requirement of GP § 4-203(b)(2), a reviewing court will likely consider the agency's failure to produce records within the requisite time period to be a bona fide dispute and not a knowing and willful violation of the Act. *See* GP §§ 4-203(b)(3); 4-362(d)(1).

This course should be followed only when it is impracticable for the custodian to comply with the PIA's time limits. Every effort should be made to follow the PIA's time limits. However, if an agency can show that it is exercising due diligence in responding to a request, courts have allowed the agency additional time. *See Leopold*, 223 Md. App. at 124 (finding no error where agency provided a partial response within 30 days and began a dialogue as part of reasonable response process); *see also Open America v. Watergate Special Prosecution Force*, 547 F.2d 605, 616 (D.C. Cir. 1976) (allowing FBI to handle large volume of requests for information by fulfilling requests on a first-in, first-out basis even though statutory time limits were exceeded); *Exner v.*

FBI, 542 F.2d 1121, 1123 (9th Cir. 1976) (holding that a “first in first out’ consideration of demands” is generally reasonable); *Hayden v. Department of Justice*, 413 F. Supp. 1285, 1288-89 (D.D.C. 1976) (recognizing that FOIA allows a time extension in the case of “exceptional circumstances” where the agency “is clearly making a diligent, good-faith effort to complete its review of requested records but [can] not practically meet the time deadlines set by the Act” (internal quotation marks omitted)). Other courts have resisted agency efforts to maintain a routine backlog of FOIA requests. *See Ray v. Department of Justice*, 770 F. Supp. 1544, 1549 (S.D. Fla. 1990) (routine administrative backlog of requests for records did not constitute “exceptional circumstances” allowing agency to respond outside FOIA’s 10-day requirement). *Accord Mayock v. INS*, 714 F. Supp. 1558, 1565-66 (N.D. Cal. 1989), *rev’d sub nom. on other grounds*, *Mayock v. Nelson*, 938 F. 2d 1006 (9th Cir. 1991).

While the time limits in the PIA are important and an agency or custodian may be sanctioned in a variety of ways under the statute for a failure to comply, *see* Chapter 8 below, an agency’s failure to respond within the statutory deadlines does not waive applicable exemptions under the Act. “[T]he custodian [is not] required to disgorge records that the Legislature has declared should not be disclosed simply because the custodian did not communicate his/her decision in a timely manner.” *Stromberg Metal Works Inc. v. University of Maryland*, 382 Md. 151, 161 (2004).

D. Inspection

A custodian is to permit a requester to inspect records “at any reasonable time.” GP § 4-201(a)(1). Agency regulations may elaborate on procedures for inspecting records. GP § 4-201(b). If records are held by various custodians in different locations, an agency is not necessarily obligated to transport them to a centralized location for inspection. *Ireland v. Shearin*, 417 Md. 401, 411-12 (2010). In situations where the requester is unable to personally inspect records, the agency may instead mail copies of the requested records at the requester’s expense. *Id.* However, with the advent of digital technology and electronic communications, it may be more convenient—and potentially less expensive—for both requesters and agencies if copies of the requested records are provided electronically. *See PIACB Opinions* 20-05, 3 (Nov. 7, 2019) (encouraging custodians to consider providing electronic copies if that would result in a lower fee).

E. Records Not in Custodian's Custody or Control

If a written request for access to a record is made to a person who is not the custodian, that person must, within 10 working days of the receipt of the request, notify the applicant of this fact and, if known, the actual custodian of the record and the location or possible location of the record. GP § 4-202(c).

F. Written Denial

When a request is denied, the custodian must provide, within 10 working days, a written statement that gives: (1) the reasons for the denial; (2) if an exemption in Part IV is invoked, a brief explanation why the denial is necessary and why redacting information would not address the reasons for the denial; (3) the legal authority for the denial; (4) a brief description of the withheld record that will enable the applicant to assess the applicability of the legal authority for the denial; and (5) notice of the remedies for review of the denial. GP § 4-203(c); *City of Frederick v. Randall Family, LLC*, 154 Md. App. 543, 560, 567-68 (2004) (denial letter was legally deficient because it failed to explain reason for denying access under what is now GP § 4-351, in connection with closed investigation). An itemized index of withheld documents—sometimes referred to as a *Vaughn* index—is not required at the administrative denial stage, as long as the letter complies with GP § 4-203(c). Generally, a denial letter should be reviewed by the agency's legal counsel before it is sent out to ensure that the denial is legally correct and to ensure that the five elements in GP § 4-203(c) are adequately and correctly stated in the letter. A sample denial letter is contained in Appendix C.

Before sending a denial letter and after consulting with counsel, a custodian should consider contacting the applicant or the applicant's attorney to explain what the agency will not produce. The applicant may choose to alter the part of the request that is giving the agency difficulty and thus avoid the need for a formal denial.

G. Judicial Records

Note that, for judicial records, the Court of Appeals had adopted its own rules that govern request and response procedures. Md. Rules 16-921 through 16-924. See Chapter 10 of this Manual for more details.

Chapter 5: Judicial Review and Alternative Dispute Resolution

A. *Judicial Enforcement*

The PIA provides for judicial enforcement of the rights provided under the Act. GP § 4-362. It authorizes a suit in the circuit court to “enjoin” an entity, official, or employee from withholding records and order the production of records improperly withheld. Under a 2014 amendment to this provision, the right to judicial review now expressly includes the right to challenge an agency’s refusal to provide copies of responsive records. *See* 2014 Md. Laws, ch. 584.

1. **Limitations**

The Court of Special Appeals has held that actions for judicial review under GP § 4-362 of the PIA are controlled by § 5-110 of the Courts and Judicial Proceedings Article, which has a two-year limitations period, rather than by what is now Rule 7-203, which would require the action to be brought within 30 days. *Kline v. Fuller*, 56 Md. App. 294, 308 (1983). The Court did not decide whether proceedings under what is now GP § 4-362 are subject to any other rules governing administrative appeals. Given that a requester may make a new PIA request after a period of limitations has expired concerning the denial of a prior request, the Court of Special Appeals has characterized the two-year limitations period as of “minuscule significance.” *Blythe v. State*, 161 Md. App. 492, 512 (2005).

2. **Procedural Issues**

- **Venue.** Venue is proper where the complainant resides or has a principal place of business or where the records are located. GP § 4-362(a); *see Attorney Grievance Commission v. A.S. Abell Co.*, 294 Md. 680, 690 (1982).

- **Answer.** The defendant must answer or otherwise plead within 30 days after service, unless the time period is expanded for good cause shown. GP § 4-362(b)(1).
- **Expedited hearing.** GP § 4-362(c) provides for expedited court proceedings in PIA cases. The agency and counsel should cooperate if the plaintiff seeks a quick judicial determination.
- **Intervention.** In some cases, it may be appropriate for a third party to intervene in an action for disclosure. For example, if the issue is the release of investigatory, financial, or similar records, the person who is the subject of the records may wish to intervene under Maryland Rule 2-214. In an appropriate case, particularly one involving confidential commercial or financial records, the agency should consider inviting affected persons to intervene. In that event, an affected person's failure to seek intervention may itself be an indication that the records are not truly confidential.

3. Agency Burden

The burden is on the entity or official withholding a record to sustain its action. GP § 4-362(b)(2). The PIA specifically provides that the defendant custodian may submit a memorandum to the court justifying the denial. GP § 4-362(b)(2)(ii). The level of detail necessary to support a denial of access is discussed in *Cranford v. Montgomery County*, 300 Md. 759, 781-82 (1984).

To satisfy the statutory burden, an entity or official withholding a record must put forth evidence sufficient to justify the decision. The Court of Appeals has explained that a custodian may satisfy this burden in at least one of three ways. *See Lamson v. Montgomery County*, 460 Md. 349, 367-68 (2018).

First, the court may examine the questioned records *in camera* to determine whether the claimed exemption applies. GP § 4-362(c)(2); *see Lamson*, 460 Md. at 365, 368; *Equitable Trust Co. v. State Comm'n on Human Relations*, 42 Md. App. 53, 77-79 (1979), *rev'd on other grounds*, 287 Md. 80 (1980). A court need not conduct an *in camera* review, however; the decision is a discretionary one that ultimately depends on whether the trial judge believes that it is needed to resolve the claims of exemption at

issue. See *Lamson*, 460 Md. at 365-67 (the court “must be satisfied that the agency rationale offered in denying a [PIA] request is fully supported” and “justified”); *Cranford*, 300 Md. at 779; see also *Zaal v. State*, 326 Md. 54, 84-87 (1992) (discussing some approaches other than *in camera* review to protect sensitive records).

Second, as an alternative to *in camera* review, especially where the documents at issue are voluminous, a court may require the agency to file a so-called *Vaughn* index (named after *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973)) detailing each record withheld or redacted by author, date, and recipient, stating the particular exemption claimed, and providing enough information about the subject matter to permit the requester and court to test the justification of the withholding. See *Lamson*, 460 Md. at 367; *Blythe*, 161 Md. App. at 521.

As a third method for determining the applicability of an agency’s claimed exemptions, the court may accept evidence in the form of testimony or affidavits which “detail the nature of the denial and establish the basis for the denial.” *Lamson*, 460 Md. at 367.

In deciding which method to apply, a trial court considers several factors, including “the conclusory nature of the agency affidavits, bad faith on the part of the agency, disputes concerning the contents of the document, whether the agency has proposed *in camera* inspection, and the strength of the public interest in disclosure.” *Id.* at 368; see *Cranford*, 300 Md. at 779.

With respect to some exceptions, there are specialized rules governing the agency’s burden. For example, if the custodian invokes the inter- or intra-agency memoranda exception in GP § 4-344 and the trial court determines that one of the privileges embraced within that exemption applies, the custodian will have met the burden of showing that disclosure would be contrary to the public interest. *Cranford*, 300 Md. at 776.

Another such special rule is that a regulatory agency that denies a “person in interest” access to an investigatory file under GP § 4-351 generally must establish first, that the file was compiled for a law enforcement purpose and, second, that disclosure would have one of the effects under GP § 4-351(b). *Fioretti v. State Board of Dental Examiners*, 351 Md. 66, 83 (1998) (holding in plaintiff’s favor because the agency failed to support its motion to dismiss with affidavits, a summary of the file, or other relevant

evidence). In contrast, a law enforcement agency enumerated under GP § 4-351(a)(1) is presumed to have compiled an investigatory file for law enforcement purposes. *Blythe*, 161 Md. App. at 525 n.6. Because a generic determination of interference with a pending investigation can be made, a “*Vaughn* index” listing each document, its author, date, and general subject matter, and the basis for withholding the document, is not required. *See Office of the State Prosecutor v. Judicial Watch, Inc.*, 356 Md. 118, 138-40 (1999). However, the custodian nevertheless bears the burden of “demonstrating, with particularity and not in purely conclusory terms, precisely why the disclosure [of an investigatory record] ‘would be contrary to the public interest’” and exploring the feasibility of severing a record “into disclosable and non-disclosable parts.” *Blythe*, 161 Md. App. at 527.

When a trial court’s grant of a motion for summary judgment in a PIA action is appealed, the appellate court will review the lower court’s decision *de novo*, i.e., without deference to the trial court. *Amster v. Baker*, 453 Md. 68, 75 (2017).

B. Alternative Dispute Resolution

In addition to judicial review, the PIA provides two options for less formal resolution of PIA disputes: the Public Access Ombudsman and the State Public Information Act Compliance Board. Both were added to the statute during the 2015 session at the same time the previous mechanism for administrative review of State agency PIA decisions was removed. The Ombudsman provides confidential mediation for a wide range of PIA-related disputes, but does not have enforcement authority. The Board, on the other hand, is empowered to issue binding resolutions of a more limited variety of disputes. While the Ombudsman and Board initially operated independently of one another, under a law that became effective on July 1, 2022, applicants and custodians must first attempt to resolve their disputes through the Ombudsman before filing a complaint with the Board. *See* 2021 Md. Laws, ch. 658.

1. Public Access Ombudsman

The Ombudsman is a State official charged with making reasonable attempts to resolve PIA disputes between custodians and applicants. The Ombudsman is appointed by the Attorney General and receives support from that Office, but operates autonomously and independently. *See* GP § 4-1B-02(b). Although the Ombudsman’s

role is not limited to particular types of disputes, the statute lists some disputes that the Ombudsman is specifically charged with hearing:

- the application of an exemption;
- redactions;
- the failure to respond in a timely manner or to provide all responsive records;
- overly broad requests;
- the amount of time a custodian needs, given available staff and resources, to produce public records;
- requests for or denials of fee waivers;
- repetitive or redundant requests;
- fees imposed under § 4-206; and
- a request or pattern of requests alleged to be “frivolous, vexatious, or made in bad faith.”

GP § 4-1B-04(a). The Ombudsman plays the role of mediator only. The Ombudsman does not have the power to compel the custodian to disclose records or information or even to provide materials for *in camera* review. GP § 4-1B-04(d)(1)(i). Nor does the Ombudsman have the power to conclusively resolve a dispute for purposes of judicial review. Instead, the Ombudsman is charged with trying to resolve disputes in a manner that is acceptable to both the custodian and the applicant. The Ombudsman’s mediation process is confidential; generally, the Ombudsman—and the Ombudsman’s staff—may not disclose any information obtained from the parties without written consent. GP § 4-1B-04(d)(1)(ii); COMAR 14.37.03.

Once the Ombudsman receives a request for dispute resolution from an applicant or custodian, the Ombudsman typically has 90 days in which to try to resolve the dispute. GP § 4-1B-04(b). That deadline may be extended if the parties mutually agree to it. *Id.* At the conclusion of the mediation, the Ombudsman is required to issue a final determination that states that the dispute has been either resolved or not resolved. *Id.* If the final determination indicates that the dispute has *not* been resolved, then the Ombudsman must “inform the applicant and the custodian of the availability of review

by the Board under § 4-1A-04” of the General Provisions Article. GP § 4-1B-04(c). Although, as noted above, the Ombudsman is generally required to maintain the confidentiality of mediation information, the statute permits the Ombudsman to transmit “basic information,” such as the identities of the parties and the nature of the dispute, to the Board so long as “appropriate steps have been taken to protect the confidentiality of communications made or received in the course of attempting to resolve the dispute.” GP § 4-1B-04(d)(3).

The Act does not expressly require an applicant or custodian to bring a dispute to the Ombudsman—or the Board— before seeking judicial review under GP § 4-362. Given that the Ombudsman’s resolution of a dispute is non-binding, the intent of the Legislature appears to have been to provide a separate, voluntary means of resolving disputes. Although Ombudsman review is non-binding, the burden is on the custodian to demonstrate that a denial is “clearly applicable to the requested public record.” GP § 4-301(b)(1). And if the denial is based on one of the discretionary exemptions in Part IV, the custodian must demonstrate that “the harm from disclosure . . . is greater than the public interest in access to the information in the public record.” GP § 4-301(b)(2).

Applicants (i.e., requesters) or custodians may request dispute resolution through the Ombudsman by email, pia.ombuds@oag.state.md.us; by website submission, piaombuds.maryland.gov; or by mail: Public Access Ombudsman c/o Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21202. A request for dispute resolution should include the following: (1) the original PIA request; (2) the custodian’s 10-day letter (if applicable) and/or response, if any; (3) a brief description of the dispute; and (4) any relevant correspondence between the applicant and custodian.

2. State Public Information Act Compliance Board

The State Public Information Act Compliance Board is a five-member volunteer Board that is staffed by the Office of the Attorney General. Members are appointed by the Governor and confirmed by the Senate, and serve staggered three-year terms. Until July 1, 2022, the Board’s jurisdiction was limited to resolving complaints that a custodian had charged an unreasonable fee under GP § 4-206 of more than \$350. However, a law passed in 2021 expanded the Board’s jurisdiction so that, in addition to reviewing complaints that an agency has charged an unreasonable fee higher than \$350,

the Board now has authority to issue binding decisions resolving complaints that allege that a custodian has erroneously denied inspection of a public record or has failed to respond to a request for a public record within the applicable time limits. The Board also has jurisdiction to review complaints from custodians that an applicant's "request or pattern of requests is frivolous, vexatious, or in bad faith." Note that the Board does not have authority to review every PIA-related dispute. For example, the Board does *not* have jurisdiction to review complaints about a custodian's denial of a fee waiver request, although the Ombudsman certainly has the power to mediate this type of dispute.

To file a Board complaint, a party must have first attempted to mediate the dispute with the Ombudsman and received a final determination that the dispute was not resolved. GP § 4-1A-05(a). Among other things, the statute requires that a complaint identify the custodian or applicant subject to the complaint, that it be signed by the complainant, and that it be filed within 30 days after receiving the Ombudsman's final determination. GP § 4-1A-05(b). In addition, the Board has adopted regulations governing the complaint process. *See* COMAR 14.02.02 (applicants) and 14.02.03 (custodians).

After a complaint is filed, the Board must refer it to the custodian or applicant identified in the complaint. The custodian or applicant then has 30 days from receipt of the complaint in which to file a written response. Typically, the Board will also permit the complainant to file a reply to the response; the reply must be filed within 15 days after receiving the response. COMAR 14.02.02.04 and 14.02.03.04. To assist the Board in resolving a complaint, the Board may elect to hold an informal conference to hear from the parties, GP § 4-1A-07(b), or it may request additional information—including "a copy of the public record,¹ descriptive index of the public record, or written reason why the record cannot be disclosed"—from the custodian, GP § 4-1A-06(b)(2). *See also* COMAR 14.02.04 (governing informal conferences) and 14.02.05 (governing requests for records or additional information).

¹ If the complaint alleges that the custodian denied inspection under GP § 4-301(a)(2)(ii), which precludes inspection where it would be "contrary to . . . a federal statute or a regulation that is issued under the statute and has the force of law," the custodian cannot be required to produce the record for Board review, but the Board may request information about the public record. GP § 4-1A-06(b)(3).

If the Board holds an informal conference, the Board may allow the parties to present testimony in person, via tele- or videoconference, or in writing. If the parties elect to participate in person, the Board must hold the conference at a location “as convenient as practicable” to the parties. GP § 4-1A-07(b). Although the conference allows for the Board to hear testimony and admit evidence, it is not a contested case hearing within the meaning of the APA. GP § 4-1A-07(b)(3).

If the Board requests records or additional information, it must maintain the confidentiality of those records or information. GP § 4-1A-06(b)(5). In addition, the definition of “public record” in the PIA excludes “a record or any information submitted to . . . the [Compliance] Board under Subtitle 1A,” reinforcing that the Board would not be required to disclose such records under the PIA. GP § 4-101(k)(3)(ii). The exact scope of this confidentiality requirement is not entirely clear, however. Although the statute states broadly that the Board “shall maintain the confidentiality of any record or information submitted by a custodian or an applicant under this subsection,” it is doubtful that the General Assembly intended to make confidential the initial complaint or the initial response to a complaint, at least not in every case. In fact, the Board’s regulations state that the complaint, the response to the complaint, and any reply to the response that is filed are public records of the Board subject to inspection under the Act. COMAR 14.02.02.09 and 14.02.03.09. It seems more likely that the Legislature intended to provide an explicit protection for confidential information submitted to the Board to assist it with its efforts to resolve a complaint, such as a descriptive index or a copy of the disputed record itself.

The statute also provides that a custodian may not be held criminally or civilly liable for providing or describing the public record to the Board. GP § 4-1A-06(b)(6). Similarly, the provision or description of a record to the Board cannot be construed as a waiver of any privilege that might apply to the record. GP § 4-1A-06(b)(7). The statute directs the forms of relief that the Board may provide. *See* GP § 4-1A-04(a)(3). If the Board determines that a custodian has denied inspection of a record in violation of the PIA, the Board must order that the record be produced. Where the Board finds that a custodian failed to respond to a PIA request within the applicable time limits, the Board must order the custodian to promptly respond. Further, if its written decision contains its reasons for doing so, the Board has discretion to order that a custodian who has not responded waive all or part of the fee that it would otherwise be entitled to charge. Regarding decisions finding that a custodian charged an

unreasonable fee higher than \$350, the Board must order the custodian to reduce the fee to an amount the Board determines is reasonable. In cases where a custodian has alleged that a request is frivolous, vexatious, or made in bad faith, the Board considers such factors as the number and scope of the applicant's past requests, and the custodian's responses to those requests and efforts to cooperate with the applicant. GP § 4-1A-04(b)(3). If, based on these considerations, the Board finds the request frivolous, vexatious, or made in bad faith, the Board must order that the custodian may ignore the request or "respond to a less burdensome version of the request within a reasonable time frame." *Id.*

The Board has adopted regulations regarding all of these remedies. *See* COMAR 14.02.07.04. The Board must issue a written decision within 30 days of receiving the written response and any additional records or information the Board requests. GP § 4-1A-07(a). If the Board elects to hold an informal conference, then the decision must issue within 30 days after the conference. GP § 4-1A-07(b)(4). If the Board is unable to render a decision within those time periods, it must state the reasons for its inability and issue a decision as soon as possible thereafter, but not later than 120 days after the filing of the complaint. GP § 4-1A-07(c)(1). The Board may, however, state that it is unable to resolve the complaint. GP § 4-1A-07(c)(2). The Board's decisions are posted on the Attorney General's website.

An applicant need not pursue a complaint before the Board but may instead elect to proceed straight to judicial review without having to exhaust the administrative remedy.² GP § 4-1A-10(a). Further, nothing prevents an applicant from attempting to mediate a dispute through the Ombudsman and, if unsuccessful, then pursuing review in circuit court under GP § 4-362(a)(1) rather than filing a complaint with the Board. If an applicant elects to file a complaint with the Board, however, the Board's resolution of that complaint may be appealed—by either party, depending on the outcome—to the circuit court for the county where the complainant resides or has a principal place of business or where the public record is located. GP §§ 4-1A-10(b)(1); 4-362(a)(2), (3).

² The PIA does not afford custodians the right to seek direct judicial review in the courts of frivolous, vexatious, or bad faith requests under GP § 4-362(a)(1); thus, the Ombudsman and Board are the only express dispute resolution options available to custodians at the outset. However, the statute does permit a custodian to *appeal* to a circuit court a Board decision regarding such requests. GP § 4-1A-10(b).

The filing of an appeal automatically stays the effect of the Board’s decision pending the decision of the circuit court. GP § 4-1A-10(b)(2). Note that a party may not appeal a decision of the Board that states that the Board is unable to resolve a complaint. GP § 4-1A-07(c)(2)(ii).

With the exception of a custodian for a local school system that charges a fee under subsection § 4-206, the PIA does not require a custodian to inform an applicant of the availability of Ombudsman and Board review. *See* GP § 4-206(f) (requiring a custodian for a local school system that charges a fee under GP § 4-206(b) to “provide written notice to the applicant that the applicant may file a complaint with the [Public Information Act Compliance] Board to contest the fee). Note that, under the changes that took effect on July 1, 2022, an applicant wishing to contest *any* fee—including those charged by local school systems—must first attempt to resolve the dispute through the Ombudsman before filing a complaint with the Board. GP § 4-1A-05(a). However, many custodians routinely do inform applicants of the extra-judicial dispute resolution options available under the PIA, and doing so is a practice that all custodians should consider.

C. Dispute Resolution for Judicial Records

As mentioned briefly in Chapter 1, the Court of Appeals has adopted separate rules governing administrative review and dispute resolution for judicial records. Md. Rules 16-931 through 16-934 (stating that the PIA’s dispute resolution provisions do not apply to judicial records). See Chapter 10 of this Manual for more details.

Chapter 6: Copies

A. Right to Copies

GP § 4-205 grants any person who has the right to inspect a public record the right to be furnished copies, printouts, or photographs for a reasonable fee. If the custodian does not have the facilities to reproduce a record, the applicant should be granted access to make a copy. One exception, however, pertains to written promotional examinations: while certain individuals may review the examination and results after the examination has been graded, they are not entitled to a copy. GP § 4-345(b).

B. Format

With the exception of records stored in electronic format (addressed in Part C below), the PIA has not generally addressed the format in which copies should be provided. (The Legislature has designated the Department of Legislative Services as the “sole determiner” of the form in which records of the General Assembly are released in response to a PIA request. Md. Code Ann., State Gov’t § 2-1260.) Nor have the Maryland courts resolved whether the right to copies includes the right to pick the format in which records are copied. Federal authority decided before 1996, when FOIA was amended to address the question, as well as some out-of-state authority, held that the agency, not the requester, has the right to select the format of disclosure. *See E. S. Dismukes v. Department of the Interior*, 603 F. Supp. 760, 763 (D.D.C. 1984); *Chapin v. Freedom of Info. Comm.*, 577 A.2d 300, 302-03 (Conn. App. Ct. 1990). In the past, this Office adopted a similar position.

Nonetheless, to further the PIA’s general purposes, agencies should voluntarily accede to the requester’s choice of format unless doing so imposes a significant, unrecoverable cost or other burden on the agency. *See 56 Opinions of the Attorney General* 461, 461, 463-64 (1971) (advising the State Department of Assessments and Taxation that it could provide paper printouts of the names and addresses of all active Maryland corporations rather than the requested duplicate of a data processing tape

that contained additional, confidential information); Letter from Assistant Attorney General Emory A. Plitt, Jr. to Sheriff Earnest Zaccanelli, Prince George's County Sheriff's Department (June 27, 1983); Letter from Assistant Attorney General Kathryn M. Rowe to F. Carvel Payne, Director, Department of Legislative Reference (Jan. 9, 1995) (PIA does not require that the requested information be given in any particular form). For example, an agency typically should allow a requester to make copies with a hand-held scanner unless the mechanism by which the scanner operates could harm the document. Similarly, the PIA Compliance Board has encouraged agencies to provide electronic copies instead of paper copies if that medium is acceptable to the requester and would result in a significantly reduced fee. *PIACB Opinions* 20-05, at 3 (Nov. 7, 2019) (opining that copying paper records into an electronic format could result in more staff time but would likely "result in a lower overall fee" in situations "where there are voluminous paper records and the agency is charging a relatively high per page copying fee").

C. Format of Copies of Electronic Records

Under the Electronic Freedom of Information Act Amendments of 1996, a federal agency must provide a record in the format requested if the record is readily reproducible in that format. 5 U.S.C. § 552(a)(3)(B). Until 2011, the PIA had no similar express requirement.

In 2011, however, the General Assembly amended the PIA to provide a requester with a right to obtain a copy of an electronic record in a "searchable and analyzable electronic format" in specified circumstances. GP § 4-205(c). The law sets forth certain key conditions:

- (1) The public record must exist in a "searchable and analyzable" format;
- (2) the requester must explicitly request the copy in a searchable and analyzable format; and
- (3) the custodian must be able to produce the copy without compromising material that is exempt from disclosure.

GP § 4-205(c)(1). The statute does not define "searchable and analyzable electronic format." However, the phrase is likely meant to obligate agencies to provide records in

formats that can be searched and manipulated when the requester seeks such capabilities and the agency can readily remove any exempt material. A custodian is not required to release a record in a format that would somehow compromise the security or integrity of the original record or of any proprietary software. GP § 4-205(c)(4)(iv).

When the Legislature created this presumptive right to an electronic copy of an electronic record, it also authorized custodians to remove certain information, known as “metadata,” from the copies that are provided, regardless of whether the metadata is otherwise exempt from disclosure. GP § 4-205(c)(3). “Metadata”—literally, data about data—is information in an electronic record that is generally not visible but is often readily accessible in particular formats. Metadata sometimes contains exempt material; for example, the metadata for a word processing document may include prior drafts, editorial comments, suggestions by reviewers, and other material that may be exempt as part of a pre-decisional deliberative process. *See* Chapter 3.D.1 above. But other metadata may be relatively innocuous material not covered by any exemption. The invisible nature of metadata has made it a matter of concern to custodians.

Section 4-205(a) defines metadata as follows:

(1) “Metadata” means information, generally not visible when an electronic document is printed, describing the history, tracking, or management of the electronic document, including information about data in the electronic document that describes how, when, and by whom the data is collected, created, accessed, or modified and how it is formatted.

(2) “Metadata” does not include:

- (a) a spreadsheet formula;
- (b) a database field;
- (c) an externally or internally linked file; or
- (d) a reference to an external file or hyperlink.

This definition thus broadly defines “metadata” but also limits it. The statute permits a custodian to remove metadata from the copy of an electronic record provided to a requester by means of a software program or by converting the electronic record

to a different searchable and analyzable format without the metadata. GP § 4-205(c)(3). The definition of metadata, with its very specific exceptions, and the authorization to remove metadata from copies appear to be a legislative effort to create a presumptive right for a requester to a usable electronic copy and, at the same time, to provide some comfort to a custodian who wishes to avoid the inadvertent production of exempt materials in invisible metadata.

D. Judicial Records

For information about the copying of judicial records, see Maryland Rule 16-905 and Chapter 10 of this Manual.

Chapter 7:

Fees

A. *Search and Preparation Fees*

Under GP § 4-206, an official custodian may charge reasonable fees for the search and preparation of records for inspection and copying. Search and preparation fees must be reasonably related to the actual cost to the governmental unit in processing the request. GP § 4-206(a); *see also* 71 *Opinions of the Attorney General* 318, 329 (1986) (“The goal . . . should be . . . neither to make a profit nor to bear a loss on the cost of providing information to the public.”); *PIACB Opinions* 19-01, at 4 (Sept. 24, 2018) (although any “actual cost incurred” by the agency to respond to a PIA request might be compensable under the PIA’s definition of reasonable fee, the connection between a particular cost and the response must be clear). The custodian may charge a “reasonable fee” to search for, prepare, and reproduce a record in a “customized” format selected by the applicant, and—as is more often the case—may charge “the actual costs” of searching for, preparing, and producing a public record in standard format. GP § 4-206(b)(1). Fees may not be charged, however, for the first two hours of search and preparation time. GP § 4-206(c).

Search fees are the costs to an agency for locating requested records. Usually, this involves the cost of an employee’s time spent in locating the requested records. Preparation fees are the costs to an agency to prepare a record for inspection or copying, including the time needed to assess whether any provision of law permits or requires material to be withheld. *See* GP § 4-206(b)(2) (providing the method for calculating “staff and attorney review costs . . . in the calculation of actual costs”). For example, where a document contains both information that the public is entitled to see and information that the custodian may not by law release, an employee’s time will be needed to prepare and copy the record with the exempt information deleted. Redaction will often be necessary where records contain investigatory or confidential financial information. In calculating the cost of employee time, the salary of each employee involved in the response must be prorated based on the actual time they spent searching

for and preparing the record for disclosure. GP § 4-206(b)(2). The prorated amount should not include benefits. *See, e.g., PIACB Opinions* 18-08, at 3 (Mar. 7, 2018). And the applicant generally should not be charged for duplicative employee efforts. *See, e.g., PIACB Opinions* 17-06, at 4 n.6 (Nov. 28, 2016) (reminding agencies that “they need to resist charging fees based on duplicate work. For example, where multiple employees review the same material, only one person’s time should be part of the fee charged to the applicant”).

The calculation is a little trickier when an agency uses an outside contractor to assist in the response, such as where an agency contracts with an information technology firm for data storage and retrieval services. The PIA Compliance Board has opined that an agency may include amounts charged by contractors but only if the charges are actually attributable to the response. *See, e.g., PIACB Opinions* 20-04, at 2 (Nov. 25, 2019). For example, an agency might retain a vendor by paying a flat annual or monthly rate—regardless of the amount of work the vendor performs during that time—and so would not incur any additional costs if that vendor assists in the PIA response. In that scenario, the agency should not charge for the contractor’s work. *See PIACB Opinions* 17-18, at 4 (Aug. 31, 2017). Conversely, an agency may seek to recoup the cost of a contractor who charges by the hour, *see, e.g., PIACB Opinions* 16-03, at 2 (Mar. 21, 2016), and that hourly rate may include the contractor’s profit margin, *see PIACB Opinions* 17-07, at 3 (Feb. 28, 2017) (explaining that the PIA does not require “outside contractors to forego their contracted-for profit when assisting in the production of records or government units to subsidize that cost”). That said, an agency should consider whether it can perform the work in-house for less expense. *See* GP § 4-103(b) (the PIA “shall be construed in favor of allowing inspection of a public record, *with the least cost and least delay*” to the requester (emphasis added)); *see also PIACB Opinions* 20-04, at 2 (“[O]n a case-by-case basis, [not] every third-party vendor’s costs can be recovered from a requestor. For example, where it is clear that a custodian has the capability and resources to perform response-related work “in house” for less expense than engaging a contractor, the PIA likely would not permit the custodian to charge the requestor for the contractor’s costlier fee.”).

On a rare occasion, a requester (or group of requesters) will attempt to artificially break a large request into a series of smaller requests in order to obtain two free hours searching for each request and thereby circumvent the assessment of fees. In that event, it seems reasonable for the agency to aggregate those requests as a single request

with the appropriate fee. *See, e.g., PIACB Opinions* 21-12 (May 27, 2021). On the other hand, nothing in the Act prohibits a requester from making multiple requests, and an agency should not artificially aggregate separate requests to increase the fee so as to discourage those requests.

Although the PIA does not explicitly address the issue of prepayment of fees, the Court of Appeals has indicated that an agency may appropriately require such prepayment. *See Glass v. Anne Arundel County*, 453 Md. 201, 212-13 (2017) (“Following the practice of federal agencies under FOIA, agencies sometimes require pre-payment of fees or a commitment to pay fees when the cost of processing a PIA request is likely to be substantial.”); *Ireland v. Shearin*, 417 Md. 401, 411-12 & n.8 (2010) (agency may require inmate to prepay fees for copies when inmate is unable to inspect records personally due to incarceration); *see also PIACB Opinions* 19-01, at 3-4 (stating that the PIA Compliance Board may review a fee estimate for reasonableness when an agency demands payment of the estimate before undertaking the work to respond to a request); *PIACB Opinions* 22-07, at 4-5 (Feb. 3, 2022) (discussing authority to review estimated fees). Moreover, requesting prepayment of fees before providing responsive records does not amount to a denial of the request. *Glass*, 453 Md. at 236-37. In other words, beyond the two hours provided to the requester at no cost, agencies are not expected to provide further search and preparation time without an assurance that the requester will cover the government’s costs. *See id.* at 233 (“An agency is not expected to divert its resources to an exhaustive search in response to a broadly worded request that the requester refuses to focus and at an expense that will not be recovered.”).

In addition, following the model regulations in Appendix F, many agencies require prepayment or a commitment to pay fees prior to copying records to be disclosed. *See, e.g.,* COMAR 08.01.06.11D(2) (Department of Natural Resources); COMAR 09.01.04.12D (Department of Labor). Federal agencies typically have regulations requiring prepayment or an agreement to pay fees as a prerequisite to the processing of a request, at least when fees are expected to exceed a set amount. *See, e.g.,* 16 C.F.R. § 4.8(d)(3) (Federal Trade Commission); 43 C.F.R. § 2.50 (Department of the Interior); *see also Pollack v. Department of Justice*, 49 F.3d 115, 120 (4th Cir. 1995) (when requester refused to commit to pay fees in accordance with agency’s regulations, agency had authority to stop processing FOIA request); *Stout v. United States Parole Comm’n*, 40 F.3d 136, 139 (6th Cir. 1994) (an agency’s regulation requiring payment of

fees before release of already processed records was proper and did not violate FOIA); *Farrugia v. Executive Office for United States Attorneys*, 366 F. Supp. 2d 56, 57 (D.D.C. 2005) (agency may require payment of search fee before sending records to requester).

B. Reasonable Fees for Copies

An official custodian may charge a “reasonable fee” for copies. GP § 4-206(b). “Reasonable fee” is defined as “a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.” GP § 4-206(a). Many agencies have standard schedules of fees for copies, and such a schedule will be reasonable if it reflects the agency’s actual copying costs. For example, the Department of Agriculture charges 25¢ per page for a copy of a record. COMAR 15.01.04.15. Agencies should adopt standard copying fee schedules so that the public and agency employees know what charges will be made. Note that if another law sets a fee for a copy, printout, or photograph, that law applies. GP § 4-206(d)(1).

The PIA Compliance Board has encouraged agencies to provide electronic copies instead of paper copies if that medium is acceptable to the requester and would result in a significantly reduced fee. *PIACB Opinions* 20-05, at 3 (Nov. 7, 2019) (opining that copying paper records into an electronic format might result in increased preparation time for staff but would likely “result in a lower overall fee” in situations “where there are voluminous paper records and the agency is charging a relatively high per page copying fee”). To be clear, in that event, the custodian would still be able to charge for the actual costs (including staff time over two hours) of providing the records in electronic format.

C. Flat Fees

On occasion, an agency will charge a set amount—or a “flat fee”—for a particular type of document, such as an accident report, or for each page or each CD of responsive documents, with the idea that the single flat fee will cover both the agency’s reproduction costs *and* its search and preparation costs. However, if an agency decides to charge this type of flat fee—which is not expressly authorized by the PIA—the Compliance Board has recently explained that the agency must be able to demonstrate that the fee is reasonable under GP § 4-206(a), *i.e.*, that the flat fee “bear[s] a reasonable relationship to the recovery of actual costs incurred by” the agency in producing the document. *See PIACB Opinions* 17-06, at 4 (explaining that, although the PIA does

not specify the use of flat fees as permissible, an agency that uses such a fee should keep documentation “to substantiate . . . whether the per-page fee reasonably reflects the actual costs of the agency”). Thus, the Compliance Board determined that a \$2.00 per-page flat fee was reasonable in a particular instance because the agency could show that its actual costs to respond to the request—including staff time and copying costs—were equivalent to, if not higher than, the flat fee. *Id.* But the Compliance Board found that a \$42 per-CD charge was facially unreasonable where the agency could not explain how the charge reflected its actual costs in providing CDs to the applicant. *PIACB Opinions* 20-05, at 3-4.

D. Waiver of Fees

An applicant may ask the agency for a total or partial waiver of fees. Under GP § 4-206(e), the official custodian may waive any fee or cost assessed under the PIA if the applicant asks for a waiver and if (1) the applicant is indigent, as that term is defined under the Act, or (2) the official custodian determines that a waiver would be in the public interest. The use of the disjunctive in § 4-206(e) suggests that a showing of indigence alone is a sufficient basis to grant a fee waiver request. *See PIACB Opinions* 19-08, at 2-3 (Jan. 17, 2019) (acknowledging that the Board does not have jurisdiction to decide issues related to fee waivers but encouraging the custodian to consider granting a fee waiver based on indigence).

An applicant is considered indigent for purposes of the Act if his or her family household income is less than 50% of the median family income for the state, as reported in the Federal Register. GP § 4-206(a)(2). To obtain a waiver on this basis, the applicant must submit an affidavit of indigency. GP § 4-206(e)(2). A form affidavit is contained in Appendix D.

To determine whether a waiver is in the public interest where an affidavit of indigency is not provided, the official custodian must consider not only the ability of the applicant to pay but also other relevant factors. A waiver may be appropriate, for example, when a requester seeks information for a public purpose, rather than a narrow personal or commercial interest, because the public purpose might justify the expenditure of public funds to comply with the request. For example, in one case, the Court of Special Appeals found that Baltimore City’s denial of a reporter’s request to waive fees was arbitrary and capricious because the City only considered the expense to itself and the ability of the newspaper to pay and did not consider other relevant

factors. *City of Baltimore v. Burke*, 67 Md. App. 147, 157 (1986). The Court suggested that relevant factors included the public benefit in making available information concerning “delayed and extremely costly improvements” to a wastewater treatment plant and the danger that imposing a fee for information upon a newspaper publisher “might have a chilling effect” on freedom of the press. *Id.*; see also 81 *Opinions of the Attorney General* 154, 157-58 (1996) (waiver of fee depends on a number of relevant factors and cannot be based solely on the poverty of the requester or the cost to the agency).

A custodian’s decision to grant or deny a fee waiver request ultimately is discretionary, see GP § 4-206(e) (“the official custodian *may* waive a fee under this section” (emphasis added)), but the decision must not be made arbitrarily or capriciously. See *Action Comm. for Transit, Inc. v. Town of Chevy Chase*, 229 Md. App. 540, 561-64 (2016). Accordingly, a custodian must consider each fee waiver request on a case-by-case basis and “give appropriate consideration” to the relevant public interest factors. *Id.* at 561-63 (explaining that if a custodian’s waiver decision is appealed, “the court must have sufficient information” about the “actual decision-making process by the custodian”—including the “relevant factors” the custodian considered—in order to determine that the “decision was not arbitrary or capricious”). For example, a custodian who denies a waiver request based solely on the expense to the agency has not considered “other relevant factors” as required by § 4-206(e). *Id.* at 562 (quoting *Burke*, 67 Md. App. at 149). And a custodian who denies a waiver request because of the applicant’s viewpoint is “clearly” acting arbitrarily and capriciously. *Id.* at 563-64. If an applicant appeals the custodian’s denial of a fee waiver, however, the Court of Special Appeals has said that the custodian is not necessarily limited to relying solely on the reasons for denial that are explicitly listed in the response letter and may instead “further develop[]” the factual record on appeal. *Id.* at 563. Otherwise, the court explained, it “would burden government units with the obligation of generating a record against the possibility that a dispute will end up in court.” *Id.* at 559.

Although “the broad term ‘public interest’ does not permit a precise listing of relevant factors,” examples include “whether disclosure of records will shed light on ‘a public controversy about official actions,’ or on ‘an agency’s performance of its public duties.’” *Id.* at 557 (quoting 81 *Opinions of the Attorney General* 154, 157 (1996)); see e.g., *Baltimore Action Legal Team v. Office of the State’s Attorney of Baltimore City*, 253 Md. App. 360 (2021) (concluding that the State’s Attorney’s Office “should have

considered how the disclosure of the requested records may have aided the public's understanding of how the [office] was addressing allegations of police misconduct given the history of such allegations in the City and nationwide over the last half dozen years"). In considering what factors are relevant when deciding whether to waive a fee, an official custodian may also find it helpful to look at case law interpreting the comparable FOIA provision, 5 U.S.C. § 552(a)(4)(A). *Action Comm. for Transit, Inc.*, 229 Md. App. at 556 (noting the Maryland caselaw on the subject is limited, and citing this Manual's examination of relevant FOIA caselaw); *see also* Final Report of the Office of the Attorney General on the Implementation of the Public Information Act, at 20-23 (Dec. 2017) ("Final Report of the OAG"), https://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_IR/Final_PIA_Report.pdf.

One consideration that is important under FOIA is whether "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). In determining whether a request meets this test, federal courts consider the following factors:

- (1) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government";
- (2) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding"; and
- (4) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

Final Report of the OAG, at 21 (citing FOIA Update: New Fee Waiver Policy Guidance (Jan. 1, 1987) (“DOJ Fee Guidance”), <https://www.justice.gov/oip/blog/foia-update-new-fee-waiver-policy-guidance>). See also *Project on Military Procurement v. Dep’t of Navy*, 710 F. Supp. 362, 365 (D.D.C. 1989) (identifying as material factors in the decision whether to waive a fee the potential that the requested disclosure would contribute to public understanding and the significance of that contribution); *National Treasury Employees Union v. Griffin*, 811 F.2d 644, 647-48 (D.C. Cir. 1987) (fee waiver requests under FOIA grounded on public interest theory must show connection between material sought and matter of genuine public concern and must also indicate that fee waiver or production will primarily benefit public); *Crooker v. Bureau of Alcohol, Tobacco and Firearms*, 882 F. Supp. 1158, 1162 (D. Mass. 1995) (agency justified in denying request for fee where disclosure was not likely to contribute significantly to public understanding of government operations); cf. *Diamond v. FBI*, 548 F. Supp. 1158, 1160 (S.D.N.Y. 1982) (overturning agency’s decision denying fee waiver when university professor sought materials for academic lectures and articles).

Under FOIA, a requester seeking a fee waiver “bears the initial burden of identifying the public interest to be served, and that public interest must be asserted with reasonable specificity. Thus, conclusory statements that the disclosure of the requested documents will serve the public interest are not sufficient.” *Physician’s Comm. for Responsible Med. v. Dep’t of Health & Human Servs.*, 480 F. Supp. 2d 119, 123 (D.D.C. 2007) (internal citation and quotation marks omitted); see also *Cause of Action v. FTC*, 799 F.3d 1108, 1111, 1117 (D.C. Cir. 2015) (noting that requesters are required to assert how a fee waiver would serve the “public interest,” including how the information will be disseminated to the public, with “reasonable specificity”); *Larson v. CIA*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding the denial of a fee waiver because the requester failed to identify, with “reasonable specificity,” how the requester would disseminate the information to the public).

In determining the extent to which a requester has a commercial interest in the records sought, federal courts consider:

- (1) The existence and magnitude of a commercial interest:
Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(2) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is “primarily in the commercial interest of the requester.”

Final Report of the OAG, at 22 (citing DOJ Fee Guidance); *see also Larson*, 843 F.2d at 1483 (requester of information under FOIA seeking fee waiver must not have commercial interest in disclosure of information sought and must show that disclosure of information would be likely to contribute significantly to public understanding of government operations or activities); *cf. Immanuel v. Comptroller of Maryland*, 449 Md. 76, 93 (2016) (observing, in the context of a commercial request, that “[t]he MPIA is a statutory mechanism for revealing matters of governance,” not information about private activity that happens to be in government records).

Finally, federal courts will also consider the burdensomeness of the request in determining whether an agency’s decision to deny all or part of a waiver request complies with the federal standard. *See, e.g., Stewart v. U.S. Dep’t of Interior*, 554 F.3d 1236, 1243 (10th Cir. 2009) (stating that “the district court was correct in upholding the denial of the fee waiver because the underlying search would be unduly burdensome given the speculative nature of the records requested”).

E. Fees for Judicial Records

For information regarding fees for access to judicial records, see Maryland Rules 16-904(d) and 16-905(e). *See also* Chapter 10, below.

Chapter 8:

Penalties for Noncompliance

The PIA provides for both civil and criminal penalties for violations of the Act. Given this potential liability and the salutary purposes of the PIA, care should be taken to make certain that an agency's officials and employees comply with the Act.

A. Liability of Agency

In addition to injunctive relief, a court may award actual damages and statutory damages of up to \$1,000 against a governmental unit if the court finds that a defendant knowingly and willfully failed to disclose a public record or part of a record that the person was entitled to inspect. GP § 4-362(d)(1). The official custodian is also liable for actual damages for failure to petition a court for an order to continue a temporary denial. GP § 4-362(d)(2). The statutory term "actual damages" does not include emotional damages. *ACLU v. Leopold*, 223 Md. App. 97, 123 (2015).

Reasonable attorneys' fees and other litigation costs are available if an applicant "substantially prevails." GP § 4-362(f). The awarding of attorneys' fees lies with the discretion of the trial court. *Caffrey v. Department of Liquor Control for Montgomery County*, 370 Md. 272, 289 (2002). While an actual judgment in favor of the applicant is not necessarily required for an applicant to "substantially prevail," the applicant must demonstrate that filing suit could reasonably be regarded as having been necessary to gain access to the records sought, that there is a causal nexus between the suit and the agency's release of the record, and that "key documents" were recovered. *Id.* at 299 (citing *Kline v. Fuller*, 64 Md. App. 375, 385 (1985)). Among the pertinent considerations to be taken into account are the benefit the public derived from the suit, the nature of the applicant's interest in the released information, and whether the agency's withholding of the information had a reasonable basis in law. *Id.* (citing *Kirwan v. Diamondback*, 352 Md. 74, 96 (1998)); *see also Stromberg Metal Works, Inc. v. University of Maryland*, 395 Md. 120, 128 (2006).

If the statute creating the agency specifically grants immunity from liability, that specific enactment will prevail over GP § 4-362(d). *A.S. Abell Publishing Co. v.*

Mezzanote, 297 Md. 26, 40-41 (1983). However, protection from “damages” does not equate to protection from all liability and, thus, does not protect against the award of attorney fees under the PIA. *Caffrey*, 370 Md. at 296.

The standard for attorneys’ fees is very close to the standards under FOIA (5 U.S.C. § 552(a)(4)(E)) and the Civil Rights Attorneys Fees Act (42 U.S.C. § 1988), and the same liberal construction of “substantially prevailing” would probably apply under the Maryland Act. For a discussion of cases under 5 U.S.C. § 552(a)(4)(E), *see* 179 A.L.R. Fed. 1; *see also Stromberg*, 395 Md. at 131 n.4 (questioning whether a litigant who obtains favorable court decision with respect to one item of information has “substantially prevailed”).

Fees and costs are available under the PIA only to a prevailing complainant. Compare this provision with the Open Meetings Act, § 3-401(d)(5)(i) of the General Provisions Article, which makes any “party” eligible for fees and costs.

B. Liability of Persons Who Violate the Act

1. Criminal Penalties

GP § 4-402(b) provides for a criminal fine not to exceed \$1,000 for any person who willfully or knowingly violates the Act. 61 *Opinions of the Attorney General* 698, 701 (1976). This section applies to any person, not just to custodians or agency employees. 65 *Opinions of the Attorney General* 365, 360-71 (1980).

GP § 4-402(a)(3) also provides that a person may not “by false pretenses, bribery, or theft, gain access to or obtain a copy of a personal record if disclosure of the personal record to the person is prohibited by [the Act].” This provision was added to the law to protect an individual’s privacy. *See* Governor’s Information Practices Commission, Final Report 549-50 (1982). These “personal records” are the individually identifiable public records defined in GP § 4-501(a).

2. Disciplinary Action

When a court finds that the custodian acted “arbitrarily or capriciously” in withholding a public record, it is to refer the matter to the appointing authority of the custodian for appropriate disciplinary action. GP § 4-362(e)(1). The appointing authority must investigate the matter and take such disciplinary action as is warranted under the circumstances. GP § 4-362(e)(2).

3. Unlawful Disclosure or Use of Personal Records

GP § 4-401(a) authorizes an award of actual damages, attorney fees and litigation costs against:

A person, including an officer or employee of a governmental unit . . . if the court finds by clear and convincing evidence that:

(1) (i) the person willfully and knowingly allows inspection or use of a public record in violation of [the Act]; and

(ii) the public record names or, with reasonable certainty, otherwise identifies the individual by an identifying factor such as:

1. an address;
2. a description;
3. a fingerprint or voice print;
4. a number; or
5. a picture; or

(2) the person willfully and knowingly obtains, discloses, or uses personal information in violation of § 4-320 of [the Act].

Paragraph (1) of this provision applies to personal *records* defined by GP § 4-501, while paragraph (2) applies to personal *information*, defined by GP § 4-101(h), within Motor Vehicle Administration records. This section authorizes actual damages against officers

or employees of a governmental unit and any other “person” who has willfully and knowingly violated the law. *See* GP § 1-114 (defining “person”); *see also Leopold*, 223 Md. App. at 121 (county was an “entity” within the definition of “person” in § 1-101 of the State Government Article, which applied to the PIA prior to its recodification in the General Provisions Article). This provision is not itself a basis for denying a PIA request. Rather, it is an additional sanction for failing to comply with PIA provisions that prohibit disclosure of certain “personal records” and certain “personal information” in records of the Motor Vehicle Administration. *Police Patrol Security Systems v. Prince George’s County*, 378 Md. 702, 718 (2003). The sanction also applies to the *misuse* of personal information that was legitimately collected. *See Leopold*, 223 Md. at 116-18.

4. Disclosure of Certain Information to the Attorney General

A custodian is protected from civil and criminal penalties if the custodian transfers or discloses the content of any public record to the Attorney General as provided in § 5-313 of the State Personnel and Pensions Article. GP § 4-403. Section 5-313, part of the “Whistleblower Law,” authorizes State employees to disclose to the Attorney General information otherwise made confidential by law.

Chapter 9: Research Access

Under GP § 4-501, the official custodian, in his or her discretion, may grant access to otherwise nondisclosable personal records for research purposes when certain safeguards are followed. The rationale for this provision was explained by the Governor's Information Practices Commission:

An individual entrusting a government agency with sensitive, personally identifiable information has a right to expect that the agency will handle the information with the care and confidentiality it deserves. For example, the Commission asserts that the privacy interests of a record subject regarding personally identifiable medical information clearly is greater than the public's right to inspect that data.

The Commission believes, however, that there may be certain situations in which a significant public purpose would be served by the examination of such data by researchers. Without question, society has benefited immeasurably by the advances in medical research over the past decades. Yet many of these advances would not have been possible without access to personally identifiable data.

* * *

The Commission feels that a mechanism should be established to permit access to personally identifiable information for meritorious research projects while, at the same time, protecting the privacy rights of the records subjects. The Commission believes that the best way to accomplish both goals is to require researchers to meet certain specified conditions prior to the release of personally

identifiable data. First of all, a researcher should be required to provide a written statement to the custodian explaining the purpose of the research project, the nature of the records needed to achieve the project's goals, and the specific safeguards that will be taken to protect the identities of the records' subjects. The Commission also firmly believes that the researcher should agree that he will not contact the records subjects in any way without the prior approval and monitoring of the custodian. Third, the Commission feels that the data should not be released unless the custodian is convinced of the adequacy of the researcher's proposed safeguards to prevent the public identification of the records subjects. Finally, the researcher should be required to execute an agreement with the custodian delineating all of the above points and attesting to the fact that failure to abide by the conditions of the agreement would constitute a breach of contract.

Governor's Information Practices Commission, Final Report at 545-46 (1982). The language of the amendment and the rationale supplied by the Commission indicate that researchers may use this method to gain access to personal records even where a law other than the Public Information Act bars disclosure. Thus, the amendment has general effect beyond the PIA.

Chapter 10: Judicial Records

As noted in Chapter 1, the Maryland Court of Appeals has adopted its own rules to govern access to judicial records. *See* Md. Rules Title 16, Chapter 9 (the “Judicial Records Rules”). Although these rules often rely on procedures borrowed from the PIA and have some exemptions from disclosure similar to those in the PIA, the rules state that they are the exclusive method for obtaining access to judicial records and for challenging any denial of access to such records. *See* Rule 16-901(a) (“Except as expressly provided or limited by other Rules, the Rules in this Chapter govern public access to judicial records . . . that are in the custody of a judicial agency, judicial personnel, or a special judicial unit”); Rule 16-902(b) (explaining the intent of the judicial access rules “to adopt comprehensive principles and procedures that will maintain the traditional openness of judicial records, subject only to such shielding or sealing that is necessary to protect supervening rights of privacy, safety, and security”); Rule 16-921 (providing that the judicial access rules generally “constitute the exclusive procedures for requesting inspection of judicial records”); Rule 16-931 (providing that the judicial access rules “constitute the exclusive methods of resolving disputes regarding access to judicial records”).

It is not the goal of this Chapter to provide a comprehensive overview of the rules governing access to judicial records. The rules themselves are the best place to look for a detailed overview. To provide a general overview, however, the rules apply to “judicial records” in the custody of a judicial agency, judicial personnel, or a special judicial unit, and they define “judicial record” as “a record that is the original or copy of any documentary material that: (1) is made or received by, and is in the possession of, a judicial agency, judicial personnel, or a special judicial unit, in connection with the transaction of judicial business” and “(2) is in any form, including the forms listed in Code, General Provisions Article, § 4-101(k)(1)(ii).” Rule 16-903(j). That definition includes five specific categories of judicial records: notice records, administrative records, license records, case records, and special judicial unit records. *Id.*; *see also* Rule 16-902(c).

Much like the PIA, Rule 16-911(a) prohibits inspection of a judicial record if inspection would be contrary to federal law; the Maryland Constitution; a provision of the PIA made applicable to judicial records by the Rules; a rule adopted by the Court of Appeals; or an order entered by the court having custody of the judicial record (e.g., sealing or shielding order) or by any higher court having jurisdiction over the record, the custodian, or the person seeking inspection. That same rule also prohibits inspection “if inspection would be contrary to a statute enacted by the Maryland General Assembly, other than the PIA,” Rule 16-911(b), as well as if the judicial record is confidential or subject to an unwaived lawful privilege, Rule 16-911(c), contains judicial or other professional work product, Rule 16-911(d), has been ordered expunged, Rule 16-911(e), is a continuity of operations plan, Rule 16-911(f)(1), or “consist[s] of or describe[s] policies, procedures, directives, or designs pertaining to the security or safety of judicial facilities, equipment, operations, or personnel,” Rule 16-911(f)(2).

Inspection of notice records (e.g., records filed among the land records by the clerk of a circuit court) may not be denied once the record is recorded and indexed. Rule 16-912(a).

Generally, business licensing records are governed by the applicable provisions of the PIA itself. Rule 16-912(c)(1).

Access to administrative records is governed by Rule 16-913. Some exemptions from disclosure for administrative records are similar to exemptions in the PIA such as the exemption for personnel records, retirement records and interagency and intra-agency memoranda. Md. Rule 16-913(b), (c) and (g). Other exemptions are unique to judicial records, such as the exemption for records concerning jurors, the exemption for certain administrative records prepared by judicial personnel, and the exemption for Judiciary educational and training materials. Md. Rule 16-913(a), (d) and (e).

Access to case records is addressed in Rules 16-914 through 16-916. Under those provisions, a person who files a case record is to inform the record custodian (e.g., a court clerk) in writing whether, in the person’s judgment, any part of the case record or information in the case record is confidential under the rules. The custodian is not bound by the person’s determination. However, the custodian is entitled to rely on a person’s failure to identify information in a case record as confidential under the rules. Rule 16-916(a). A person who filed a case record before July 1, 2016 may advise the

custodian whether any part of the record is not subject to inspection. Rule 16-916(b)(2). The Judicial Records Rules also exempt from disclosure certain categories or kinds of case records—for example, adoption and guardianship records, juvenile records, expunged records, certain arrest and search warrant records in a criminal case, and certain case records containing medical or other health information. Rule 16-914 (listing 16 categories of case record exemptions). The rules also exempt certain kinds of information from disclosure such as certain home addresses and telephone numbers and social security numbers. Rule 16-915.

Finally, special judicial unit records are the records of one of the following units within the Judicial Branch: “(1) the State Board of Law Examiners, the Accommodations Review Committee, and character committees; (2) the Attorney Grievance Commission and Bar Counsel; (3) the Commission on Judicial Disabilities, the Judicial Inquiry Board, and Investigative Counsel; and (4) the Client Protection Fund.” Rule 16-903(p). Generally, “[s]ubject to unwaived lawful privileges,” when a requested record “falls within the confidential[ity] rules applicable to a special judicial unit, access to the record [will be] governed by the confidential[ity] [r]ules applicable to that unit.” Rule 16-912(b)(1). However, “[a]ccess to administrative records of special judicial units that are not subject to a confidentiality provision in the Rules governing the unit shall be governed by Rule 16-913,” i.e., the provision of the rules that governs other administrative records. Rule 16-912(b)(2).

The Judicial Records Rules also state that they set forth the exclusive procedures to request access to judicial records. *See* Md. Rules 16-921 through 16-924. In many ways, however, those procedures mirror the request and response procedures codified in the PIA itself. *See id.* For information as to the copying of judicial records and fees for judicial records, see in particular Rules 16-904 and 16-905.

The rules also provide that they constitute the exclusive method to resolve disputes over access to and fees charged for judicial records. Rules 16-931 through 16-934. In fact, the rules expressly state that the PIA’s dispute resolution provisions—including those governing judicial review, the Public Access Ombudsman, and the PIA Compliance Board—do not apply to judicial records. Rule 16-931. Generally, the rules allow for administrative review of a custodian’s decision before the relevant administrative judge, Rule 16-932, or an action for declaratory and injunctive relief under the Declaratory Judgment Act, Rule 16-933. See the rules themselves for more detail about these procedures.

Chapter 11:

The Right to Correction or Amendment of Public Records

Under GP § 4-502, a person in interest may request that a State agency correct or amend public records, including personnel files, that the person has a right to inspect and believes are inaccurate or incomplete. Local agencies are not covered by this section. Under some circumstances, death certificates are subject to correction pursuant to GP § 4-502. 1992 Md. Laws, ch. 547.¹

A. Agency Responsibility

Within 30 days after receiving a written request for correction or amendment, the agency must inform the requester either that the requested change has been made or give written notice of the agency's refusal and the reason for it. GP § 4-502(c). Once informed of a refusal, the person may file with the agency a statement of the reasons for the requested change and for the disagreement with the agency's decision. The agency must then include this statement in any disclosure of the public records to a third party. GP § 4-502(d). If the unit is an agency subject to the contested case procedures of the Administrative Procedure Act, the person may seek administrative and judicial review of the agency's decision to deny the requested change or of any failure by the unit to provide the statement to a third party. GP § 4-502(e).

B. Enforcement

GP § 4-502 provides for administrative and judicial review pursuant to the Administrative Procedure Act. The judicial review provisions of GP § 4-362 are not triggered in this situation, because a denial of the "right to inspect" has not occurred.

¹ Chapter 547 reversed an opinion of this office concluding that the PIA records correction mechanism was not available for correction of death certificates. 76 *Opinions of the Attorney General* 276 (1991). The term "person in interest" is specially defined for purposes of correction of a death certificate. See GP § 4-101(g).

See Bill Review Letter from Attorney General Sachs to Governor Hughes re: House Bill 862 (April 21, 1983).

C. Regulations

The Office of the Attorney General has developed model regulations to implement GP § 4-502. *See* Appendix F, Chapter 2. Regulations based on earlier revisions of this model have been adopted by several State agencies. *See, e.g.* COMAR 11.01.15 (regulations of the Department of Transportation) and COMAR 15.01.06 (regulations of the Department of Agriculture).

SAMPLE REQUEST LETTER

April 5, 2020

Mr. Freeman Information
Executive Director
License Commission
110 First Street
Baltimore, Maryland 21200

Dear Mr. Information:

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. I am making this request on behalf of my client, Wanda Know. In this capacity, I wish to inspect all records in your custody and control pertaining to the following:

- (A) the denial by the Commission of the license or permit to Wanda Know which occurred on August 17, 2015; and
- (B) any studies, statistics, reports, recommendations, or other records that treat in any fashion the Commission's actions, practices, or procedures concerning the granting or denial of licenses or permits during the last three fiscal years.

If all or any part of this request is denied, I request that I be provided with a written statement of the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide me with the portions that can be disclosed.

Please advise me as to the cost, if any, for inspecting the records described above. I anticipate that I will want copies of some or all of the records sought. If you have

adopted a fee schedule for obtaining copies of records and other rules or regulations implementing the Act, please send me a copy.

I look forward to receiving disclosable records promptly and, in any event, to a decision about all of the requested records within 30 days. Thank you for your cooperation. If you have any questions regarding this request, please telephone me at the above number.

Sincerely,

Connie Have
Attorney-at-Law

cc: Evan Hand
Commission Attorney

SAMPLE 10-DAY LETTER (or E-MAIL)

April 19, 2020

Connie Have, Esquire
1000 Lawyer Building
Baltimore, Maryland 21200

Ms. Have:

The License Commission has received your request under the Public Information Act, Md. Code Ann., Gen. Prov. (“GP”) §§ 4-101–4-601, seeking records related to the Commission’s denial of a license or permit to Wanda Know and other materials related to the Commission’s licensing practices. The Commission received your request on April 5, 2020, and began to process it. I write now to advise you that it will take us more than 10 working days to produce the records, to give you the date by which we expect to be able to do that, and to explain why we are unable to produce them more quickly. I write also to provide an estimate of the costs of producing the records.

With regard to the time it is taking to make the records available to you, the second part of your request—seeking materials related to the Commission’s license review process in general—encompasses a large volume of materials, some of which were located in off-site storage and in the Commission’s satellite offices, and it took some time to locate and retrieve them. We are now reviewing the collected materials to determine whether they are, in whole or in part, exempt from disclosure under the Act.

As for when we can make the records available, we expect that the review process will take between 10 and 20 hours to complete. If so, we anticipate that we will be able to respond to your request by May 1, 2020. I do not yet know whether all of the records are subject to inspection, but, if any are to be withheld, the response will explain the reason for that.

As to the cost, we expect that our response will generate a fee between \$250 and \$700, depending on the time and hourly rates of the individual staff and attorneys who must

conduct the review, and with the first two hours provided free of charge. In addition, there would be a copy charge of \$.25 per page should you want copies of the responsive materials. We anticipate that the additional copy charge would be between \$100 and \$150.

Please do not hesitate to contact me if you have any questions or concerns regarding the Commission's processing of your request.

Freeman Information
Executive Director

SAMPLE DENIAL LETTER

May 1, 2020

Connie Have, Esquire
1000 Lawyer Building
Baltimore, Maryland 21200

Dear Ms. Have:

I have received your letter dated April 5, 2020, in which you request certain records under the Public Information Act, Annotated Code of Maryland, General Provisions Article (“GP”), § 4-101 *et seq.*, on behalf of your client, Wanda Know. In particular, you seek to inspect and copy all records in my custody and control pertaining to the following:

- (A) the denial by the Commission of the license or permit to Wanda Know which occurred on August 17, 2015, and
- (B) any studies, statistics, reports, recommendations, or other records that treat in any fashion the Commission’s actions, practices, or procedures concerning the granting or denial of licenses or permits during the last three fiscal years.

My staff has collected those records in our custody that are responsive to your request. You may inspect all of the records we have compiled with two exceptions.

First, 13 emails between an Assistant Attorney General and the Commission’s Chairman and 2 confidential legal memoranda prepared by the Assistant Attorney General for the Chairman are subject to the attorney-client privilege and are therefore protected from disclosure by GP § 4-301 as privileged or confidential records. These same materials are also covered by the deliberative process privilege, and thus exempt from disclosure under GP § 4-301, and qualify as intra-agency memoranda exempt from disclosure under GP § 4-344. All of these records are internal materials prepared by counsel to inform the Commission of the different options available to it in considering

Ms. Know's application. In accordance with GP § 4-343, I find that the disclosure of these materials would be contrary to the public interest because it would discourage the Commission's receipt of full and frank advice. Moreover, because the entirety of these materials are covered by the privileges and exemptions just described, it is not possible to redact only part of the information they contain.

Second, I am also denying access to a portion of an investigatory file of this agency concerning your client. This file was compiled as part of a law enforcement investigation of this agency and is therefore covered by GP § 4-351. While your client is a person in interest as to these records, complete disclosure of the file would be contrary to the public interest since inspection would disclose the identity of a confidential source and would also disclose investigative techniques and procedures of the Commission. Apart from that portion, which has been redacted where appropriate, the balance of the investigatory file on your client is available for your inspection.

The cost of searching for and preparing the records for disclosure comes to \$380, which represents 16 hours of staff time at prorated hourly salaries of \$25 and \$40 per hour, with the first two hours provided free of charge. You may also obtain copies of the records. This agency charges a fee of \$.25 per page for copies. If you wish to inspect the records that are available to your client under the Act, please call my administrative assistant, Madge Public, to arrange for a mutually convenient time.

Pursuant to GP § 4-362, your client is entitled to seek judicial review of this decision. Alternatively, your client may file a request for mediation with the Public Access Ombudsman and, if the Ombudsman is unable to resolve the matter, may subsequently seek a resolution from the Public Information Act Compliance Board for those matters within the Compliance Board's jurisdiction. *See* GP §§ 4-1A-01 *et seq.* and 4-1B-01 *et seq.* Also, if you have any questions about this letter, please feel free to contact me.

Sincerely,

Freeman Information
Executive Director

cc: Evan Hand
Assistant Attorney General

AFFIDAVIT OF INDIGENCY

(Annotated Code of Maryland, General Provisions Article § 4-206)

I, _____, have submitted a request for public records under the Public Information Act (Md. Code Ann., Gen. Prov. §§ 4-101 – 4-601) and wish to request a waiver of any fee that would otherwise be required in order to process my request. I am unable to pay the necessary fee because I am indigent.

I respectfully submit that:

1. There are ____ family members living in my household, including myself. (*Do not include renters or temporary guests.*)

2. The total gross household income (before taxes) is \$ _____ (*total income earned by all persons in the household*) per ☐WEEK / ☐MONTH / ☐YEAR (*check appropriate reporting period*).

3. The gross household income (before taxes) is from the following sources (*list amounts before taxes*) per ☐WEEK / ☐MONTH / ☐YEAR:

☐ Wages \$ _____

☐ Commissions/Bonuses \$ _____

☐ Social Security/SSI \$ _____

☐ Retirement Income \$ _____

☐ Unemployment Insurance \$ _____

☐ Temporary Cash Assistance \$ _____

☐ Alimony/Spousal Support \$ _____

☐ Rent received from tenants \$ _____

☐ Any Other Income (*Do not include food stamps/SNAP*) \$ _____

I affirm under the penalties of perjury that what I have said above is true to the best of my knowledge, information, and belief.

Party Signature

Telephone/Fax

Party Name

Email

Address

Date

City, State, Zip

PUBLIC INFORMATION ACT
Annotated Code of Maryland
General Provisions Article¹

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¹ Although we do our best to ensure that this reproduction of the Public Information Act is up to date, readers should not rely on it in place of the published volumes of the Annotated Code of Maryland.

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SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

§ 4-101. DEFINITIONS.

- (a) In this title the following words have the meanings indicated.
- (b) “Applicant” means a person or governmental unit that asks to inspect a public record.
- (c) “Board” means the State Public Information Act Compliance Board.
- (d) “Custodian” means:
 - (1) the official custodian; or
 - (2) any other authorized individual who has physical custody and control of a public record.
- (e) “News media” means:
 - (1) newspapers;
 - (2) magazines;
 - (3) journals;
 - (4) press associations;
 - (5) news agencies;
 - (6) wire services;
 - (7) radio;
 - (8) television; and
 - (9) any printed, photographic, mechanical, or electronic means of disseminating news and information to the public.
- (f) “Official custodian” means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.
- (g) “Person in interest” means:
 - (1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5-310(d)(2) of the Health-General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

(h) (1) "Personal information" means information that identifies an individual.

(2) Except as provided in § 4-355 of this title, "personal information" includes an individual's:

(i) name;

(ii) address;

(iii) driver's license number or any other identification number;

(iv) medical or disability information;

(v) photograph or computer-generated image;

(vi) Social Security number; and

(vii) telephone number.

(3) "Personal information" does not include an individual's:

(i) driver's status;

(ii) driving offenses;

(iii) five-digit zip code; or

(iv) information on vehicular accidents.

(i) "Police officer" has the meaning stated in § 3-201 of the Public Safety Article.

(j) "Political subdivision" means:

(1) a county;

(2) a municipal corporation;

(3) an unincorporated town;

(4) a school district; or

(5) a special district.

(k) (1) “Public record” means the original or any copy of any documentary material that:

(i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

1. a card;
2. a computerized record;
3. correspondence;
4. a drawing;
5. film or microfilm;
6. a form;
7. a map;
8. a photograph or photostat;
9. a recording; or
10. a tape.

(2) “Public record” includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.

(3) “Public record” does not include:

(i) a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration; or

(ii) a record or any information submitted to the Public Access Ombudsman or the Board under Subtitle 1A of this title.

(l) “Technical infraction” means a minor rule violation by an individual solely related to the enforcement of administrative rules that:

(1) does not involve an interaction between a member of the public and the individual;

(2) does not relate to the individual’s investigative, enforcement, training, supervision, or reporting responsibilities; and

(3) is not otherwise a matter of public concern.

§ 4-102. LIMITATION ON RECORDS.

The State, a political subdivision, or a unit of the State or of a political subdivision may keep only the information about a person that:

(1) is needed by the State, the political subdivision, or the unit to accomplish a governmental purpose that is authorized or required to be accomplished under:

- (i) a statute or any other legislative mandate;
- (ii) an executive order of the Governor;
- (iii) an executive order of the chief executive of a local jurisdiction; or
- (iv) a judicial rule; and

(2) is relevant to accomplishment of the purpose.

§ 4-103. GENERAL RIGHT TO INFORMATION.

(a) All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.

(b) To carry out the right set forth in subsection (a) of this section, unless an unwarranted invasion of the privacy of a person in interest would result, this title shall be construed in favor of allowing inspection of a public record, with the least cost and least delay to the person or governmental unit that requests the inspection.

(c) This title does not preclude a member of the General Assembly from acquiring the names and addresses of and statistical information about individuals who are licensed or, as required by a State law, registered.

§ 4-104.

(a) Each official custodian shall adopt a policy of proactive disclosure of public records that are available for inspection under this title.

(b) The policy adopted under subsection (a) of this section may:

(1) vary as appropriate to the type of public records and to reflect the staff and budgetary resources of the governmental unit; and

(2) include publication of public records on the website of the governmental unit, to the extent practicable, or publication of prior response to requests for inspection made under this title.

SUBTITLE 1A. STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD

§ 4-1A-01.

There is a State Public Information Act Compliance Board

§ 4-1A-02.

(a) (1) The Board consists of five members.

(2) (i) One member of the Board shall be a representative:

1. from a nongovernmental nonprofit group that is organized in the State;
2. who works on issues related to transparency or open government; and
3. who is nominated by representatives of the open government and news media communities.

(ii) One member of the Board shall:

1. have knowledge of the provisions of this title;
2. have served as a custodian in the State as defined in § 4-101(d) of this title; and
3. be nominated by the Maryland Association of Counties and the Maryland Municipal League.

(iii) 1. Three members of the Board shall be private citizens of the State.

2. A private citizen member of the Board may not be:

- A. a custodian of a public record;
- B. a member of the news media; or

C. a staff member or spokesperson for an organization that represents the interests of custodians or applicants for public records.

(3) At least two members of the Board shall be attorneys admitted to the Maryland Bar.

(4) At least one member of the Board shall be knowledgeable about electronic records, including electronic storage, retrieval, review, and reproduction technologies.

(5) (i) The Governor shall publish, on the Web site of the Office of the Governor, notice of the Governor's intent to consider applicants for positions on the Board.

(ii) The notice shall include:

1. application procedures;
2. criteria for evaluating an applicant's qualifications; and
3. procedures for resolving any conflicts of interest.

(iii) The Governor shall solicit recommendations for positions on the Board from representatives of the custodian, news media, and nonprofit communities.

(iv) 1. An individual may submit to the Governor an application for membership on the Board as provided under subparagraph (ii) of this paragraph.

2. The names and qualifications of applicants shall be posted on the Web site of the Office of the Governor.

(v) When evaluating an applicant, the Governor shall:

1. consider the need for geographic, political, racial, ethnic, cultural, and gender diversity on the Board; and

2. ensure the neutrality of the Board.

(6) Subject to paragraphs (2) through (4) of this subsection and with the advice and consent of the Senate, the Governor shall appoint the members of the Board from the pool of applicants under paragraph (5) of this subsection.

(b) From among the members of the Board, the Governor shall appoint a chair.

(c) (1) The term of a member is 3 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2015.

(3) At the end of a term, a member continues to serve until a successor is appointed.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(5) A member may not serve for more than two consecutive 3-year terms.

§ 4-1A-03.

(a) A majority of the full authorized membership of the Board is a quorum.

(b) The Board shall determine the times and places of its meetings.

(c) A member of the Board:

(1) may not receive compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) (1) Subject to paragraph (2) of this subsection, the Office of the Attorney General shall provide staff and office space for the Board.

(2) The Office of the Attorney General shall provide at least two staff members to assist the Board and the Office of the Public Access Ombudsman to carry out the duties of the Board under this subtitle and the Office under Subtitle 1B of this title.

§ 4-1A-04.

(a) The Board shall:

(1) receive, review, and, subject to § 4-1A-07 of this subtitle, resolve complaints filed under § 4-1A-05 of this subtitle from any applicant or the applicant's designated representative alleging that a custodian:

(i) denied inspection of a public record in violation of this title;

(ii) charged an unreasonable fee under § 4-206 of this title of more than \$350; or

(iii) failed to respond to a request for a public record within the time limits established under § 4-203(a) or (d) of this title;

(2) issue a written decision as to whether a violation has occurred; and

(3) order the custodian to:

(i) if the Board finds that the custodian has denied inspection of a public record in violation of this title, produce the public record for inspection;

(ii) if the Board finds that the custodian charged an unreasonable fee under § 4-206 of this title, reduce the fee to an amount determined by the Board to be reasonable and refund the difference; or

(iii) if the Board finds that the custodian failed to respond to a request for a public record within the time limits established under § 4-203(a) or (d) of this title:

1. promptly respond; and

2. at the Board's discretion and only if the written decision includes the Board's reasons for ordering the waiver, waive all or part of the fee the custodian is otherwise entitled to charge under § 4-206 of this title.

(b) The Board shall:

(1) receive, review, and, subject to § 4-1A-07 of this subtitle, resolve complaints filed under § 4-1A-05 of this subtitle from any custodian alleging that an applicant's request or pattern of requests is frivolous, vexatious, or in bad faith;

(2) issue a written decision as to whether the applicant's request or pattern of requests is frivolous, vexatious, or in bad faith; and

(3) if the Board finds that the applicant's request is frivolous, vexatious, or in bad faith, based on the totality of the circumstances including the number and scope of the applicant's past requests and the custodian's responses to past requests and efforts to cooperate with the applicant, issue an order authorizing the custodian to:

(i) ignore the request that is the subject of the custodian's complaint; or

(ii) respond to a less burdensome version of the request within a reasonable timeframe, as determined by the Board.

(c) The Board shall:

(1) adopt regulations to carry out this subtitle;

(2) study ongoing compliance with this title by custodians; and

(3) make recommendations to the General Assembly for improvements to this title.

(d) (1) On or before October 1 of each year, the Board shall submit a report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly.

(2) The report shall:

- (i) describe the activities of the Board;
- (ii) describe the decisions of the Board;
- (iii) state the number and nature of complaints filed with the Board; and
- (iv) recommend any improvements to this title.

§ 4-1A-05.

(a) Any applicant, the applicant's designated representative, or a custodian may file a written complaint with the Board seeking a written decision and order from the Board under § 4-1A-04 of this subtitle if:

(1) the complainant has attempted to resolve the dispute through the Office of the Public Access Ombudsman under § 4-1B-04 of this title; and

(2) the Public Access Ombudsman has issued a final determination stating that the dispute was not resolved.

(b) The complaint shall:

(1) identify the custodian or applicant that is the subject of the complaint;

(2) describe the action of the custodian or applicant, the date of the action, and the circumstances of the action;

(3) be signed by the complainant;

(4) if available, include a copy of the original request for public records and the custodian's response, if any; and

(5) be filed within 30 calendar days after the complainant receives the final determination of the Public Access Ombudsman under § 4-1B-04 of this title.

§ 4-1A-06.

(a) Except as provided in subsection (c) of this section, on receipt of a written complaint, the Board promptly shall:

- (1) send the complaint to the custodian or applicant identified in the complaint; and
 - (2) request that a response to the complaint be sent to the Board.
- (b) (1) The custodian or applicant shall file a written response to the complaint within 30 calendar days after receiving the complaint.
- (2) On request of the Board, the custodian shall provide:
- (i) if the complaint alleges that the custodian failed to respond to a request for a public record within the time limits established under § 4-203 of this title, a response to the request for the public record;
 - (ii) if the complaint alleges that the custodian denied inspection of a public record in violation of this title:
 1. a copy of the public record, descriptive index of the public record, or written reason why the record cannot be disclosed, as appropriate; and
 2. the provision of law on which the custodian relied in denying inspection of the public record; or
 - (iii) if the complaint alleges that the custodian charged an unreasonable fee under § 4-206 of this title, the basis for the fee that was charged.
- (3) (i) If the complaint alleges that the custodian denied the inspection of a public record under § 4-301(a)(2)(ii) of this title, the custodian may not be required to produce the record for Board review.
- (ii) The Board may request information about the public record from the custodian.
- (4) On request of the Board, a custodian or an applicant shall provide an affidavit or a statement containing the facts that are at issue in the complaint.
- (5) The Board shall maintain the confidentiality of any record or information submitted by a custodian or an applicant under this subsection.
- (6) A custodian may not be civilly or criminally liable under Maryland law for providing or describing a public record to the Board under this subsection.
- (7) The provision of a record or a description of the record to the Board under this subsection may not be construed as a waiver of any applicable privilege.

(c) If a written response or information requested under subsection (b) of this section is not received within 30 calendar days after the request is sent, the Board shall decide the case on the facts before the Board.

§ 4-1A-07.

(a) (1) The Board shall review the complaint and any response.

(2) The Board shall issue a written decision within 30 calendar days after receiving the written response and all information requested under § 4-1A-06(b) of this subtitle.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, if the Board is unable to reach a determination based on the written submissions before it, the Board may schedule an informal conference to hear from the complainant, the affected custodian or applicant, or any other person with relevant information about the subject of the complaint.

(ii) The Board shall hold the informal conference under subparagraph (i) of this paragraph in a location that is as convenient as practicable to the complainant and the affected custodian or applicant.

(2) When conducting a conference that is scheduled under paragraph (1) of this subsection, the Board may allow the parties to testify by teleconference or submit written testimony by electronic mail.

(3) An informal conference scheduled by the Board is not a contested case within the meaning of § 10-202(d) of the State Government Article.

(4) The Board shall issue a written decision within 30 calendar days after the informal conference.

(c) (1) If the Board is unable to issue a decision on a complaint within the time periods specified in subsection (a) or (b) of this section, the Board shall:

(i) state in writing the reason for its inability to issue a decision; and

(ii) issue a decision as soon as possible but not later than 120 days after the filing of the complaint.

(2) (i) A decision of the Board may state that the Board is unable to resolve the complaint.

(ii) A person may not appeal under § 4-1A-10 of this subtitle or § 4-362(a)(2) of this title a decision of the Board stating that the Board is unable to resolve the complaint.

(d) The Board shall send a copy of the written decision to the complainant and the affected custodian or applicant.

§ 4-1A-08.

(a) The Board may send to any custodian in the State any written decision that will provide the custodian with guidance on compliance with this title.

(b) The Attorney General shall post on the Web site of the Office of the Attorney General all of the Board's written decisions under this subtitle.

§ 4-1A-09.

Compliance by a custodian with an order of the Board:

(1) is not an admission to a violation of this title by the custodian; and

(2) may not be used as evidence in a proceeding conducted in accordance with § 4-362 of this title.

§ 4-1A-10.

(a) A person or governmental unit need not exhaust the administrative remedy under this subtitle before filing suit.

(b) (1) Except as otherwise provided in this subtitle, a complainant or custodian may appeal the decision issued by the Board under this subtitle in accordance with § 4-362 of this title.

(2) An appeal under this subsection automatically stays the decision of the Board pending the circuit court's decision.

SUBTITLE 1B. PUBLIC ACCESS OMBUDSMAN

§ 4-1B-01.

In this subtitle, "Ombudsman" means the Public Access Ombudsman.

§ 4-1B-02.

(a) There is an Office of the Public Access Ombudsman.

(b) Subject to § 4-1A-03(d)(2) of this title, the Office of the Attorney General shall provide office space and staff for the Ombudsman, with appropriate steps taken to protect the autonomy and independence of the Ombudsman.

§ 4-1B-03.

(a) Subject to subsections (b) and (c) of this section, the Attorney General shall appoint the Ombudsman.

(b) The Ombudsman shall have been admitted to practice law in the State.

(c) (1) The Office of the Attorney General shall publish, on its Web site, notice of the Attorney General's intent to consider applicants for the Ombudsman position.

(2) The notice shall include:

- (i) application procedures;
- (ii) criteria for evaluating an applicant's qualifications; and
- (iii) procedures for resolving any conflicts of interest.

(3) (i) An individual may submit to the Attorney General an application for the Ombudsman position as provided under paragraph (2) of this subsection.

(ii) The Office of the Attorney General shall post on its Web site the names and qualifications of applicants.

(d) (1) The term of the Ombudsman is 4 years.

(2) At the end of a term, the Ombudsman continues to serve until a successor is appointed and qualifies.

(3) An Ombudsman who is appointed after a term begins serves for the remainder of the term until a successor is appointed and qualifies.

(e) The Ombudsman shall be a full-time State employee.

(f) The Ombudsman is entitled to an annual salary as provided for in the State budget.

§ 4-1B-04.

(a) Subject to subsection (d) of this section, the Ombudsman shall make reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records under this title, including disputes over:

- (1) the custodian's application of an exemption;
- (2) redactions of information in the public record;
- (3) the failure of the custodian to produce a public record in a timely manner or to disclose all records relevant to the request;
- (4) overly broad requests for public records;
- (5) the amount of time a custodian needs, given available staff and resources, to produce public records;
- (6) a request for or denial of a fee waiver under § 4-206(e) of this title; and
- (7) repetitive or redundant requests from an applicant;
- (8) fees imposed under § 4-206 of this title; and
- (9) a request or pattern of requests from an applicant that is alleged to be frivolous, vexatious, or made in bad faith.

(b) Within 90 calendar days after receiving a request for dispute resolution, unless the parties mutually agree to extend the deadline, the Ombudsman shall issue a final determination stating:

- (1) that the dispute has been resolved; or
- (2) that the dispute has not been resolved.

(c) If the Ombudsman issues a final determination that the dispute has not been resolved, the Ombudsman shall inform the applicant and the custodian of the availability of review by the Board under § 4-1A-04 of this title.

(d) (1) When resolving disputes under this section, the Ombudsman may not:

- (i) compel a custodian to disclose public records or redacted information in the custodian's physical custody to the Ombudsman or an applicant; or

(ii) except as provided in paragraphs (2) and (3) of this subsection, disclose information received from an applicant or custodian without written consent from the applicant and custodian.

(2) (i) The Ombudsman may disclose information received from an applicant or custodian to the assistant Attorney General assigned to the Office of the Public Access Ombudsman or to any other person working under the direction of the Ombudsman.

(ii) An individual to whom the Ombudsman discloses information under this paragraph may not disclose the information without written consent from the applicant and custodian.

(3) The Ombudsman may transfer basic information about a dispute, including the identity of the applicant and custodian and the nature of the dispute, to the Board if appropriate steps have been taken to protect the confidentiality of communications made or received in the course of attempting to resolve the dispute.

SUBTITLE 2. INSPECTION OF PUBLIC RECORDS

§ 4-201. INSPECTION OF PUBLIC RECORDS.

(a) (1) Except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time.

(2) Inspection or copying of a public record may be denied only to the extent provided under this title.

(b) To protect public records and to prevent unnecessary interference with official business, each official custodian shall adopt reasonable rules or regulations that, subject to this title, govern timely production and inspection of a public record.

(c) Each official custodian shall:

(1) designate types of public records of the governmental unit that are to be made available to any applicant immediately on request; and

(2) maintain a current list of the types of public records that have been designated as available to any applicant immediately on request.

§ 4-202. APPLICATION TO INSPECT PUBLIC RECORD REQUIRED.

(a) Except as provided in subsection (b) of this section, a person or governmental unit that wishes to inspect a public record shall submit a written application to the custodian.

(b) A person or governmental unit need not submit a written application to the custodian if:

(1) the person or governmental unit seeks to inspect a public record listed by an official custodian in accordance with § 4-201(c)(2) of this subtitle; or

(2) the custodian waives the requirement for a written application.

(c) If the individual to whom the application is submitted is not the custodian of the public record, within 10 working days after receiving the application, the individual shall give the applicant:

(1) notice of that fact; and

(2) if known:

(i) the name of the custodian; and

(ii) the location or possible location of the public record.

(d) When an applicant requests to inspect a public record and a custodian determines that the record does not exist, the custodian shall notify the applicant of this determination:

(1) if the custodian has reached this determination on initial review of the application, immediately; or

(2) if the custodian has reached this determination after a search for potentially responsive public records, promptly after the search is completed but not more than 30 days after receiving the application.

§ 4-203. TIMELINESS OF DECISION ON APPLICATION.

(a) (1) Except as provided in paragraph (2) of this subsection, the custodian shall grant or deny the application promptly, but not more than 30 days after receiving the application.

(2) The custodian shall grant or deny an application that is the subject of § 4-356 of this title not more than 50 days after receiving the application.

(b) (1) A custodian who approves the application shall produce the public record immediately or within a reasonable period that is needed to retrieve the public record, but not more than 30 days after receipt of the application.

(2) If the custodian reasonably believes that it will take more than 10 working days to produce the public record, the custodian shall indicate in writing or by electronic mail within 10 working days after receipt of the request:

(i) the amount of time that the custodian anticipates it will take to produce the public record;

(ii) an estimate of the range of fees that may be charged to comply with the request for public records; and

(iii) the reason for the delay.

(3) Failure to produce the public record in accordance with this subsection constitutes a denial of an application that may not be considered the result of a bona fide dispute unless the custodian has complied with paragraph (2) of this subsection and is working with the applicant in good faith.

(c) (1) A custodian who denies the application shall:

(i) within 10 working days, give the applicant a written statement that gives:

1. the reasons for the denial;

2. if inspection is denied under § 4-343 of this title:

A. a brief explanation of why the denial is necessary; and

B. an explanation of why redacting information would not address the reasons for the denial;

3. the legal authority for the denial;

4. without disclosing the protected information, a brief description of the undisclosed record that will enable the applicant to assess the applicability of the legal authority for the denial; and

5. notice of the remedies under this title for review of the denial; and

(ii) allow inspection of any part of the record that is subject to inspection.

(2) A custodian may not ignore an application to inspect public records on the grounds that the application was intended for purposes of harassment.

(d) Any time limit imposed under this section:

(1) with the consent of the applicant, may be extended for not more than 30 days; and

(2) if the applicant or custodian seeks resolution of a dispute under subtitle 1A or 1B of this title, shall be extended pending resolution of that dispute.

§ 4-204. IMPROPER CONDITION ON GRANTING APPLICATION.

(a) Except to the extent that the grant of an application is related to the status of the applicant as a person in interest and except as required by other law or regulation, the custodian may not condition the grant of an application on:

(1) the identity of the applicant;

(2) any organizational or other affiliation of the applicant; or

(3) a disclosure by the applicant of the purpose for an application.

(b) This section does not preclude an official custodian from considering the identity of the applicant, any organizational or other affiliation of the applicant, or the purpose for the application if:

(1) the applicant chooses to provide this information for the custodian to consider in making a determination under Subtitle 3, Part IV of this title;

(2) the applicant has requested a waiver of fees under § 4-206(e) of this subtitle; or

(3) the identity of the applicant, any organizational or other affiliation of the applicant, or the purpose for the application is material to the determination of the official custodian in accordance with § 4-206(e)(2) of this subtitle.

(c) Consistently with this section, an official may request the identity of an applicant for the purpose of contacting the applicant.

§ 4-205. COPIES; PRINTOUTS; PHOTOGRAPHS; ELECTRONIC FORMAT.

(a) (1) In this section, “metadata” means information, generally not visible when an electronic document is printed, describing the history, tracking, or management of the electronic document, including information about data in the electronic document that describes how,

when, and by whom the data is collected, created, accessed, or modified and how the data is formatted.

(2) “Metadata” does not include:

- (i) a spreadsheet formula;
- (ii) a database field;
- (iii) an externally or internally linked file; or
- (iv) a reference to an external file or a hyperlink.

(b) Except as otherwise provided in this section, if an applicant who is authorized to inspect a public record requests a copy, printout, or photograph of the public record, the custodian shall provide the applicant with:

(1) a copy, printout, or photograph of the public record; or

(2) if the custodian does not have facilities to reproduce the public record, access to the public record to make the copy, printout, or photograph.

(c) (1) Except as provided in paragraph (2) of this subsection, the custodian of a public record shall provide an applicant with a copy of the public record in a searchable and analyzable electronic format if:

- (i) the public record is in a searchable and analyzable electronic format;
- (ii) the applicant requests a copy of the public record in a searchable and analyzable electronic format; and
- (iii) the custodian is able to provide a copy of the public record, in whole or in part, in a searchable and analyzable electronic format that does not disclose:

1. confidential or protected information for which the custodian is required to deny inspection in accordance with Subtitle 3, Parts I through III of this title; or

2. information for which a custodian has chosen to deny inspection in accordance with Subtitle 3, Part IV of this title.

(2) The State Department of Assessments and Taxation is not required to provide an applicant with a copy of the public record in a searchable and analyzable electronic format if the State Department of Assessments and Taxation has provided the public record to a contractor that will provide the applicant a copy of the public record in a searchable and analyzable electronic format for a reasonable cost.

(3) A custodian may remove metadata from an electronic document before providing the electronic document to an applicant by:

- (i) using a software program or function; or
- (ii) converting the electronic document into a different searchable and analyzable format.

(4) This subsection may not be construed to:

- (i) require the custodian to reconstruct a public record in an electronic format if the custodian no longer has the public record available in an electronic format;
- (ii) allow a custodian to make a public record available only in an electronic format;
- (iii) require a custodian to create, compile, or program a new public record; or
- (iv) require a custodian to release an electronic record in a format that would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained.

(5) If a public record exists in a searchable and analyzable electronic format, the act of a custodian providing a portion of the public record in a searchable and analyzable electronic format does not constitute creating a new public record.

(d) (1) The copy, printout, or photograph shall be made:

- (i) while the public record is in the custody of the custodian; and
- (ii) whenever practicable, where the public record is kept.

(2) The official custodian may set a reasonable time schedule to make copies, printouts, or photographs.

§ 4-206. FEES.

(a) (1) In this section the following words have the meanings indicated.

(2) “Indigent” means an individual’s family household income is less than 50% of the median family income for the State as reported in the Federal Register.

(3) “Reasonable fee” means a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.

(b) (1) Subject to the limitations in this section, the official custodian may charge an applicant a reasonable fee for:

(i) the search for, preparation of, and reproduction of a public record prepared, on request of the applicant, in a customized format; and

(ii) the actual costs of the search for, preparation of, and reproduction of a public record in standard format, including media and mechanical processing costs.

(2) The staff and attorney review costs included in the calculation of actual costs incurred under this section shall be prorated for each individual's salary and actual time attributable to the search for and preparation of a public record under this section.

(c) The official custodian may not charge a fee for the first 2 hours that are needed to search for a public record and prepare it for inspection.

(d) (1) If another law sets a fee for a copy, an electronic copy, a printout, or a photograph of a public record, that law applies.

(2) The official custodian may charge for the cost of providing facilities for the reproduction of the public record if the custodian did not have the facilities.

(e) The official custodian may waive a fee under this section if:

(1) the applicant asks for a waiver; and

(2) (i) the applicant is indigent and files an affidavit of indigency; or

(ii) after consideration of the ability of the applicant to pay the fee and other relevant factors, the official custodian determines that the waiver would be in the public interest.

(f) If the custodian of a public record for a local school system charges an applicant a fee under subsection (b) of this section, the custodian shall provide written notice to the applicant that the applicant may file a complaint with the Board to contest the fee.

SUBTITLE 3. DENIALS OF INSPECTION

Part I. IN GENERAL

§ 4-301. IN GENERAL.

(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a public record or any part of a public record if:

(1) by law, the public record is privileged or confidential; or

(2) the inspection would be contrary to:

- (i) a State statute;
- (ii) a federal statute or a regulation that is issued under the statute and has the force of law;
- (iii) the rules adopted by the Court of Appeals; or
- (iv) an order of a court of record.

(b) If an applicant files a complaint with the Ombudsman challenging a denial or the application of an exemption under this subtitle, the custodian shall demonstrate that:

- (1) the denial or the exemption is clearly applicable to the requested public record; and
- (2) if inspection is denied under Part IV of this subtitle, the harm from disclosure of the public record is greater than the public interest in access to the information in the public record.

§ 4-302. RESERVED.

§ 4-303. RESERVED.

PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS

§ 4-304. IN GENERAL

Unless otherwise provided by law, a custodian shall deny inspection of a public record, as provided in this part.

§ 4-305. ADOPTION RECORDS.

A custodian shall deny inspection of public records that relate to the adoption of an individual.

§ 4-306. HOSPITAL RECORDS.

A custodian shall deny inspection of a hospital record that:

- (1) relates to:
 - (i) medical administration;
 - (ii) staff;
 - (iii) medical care; or

- (iv) other medical information; and
- (2) contains general or specific information about one or more individuals.

§ 4-307. WELFARE RECORDS.

A custodian shall deny inspection of public records that relate to welfare for an individual.

§ 4-308. LIBRARY RECORDS.

(a) Subject to subsection (b) of this section, a custodian shall prohibit inspection, use, or disclosure of a circulation record of a public library or any other item, collection, or grouping of information about an individual that:

- (1) is maintained by a library;
- (2) contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and

(3) identifies the use a patron makes of that library's materials, services, or facilities.

(b) A custodian shall allow inspection, use, or disclosure of a circulation record of a public library only:

- (1) in connection with the library's ordinary business; and
- (2) for the purposes for which the record was created.

§ 4-309. GIFTS OF LIBRARY, ARCHIVAL, OR MUSEUM MATERIALS.

A custodian shall deny inspection of library, archival, or museum material given by a person to the extent that the person who made the gift limits disclosure as a condition of the gift.

§ 4-310. LETTER OF REFERENCE.

A custodian shall deny inspection of a letter of reference.

§ 4-311. PERSONNEL RECORDS.

(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.

(b) A custodian shall allow inspection by:

(1) the person in interest;

(2) an elected or appointed official who supervises the work of the individual; or

(3) an employee organization described in Title 6 of the Education Article of the portion of the personnel record that contains the individual's:

(i) home address;

(ii) home telephone number; and

(iii) personal cell phone number.

(c) (1) Except as provided in paragraph (2) of this subsection, a record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, is not a personnel record for purposes of this section.

(2) A record of a technical infraction is a personnel record for the purposes of this section.

§ 4-312. RETIREMENT RECORDS.

(a) Subject to subsections (b) through (e) of this section, a custodian shall deny inspection of a retirement record for an individual.

(b) (1) A custodian shall allow inspection:

(i) by the person in interest;

(ii) by the appointing authority of the individual;

(iii) after the death of the individual, by a beneficiary, a personal representative, or any other person who satisfies the administrators of the retirement and pension systems that the person has a valid claim to the benefits of the individual;

(iv) by any law enforcement agency to obtain the home address of a retired employee of the agency when contact with the retired employee is documented to be necessary for official agency business; and

(v) subject to paragraph (2) of this subsection, by the employees of a county unit that, by county law, is required to audit the retirement records for current or former employees of the county.

(2) (i) The information obtained during an inspection under paragraph (1)(v) of this subsection is confidential.

(ii) The county unit and its employees may not disclose any information obtained during an inspection under paragraph (1)(v) of this subsection that would identify a person in interest.

(c) A custodian shall allow release of information as provided in § 21-504 or § 21-505 of the State Personnel and Pensions Article.

(d) (1) On request, a custodian shall state whether the individual receives a retirement or pension allowance.

(2) On written request, a custodian shall:

(i) disclose the amount of the part of a retirement allowance that is derived from employer contributions and that is granted to:

1. a retired elected or appointed official of the State;
2. a retired elected official of a political subdivision; or
3. a retired appointed official of a political subdivision who is a member of a separate system for elected or appointed officials; and

(ii) disclose the benefit formula and the variables for calculating the retirement allowance of:

1. a current elected or appointed official of the State;
2. a current elected official of a political subdivision; or
3. a current appointed official of a political subdivision who is a member of a separate system for elected or appointed officials.

(e) (1) This subsection applies only to Anne Arundel County.

(2) On written request, a custodian of retirement records shall disclose:

(i) the total amount of the part of a pension or retirement allowance that is derived from employer contributions and that is granted to a retired elected or appointed official of the county;

(ii) the total amount of the part of a pension or retirement allowance that is derived from employee contributions and that is granted to a retired elected or appointed official of the county if the retired elected or appointed official consents to the disclosure;

(iii) the benefit formula and the variables for calculating the retirement allowance of a current elected or appointed official of the county; and

(iv) the amount of the employee contributions plus interest attributable to a current elected or appointed official of the county if the current elected or appointed official consents to the disclosure.

(3) A custodian of retirement records shall maintain a list of those elected or appointed officials of the county who have consented to the disclosure of information under paragraph (2)(ii) or (iv) of this subsection.

§ 4-313. STUDENT RECORDS.

(a) Subject to subsections (b) and (c) of this section, a custodian shall deny inspection of a school district record about the home address, home telephone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student.

(b) A custodian shall allow inspection by:

(1) the person in interest; or

(2) an elected or appointed official who supervises the student.

(c) (1) A custodian may allow inspection of the home address or home telephone number of a student of a public school by:

(i) an organization of parents, teachers, students, or former students, or any combination of those groups, of the school;

(ii) an organization or a force of the military;

(iii) a person engaged by a school or board of education to confirm a home address or home telephone number;

(iv) a representative of a community college in the State; or

(v) the Maryland Higher Education Commission.

(2) The Maryland Higher Education Commission or a person, an organization, or a community college that obtains information under this subsection may not:

- (i) use this information for a commercial purpose; or
- (ii) disclose this information to another person, organization, or community college.

(3) When a custodian allows inspection under this subsection, the custodian shall notify the Maryland Higher Education Commission, person, organization, or community college of the prohibitions under paragraph (2) of this subsection regarding use and disclosure of this information.

§ 4-314. HIGHER EDUCATION INVESTMENT CONTRACTS.

(a) Subject to subsection (b) of this section, a custodian shall deny inspection of any record disclosing:

(1) the name of an account holder or a qualified beneficiary of a prepaid contract under Title 18, Subtitle 19 of the Education Article; or

(2) the name of an account holder or a qualified designated beneficiary of an investment account under Title 18, Subtitle 19A of the Education Article.

(b) A custodian:

(1) shall allow inspection by a person in interest; and

(2) may release information to an eligible institution of higher education designated:

(i) by an account holder of a prepaid contract or a qualified beneficiary under Title 18, Subtitle 19 of the Education Article; or

(ii) by an account holder or a qualified designated beneficiary under Title 18, Subtitle 19A of the Education Article.

§ 4-314.1

(a) Except as provided in subsection (b) of this section, a custodian shall deny inspection of any record disclosing:

(1) a safety evaluation or school emergency plan developed under § 7-1510 of the Education Article;

(2) an emergency response policy developed under § 7-1509 of the Education Article and § 3-520 of the Public Safety Article;

(3) guidelines for school resource officers and supplemental coverage by local law enforcement agencies developed by the Maryland Center for School Safety under § 7-1508 of the Education Article; or

(4) a plan to implement the Maryland Center for School Safety's guidelines adopted by a local school system under § 7-1508 of the Education Article.

(b) A custodian shall allow inspection of safety evaluation, school emergency plan, and emergency response policy records by the following entities in the performance of the entity's official duties:

- (1) the Maryland Center for School Safety;
- (2) the Interagency Commission on School Construction;
- (3) the Department of State Police;
- (4) the Department of Public Safety and Correctional Services;
- (5) the Maryland Emergency Management Agency;
- (6) local law enforcement agencies; and
- (7) local organizations for emergency management.

§ 4-315. TRAFFIC ACCIDENT REPORTS; CRIMINAL CHARGING DOCUMENTS; TRAFFIC CITATIONS.

(a) This section applies only to public records that relate to:

- (1) police reports of traffic accidents;
- (2) criminal charging documents before service on the defendant named in the document;

or

- (3) traffic citations filed in the Maryland Automated Traffic System.

(b) A custodian shall deny inspection of a record described in subsection (a) of this section to any of the following persons who request inspection of records to solicit or market legal services:

- (1) an attorney who is not an attorney of record of a person named in the record; or
- (2) a person who is employed by, retained by, associated with, or acting on behalf of an attorney described in this subsection.

§ 4-316. ARREST WARRANTS AND CHARGING DOCUMENTS.

(a) Except as provided in subsection (d) of this section and subject to subsection (e) of this section, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued under Maryland Rule 4-212(d)(1) or (2) and the charging document on which the arrest warrant was issued may not be open to inspection until:

(1) the arrest warrant has been served and a return of service has been filed in accordance with Maryland Rule 4-212(g); or

(2) 90 days have elapsed since the arrest warrant was issued.

(b) Except as provided in subsection (d) of this section and subject to subsection (e) of this section, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued in accordance with a grand jury indictment or conspiracy investigation and the charging document on which the arrest warrant was issued may not be open to inspection until all arrest warrants for any co-conspirators have been served and all returns of service have been filed in accordance with Maryland Rule 4-212(g).

(c) Subject to subsections (a) and (b) of this section, unless sealed under Maryland Rule 4-201(d), the files and records shall be open to inspection.

(d) (1) The name, address, birth date, driver's license number, sex, height, and weight of an individual contained in an arrest warrant issued under Maryland Rule 4-212(d)(1) or (2) or issued in accordance with a grand jury indictment or conspiracy investigation may be released to the Motor Vehicle Administration for use by the Administration for purposes of § 13-406.1 or § 16-204 of the Transportation Article.

(2) Except as provided in paragraph (1) of this subsection, information in a charging document that identifies an individual may not be released to the Motor Vehicle Administration.

(e) Subsections (a) and (b) of this section may not be construed to prohibit:

(1) the release of statistical information concerning unserved arrest warrants;

(2) the release of information by a State's Attorney or peace officer concerning an unserved arrest warrant and the charging document on which the arrest warrant was issued;

(3) inspection of files and records of a court concerning an unserved arrest warrant and the charging document on which the arrest warrant was issued by:

(i) a judicial officer;

- (ii) any authorized court personnel;
 - (iii) a State's Attorney;
 - (iv) a peace officer;
 - (v) a correctional officer who is authorized by law to serve an arrest warrant;
 - (vi) a bail bondsman, surety insurer, or surety who executes bail bonds who executed a bail bond for the individual who is subject to arrest under the arrest warrant;
 - (vii) an attorney authorized by the individual who is subject to arrest under the arrest warrant;
 - (viii) the Department of Juvenile Services; or
 - (ix) a federal, State, or local criminal justice agency described under Title 10, Subtitle 2 of the Criminal Procedure Article; or
- (4) the release of information by the Department of Public Safety and Correctional Services or the Department of Juvenile Services to notify a victim under § 11-507 of the Criminal Procedure Article.

§ 4-317. DEPARTMENT OF NATURAL RESOURCES RECORDS.

- (a) Subject to § 8-704.1 of the Natural Resources Article and subsection (b) of this section, a custodian may not knowingly disclose a public record of the Department of Natural Resources containing personal information about the owner of a registered vessel.
- (b) A custodian shall disclose personal information about the owner of a registered vessel for use in the normal course of business activity by a financial institution, as defined in § 1-101(i) of the Financial Institutions Article, its agents, employees, or contractors, but only:
- (1) to verify the accuracy of personal information submitted by the individual to that financial institution; and
 - (2) if the information submitted is not accurate, to obtain correct information only for the purpose of:
 - (i) preventing fraud by the individual;
 - (ii) pursuing legal remedies against the individual; or
 - (iii) recovering on a debt or security interest against the individual.

§ 4-318. MARYLAND TRANSIT ADMINISTRATION RECORDS.

(a) Except as provided in subsection (b) of this section, a custodian shall deny inspection of all records of persons created, generated, or obtained by, or submitted to, the Maryland Transit Administration or its agents or employees in connection with the use or purchase of electronic fare media provided by the Maryland Transit Administration or its agents, employees, or contractors.

(b) A custodian shall allow inspection of the records described in subsection (a) of this section by:

- (1) an individual named in the record; or
- (2) the attorney of record of an individual named in the record.

§ 4-319. MARYLAND TRANSPORTATION AUTHORITY RECORDS.

(a) Subject to subsection (b) of this section, a custodian shall deny inspection of every record that:

- (1) is:
 - (i) a photograph, a videotape, or an electronically recorded image of a vehicle;
 - (ii) a vehicle movement record;
 - (iii) personal financial information;
 - (iv) a credit report;
 - (v) other personal information; or
 - (vi) other financial information; and

(2) has been created, recorded, or obtained by, or submitted to, the Maryland Transportation Authority or its agents or employees for or about an electronic toll collection system or associated transaction system.

(b) A custodian shall allow inspection of the records described in subsection (a) of this section by:

- (1) an individual named in the record;
- (2) the attorney of record of an individual named in the record;

(3) an employee or agent of the Maryland Transportation Authority in any investigation or proceeding relating to a violation of speed limitations or to the imposition of or indemnification from liability for failure to pay a toll in connection with any electronic toll collection system;

(4) an employee or agent of a third party that has entered into an agreement with the Maryland Transportation Authority to use an electronic toll collection system for nontoll applications in the collection of revenues due to the third party; or

(5) an employee or agent of an entity in another state operating or having jurisdiction over a toll facility.

§ 4-320. MOTOR VEHICLE ADMINISTRATION.

(a) (1) In this section, “telephone solicitation” means the initiation of a telephone call to an individual or to the residence or business of an individual to encourage the purchase or rental of or investment in property, goods, or services.

(2) “Telephone solicitation” does not include a telephone call or message:

(i) to an individual who has given express permission to the person making the telephone call;

(ii) to an individual with whom the person has an established business relationship; or

(iii) by a tax-exempt, nonprofit organization.

(b) Except as provided in subsections (c) through (f) of this section, a custodian may not knowingly disclose a public record of the Motor Vehicle Administration containing personal information.

(c) A custodian shall disclose personal information when required by federal law.

(d) (1) This subsection applies only to the disclosure of personal information for any use in response to a request for an individual motor vehicle record.

(2) The custodian may not disclose personal information without written consent from the person in interest.

(3) (i) At any time the person in interest may withdraw consent to disclose personal information by notifying the custodian.

(ii) The withdrawal by the person in interest of consent to disclose personal information shall take effect as soon as practicable after it is received by the custodian.

(e) (1) This subsection applies only to the disclosure of personal information for inclusion in lists of information to be used for surveys, marketing, and solicitations.

(2) The custodian may not disclose personal information for surveys, marketing, and solicitations without written consent from the person in interest.

(3) (i) At any time the person in interest may withdraw consent to disclose personal information by notifying the custodian.

(ii) The withdrawal by the person in interest of consent to disclose personal information shall take effect as soon as practicable after it is received by the custodian.

(4) The custodian may not disclose personal information under this subsection for use in telephone solicitations.

(5) Personal information disclosed under this subsection may be used only for surveys, marketing, or solicitations and only for a purpose approved by the Motor Vehicle Administration.

(f) Notwithstanding subsections (d) and (e) of this section, and subject to § 4-320.1 of this subtitle, a custodian shall disclose personal information:

(1) for use by a federal, state, or local government, including a law enforcement agency, or a court in carrying out its functions;

(2) for use in connection with matters of:

(i) motor vehicle or driver safety;

(ii) motor vehicle theft;

(iii) motor vehicle emissions;

(iv) motor vehicle product alterations, recalls, or advisories;

(v) performance monitoring of motor vehicle parts and dealers; and

(vi) removal of nonowner records from the original records of motor vehicle manufacturers;

(3) for use by a private detective agency licensed by the Secretary of State Police under Title 13 of the Business Occupations and Professions Article or a security guard service licensed by the Secretary of State Police under Title 19 of the Business Occupations and Professions Article for a purpose allowed under this subsection;

(4) for use in connection with a civil, an administrative, an arbitral, or a criminal proceeding in a federal, state, or local court or regulatory agency for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments or orders;

(5) for purposes of research or statistical reporting as approved by the Motor Vehicle Administration provided that the personal information is not published, redisclosed, or used to contact the individual;

(6) for use by an insurer, an insurance support organization, or a self-insured entity, or its employees, agents, or contractors, in connection with rating, underwriting, claims investigating, and antifraud activities;

(7) for use in the normal course of business activity by a legitimate business entity or its agents, employees, or contractors, but only:

(i) to verify the accuracy of personal information submitted by the individual to that entity; and

(ii) if the information submitted is not accurate, to obtain correct information only for the purpose of:

1. preventing fraud by the individual;
2. pursuing legal remedies against the individual; or
3. recovering on a debt or security interest against the individual;

(8) for use by an employer or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. § 31101 et seq.);

(9) for use in connection with the operation of a private toll transportation facility;

(10) for use in providing notice to the owner of a towed or impounded motor vehicle;

(11) for use by an applicant who provides written consent from the individual to whom the information pertains if the consent is obtained within the 6-month period before the date of the request for personal information;

(12) for use in any matter relating to:

(i) the operation of a Class B (for hire), Class C (funeral and ambulance), or Class Q (limousine) vehicle; and

(ii) public safety or the treatment by the operator of a member of the public;

(13) for a use specifically authorized by State law, if the use is related to the operation of a motor vehicle or public safety;

(14) for use by a hospital to obtain, for hospital security, information relating to ownership of vehicles parked on hospital property;

(15) for use by a procurement organization requesting information under § 4-516 of the Estates and Trusts Article for the purposes of organ, tissue, and eye donation;

(16) for use by an electric company, as defined in § 1-101 of the Public Utilities Article, but only:

(i) information describing a plug-in electric drive vehicle, as defined in § 11-145.1 of the Transportation Article, and identifying the address of the registered owner of the plug-in vehicle;

(ii) for use in planning for the availability and reliability of the electric power supply; and

(iii) if the information is not:

1. published or redisclosed, including redisclosed to an affiliate as defined in § 7-501 of the Public Utilities Article; or

2. used for marketing or solicitation; and

(17) for use by an attorney, a title insurance producer, or any other individual authorized to conduct a title search of a manufactured home under Title 8B of the Real Property Article.

(g) (1) A person receiving personal information under subsection (e) or (f) of this section may not use or redisclose the personal information for a purpose other than the purpose for which the custodian disclosed the personal information.

(2) A person receiving personal information under subsection (d), (e), or (f) of this section may not disclose the personal information to a federal agent or federal agency for the purpose of federal immigration enforcement unless the person is presented with a valid warrant issued by a federal court of a court of this State.

(3) A person receiving personal information under subsection (e) or (f) of this section who rediscloses the personal information shall:

(i) keep a record for 5 years of the person to whom the information is redisclosed and the purpose for which the information is to be used; and

(ii) make the record available to the custodian on request.

(h) (1) The custodian shall adopt regulations to implement and enforce this section.

(2) (i) The custodian shall adopt regulations and procedures for securing from a person in interest a waiver of privacy rights under this section when an applicant requests personal information about the person in interest that the custodian is not authorized to disclose under subsections (c) through (f) of this section.

(ii) The regulations and procedures adopted under this paragraph shall:

1. state the circumstances under which the custodian may request a waiver; and

2. conform with the waiver requirements in the federal Driver's Privacy Protection Act of 1994 and other federal law.

(i) The custodian may develop and implement methods for monitoring compliance with this section and ensuring that personal information is used only for the purposes for which it is disclosed.

§ 4-320.1

(a) In this section, "facial recognition" means a biometric software application that identifies or verifies a person by comparing and analyzing patterns based on a person's facial contours.

(b) (1) Notwithstanding any other provision of this title, an officer, an employee, an agent, or a contractor of the State or a political subdivision shall deny inspection of the part of a public record that contains personal information or inspection of a photograph of an individual by any federal agency seeking access for the purpose of enforcing federal immigration law, unless the officer, employee, agent, or contractor is provided with a valid warrant issued by a federal court or court of this State.

(2) Notwithstanding any other provision of this title, an officer, an employee, an agent, or a contractor of the State or a political subdivision shall deny inspection using a facial recognition search of a digital photographic image or actual stored data of a digital photographic image by any federal agency seeking access for the purpose of enforcing federal immigration law, unless the officer, employee, agent, or contractor is provided with a valid warrant issued by a federal court or court of this State.

(3) On or before June 1, 2023, and each June 1 thereafter, the Motor Vehicle Administration, the Department of State Police, and the Department of Public Safety and Correctional Services shall, with respect to requests from federal agencies seeking access for the purpose of federal immigration enforcement for personal information, a photograph of an individual, or a facial recognition search, whether or not the request was initiated through a State or local law enforcement agency, report to the General Assembly, in accordance with § 2-1257 of the State Government Article, the following information for the immediately preceding calendar year:

(i) the number of requests received from any federal agency for personal information, a photograph of an individual, or a facial recognition search;

(ii) the number of requests received from any federal agency for personal information, a photograph of an individual, or a facial recognition search for which a valid warrant was issued by a federal court of court of this State was provided;

(iii) the number and purpose of facial recognition searches completed for any federal agency based on personal information or a photograph of an individual provided to the federal agency by the Motor Vehicle Administration, the Department of State Police, or the Department of Public Safety and Correctional Services; and

(iv) the number of individuals whose personal information or photograph was provided to any federal agency by, respectively, the Motor Vehicle Administration, the Department of State Police, and the Department of Public Safety and Correctional Services.

§ 4-321. RECORDED IMAGES FROM TRAFFIC CONTROL SIGNAL MONITORING SYSTEM.

(a) In this section, “recorded images” has the meaning stated in § 21-202.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article.

(b) Except as provided in subsection (c) of this section, a custodian shall deny inspection of recorded images produced by:

(1) a traffic control signal monitoring system operated under § 21-202.1 of the Transportation Article;

(2) a speed monitoring system operated under § 21-809 of the Transportation Article;

(3) a work zone speed control system operated under § 21-810 of the Transportation Article; or

(4) a vehicle height monitoring system operated under § 24-111.3 of the Transportation Article.

(c) A custodian shall allow inspection of recorded images:

(1) as required in § 21-202.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article;

(2) by any person issued a citation under § 21-202.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article, or by an attorney of record for the person; or

(3) by an employee or agent of an agency in an investigation or a proceeding relating to the imposition of or indemnification from civil liability under § 21-202.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article.

§ 4-322. SURVEILLANCE IMAGES.

(a) In this section, “surveillance image” has the meaning stated in § 10-112 of the Criminal Law Article.

(b) Except as provided in subsection (c) of this section, a custodian of a surveillance image shall deny inspection of the surveillance image.

(c) A custodian shall allow inspection of a surveillance image:

(1) as required in § 10-112 of the Criminal Law Article;

(2) by any person issued a citation under § 10-112 of the Criminal Law Article, or by an attorney of record for the person; or

(3) by an employee or agent of the Baltimore City Department of Public Works in an investigation or a proceeding relating to the imposition of or indemnification from civil liability under § 10-112 of the Criminal Law Article.

§ 4-323. RISK BASED CAPITAL RECORDS.

Subject to § 4-310 of the Insurance Article, a custodian shall deny inspection of all risk based capital reports and risk based capital plans and any other records that relate to those reports or plans.

§ 4-324. RENEWABLE ENERGY CREDIT RECORDS.

A custodian shall deny inspection of an application for renewable energy credit certification or a claim for renewable energy credits under Title 10, Subtitle 15 of the Agriculture Article.

§ 4-325. FIREARM AND HANDGUN RECORDS.

(a) Except as provided in subsections (b) and (c) of this section, a custodian shall deny inspection of all records of a person authorized to:

(1) sell, purchase, rent, or transfer a regulated firearm under Title 5, Subtitle 1 of the Public Safety Article; or

(2) carry, wear, or transport a handgun under Title 5, Subtitle 3 of the Public Safety Article.

(b) A custodian shall allow inspection of firearm or handgun records by:

(1) the individual named in the record; or

(2) the attorney of record of the individual named in the record.

(c) This section may not be construed to prohibit the Department of State Police or the Department of Public Safety and Correctional Services from accessing firearm or handgun records in the performance of that department's official duty.

§ 4-326. CAPTURED LICENSE PLATE DATA

(a) (1) In this section the following words have the meanings indicated.

(2) "Automatic license plate reader system" has the meaning stated in § 3-509 of the Public Safety Article.

(3) "Captured plate data" has the meaning stated in § 3-509 of the Public Safety Article.

(b) Except as provided in subsections (c) and (d) of this section, a custodian of captured plate data collected by an automatic license plate reader system shall deny inspection of the captured plate data.

(c) A custodian may use or share captured plate data in the course of the custodian's duties as authorized under § 3-509 of the Public Safety Article.

(d) Subsection (b) of this section does not apply to an electronic toll collection system or associated transaction system operated by or in conjunction with the Maryland Transportation Authority.

§ 4-327.

(a) Except as provided in subsection (b) of this section, a custodian shall deny inspection of criminal records and police records relating to the conviction of a crime that have been shielded under Title 10, Subtitle 3 of the Criminal Procedure Article.

(b) A custodian shall allow inspection of shielded records by a person authorized to access shielded records under § 10-302(b) of the Criminal Procedure Article.

PART III. REQUIRED DENIALS FOR SPECIFIC INFORMATION**§ 4-328. IN GENERAL.**

Unless otherwise provided by law, a custodian shall deny inspection of a part of a public record, as provided in this part.

§ 4-329. MEDICAL OR PSYCHOLOGICAL INFORMATION.

(a) Except for subsection (b)(3) of this section, this section does not apply to:

- (1) a nursing home as defined in § 19-1401 of the Health-General Article; or
- (2) an assisted living program as defined in § 19-1801 of the Health-General Article.

(b) Subject to subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains:

(1) medical or psychological information about an individual, other than an autopsy report of a medical examiner;

(2) personal information about an individual with, or perceived to have, a disability as defined in § 20-701 of the State Government Article; or

(3) any report on human immunodeficiency virus or acquired immunodeficiency syndrome submitted in accordance with Title 18 of the Health-General Article.

(c) A custodian shall allow the person in interest to inspect the public record to the extent allowed under § 4-304(a) of the Health-General Article.

§ 4-330. SOCIOLOGICAL INFORMATION.

If the official custodian has adopted rules or regulations that define sociological information for purposes of this section, a custodian shall deny inspection of the part of a public record that contains sociological information, in accordance with the rules or regulations.

§ 4-331. INFORMATION ABOUT PUBLIC EMPLOYEES.

Subject to § 21-504 of the State Personnel and Pensions Article, a custodian shall deny inspection of the part of a public record that contains the home address or telephone number of an employee of a unit or an instrumentality of the State or of a political subdivision unless:

- (1) the employee gives permission for the inspection; or
- (2) the unit or instrumentality that employs the individual determines that inspection is needed to protect the public interest.

§ 4-332. INFORMATION ABOUT NOTARIES PUBLIC.

(a) Subject to subsections (b) through (e) of this section, a custodian shall deny inspection of the part of a public record that contains information about the application and commission of a person as a notary public.

(b) A custodian shall allow inspection of the part of a public record that gives:

- (1) the name of the notary public;
- (2) the notary public's business address or, if a business address is not provided to the custodian by the notary public, the notary public's home address;
- (3) the notary public's business telephone number or, if a business telephone number is not provided to the custodian by the notary public, the notary public's home telephone number;
- (4) the issue and expiration dates of the notary public's commission;
- (5) the date the person took the oath of office as a notary public; or
- (6) the signature of the notary public.

(c) A custodian may allow inspection of other information about a notary public if the custodian finds a compelling public purpose.

(d) A custodian may deny inspection of a record by a notary public or any other person in interest only to the extent that the inspection could:

- (1) interfere with a valid and proper law enforcement proceeding;
- (2) deprive another person of a right to a fair trial or an impartial adjudication;
- (3) constitute an unwarranted invasion of personal privacy;
- (4) disclose the identity of a confidential source;
- (5) disclose an investigative technique or procedure;
- (6) prejudice an investigation; or
- (7) endanger the life or physical safety of an individual.

(e) A custodian who sells lists of notaries public shall omit from the lists the name of any notary public, on written request of the notary public.

§ 4-333. LICENSING RECORDS.

(a) Subject to subsections (b) through (d) of this section, a custodian shall deny inspection of the part of a public record that contains information about the licensing of an individual in an occupation or a profession.

(b) A custodian shall allow inspection of the part of a public record that gives:

(1) the name of the licensee;

(2) the business address of the licensee or, if the business address is not available, the home address of the licensee after the custodian redacts any information that identifies the location as the home address of an individual with a disability as defined in § 20-701 of the State Government Article;

(3) the business telephone number of the licensee;

(4) the educational and occupational background of the licensee;

(5) the professional qualifications of the licensee;

(6) any orders and findings that result from formal disciplinary actions; and

(7) any evidence that has been provided to the custodian to meet the requirements of a statute as to financial responsibility.

(c) A custodian may allow inspection of other information about a licensee if:

(1) the custodian finds a compelling public purpose; and

- (2) the rules or regulations of the official custodian allow the inspection.
- (d) Except as otherwise provided by this section or other law, a custodian shall allow inspection by the person in interest.
- (e) A custodian who sells lists of licensees shall omit from the lists the name of any licensee, on written request of the licensee.

§ 4-334. SOCIAL SECURITY NUMBERS.

- (a) Except as provided in subsection (b) of this section, a custodian shall deny inspection of the part of an application for a marriage license under § 2-402 of the Family Law Article or a recreational license under Title 4 of the Natural Resources Article that contains a Social Security number.
- (b) A custodian shall allow inspection of the part of an application described in subsection (a) of this section that contains a Social Security number by:
 - (1) a person in interest; or
 - (2) on request, the State Child Support Enforcement Administration.

§ 4-335. TRADE SECRETS; CONFIDENTIAL INFORMATION.

- A custodian shall deny inspection of the part of a public record that contains any of the following information provided by or obtained from any person or governmental unit:
- (1) a trade secret;
 - (2) confidential commercial information;
 - (3) confidential financial information; or
 - (4) confidential geological or geophysical information.

§ 4-336. FINANCIAL INFORMATION.

- (a) This section does not apply to the salary of a public employee.
- (b) Subject to subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, or creditworthiness.

(c) A custodian shall allow inspection by the person in interest.

§ 4-337. COLLUSIVE OR ANTICOMPETITIVE ACTIVITY.

A custodian shall deny inspection of the part of a public record that contains information:

- (1) generated by the bid analysis management system;
- (2) concerning an investigation of a transportation contractor's suspected collusive or anticompetitive activity; and
- (3) submitted to the Maryland Department of Transportation by the United States Department of Transportation or by another state.

§ 4-338. SECURITY OF INFORMATION SYSTEMS.

A custodian shall deny inspection of the part of a public record that contains information about the security of an information system.

§ 4-339. ALARM OR SECURITY SYSTEM.

(a) Except as provided in subsection (b) of this section, a custodian shall deny inspection of the part of a public record that identifies or contains personal information about a person, including a commercial entity, that maintains an alarm or security system.

(b) A custodian shall allow inspection by:

- (1) the person in interest;
- (2) an alarm or security system company if the company can document that it currently provides alarm or security services to the person in interest;
- (3) law enforcement personnel; and
- (4) emergency services personnel, including:
 - (i) a career firefighter;
 - (ii) an emergency medical services provider, as defined in § 13-516 of the Education Article;
 - (iii) a rescue squad employee; and

(iv) a volunteer firefighter, a rescue squad member, or an advanced life support unit member.

§ 4-340. SENIOR CITIZEN ACTIVITIES CENTERS.

(a) “Senior citizen activities center” has the meaning stated in § 10-513 of the Human Services Article.

(b) Except as provided in subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains the name, address, telephone number, or electronic mail address of any individual enrolled in or any member of a senior citizen activities center.

(c) A custodian shall allow inspection by:

(1) a person in interest;

(2) law enforcement personnel; or

(3) emergency services personnel, including:

(i) a career firefighter;

(ii) an emergency medical services provider, as defined in § 13-516 of the Education Article;

(iii) a rescue squad employee; and

(iv) a volunteer firefighter, a rescue squad member, or an advanced life support unit member.

§ 4-341.

(a) In this section, “governmental entity” means a unit or an instrumentality of the State or of a political subdivision.

(b) A custodian shall deny inspection of a distribution list and a request to be added to a distribution list that identifies a physical address, an e-mail address, or a telephone number of an individual that is used by a governmental entity or an elected official for the sole purpose of:

(1) periodically sending news about the official activities of the governmental entity or elected official; or

(2) sending informational notices or emergency alerts.

§ 4-342. RESERVED.**PART IV. DENIAL OF PART OF PUBLIC RECORD****§ 4-343. IN GENERAL.**

Unless otherwise provided by law, if a custodian believes that inspection of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of that part of the record, as provided in this part.

§ 4-344. INTERAGENCY OR INTRA-AGENCY LETTERS OR MEMORANDA.

A custodian may deny inspection of any part of an interagency or intra-agency letter or memorandum that would not be available by law to a private party in litigation with the unit.

§ 4-345. EXAMINATION INFORMATION.

(a) Subject to subsection (b) of this section, a custodian may deny inspection of test questions, scoring keys, and other examination information that relates to the administration of licenses, employment, or academic matters.

(b) After a written promotional examination has been given and graded, a custodian shall allow a person in interest to inspect the examination and the results of the examination, but may not allow the person in interest to copy or otherwise to reproduce the examination.

§ 4-346. STATE OR LOCAL RESEARCH PROJECT.

(a) Subject to subsection (b) of this section, a custodian may deny inspection of a public record that contains the specific details of a research project that an institution of the State or of a political subdivision is conducting.

(b) A custodian may not deny inspection of the part of a public record that gives only the name, title, and expenditures of a research project described in subsection (a) of this section and the date when the final project summary of the research project will be available.

§ 4-347. INVENTIONS OWNED BY STATE PUBLIC INSTITUTION OF HIGHER EDUCATION.

(a) Subject to subsection (b) of this section, a custodian may deny inspection of the part of a public record that contains information disclosing or relating to an invention owned in whole or in part by a State public institution of higher education for 4 years to allow the institution

to evaluate whether to patent or market the invention and pursue economic development and licensing opportunities related to the invention.

(b) A custodian may not deny inspection of a part of a public record described in subsection (a) of this section if:

(1) the information disclosing or relating to an invention has been published or disseminated by the inventors in the course of their academic activities or disclosed in a published patent;

(2) the invention referred to in that part of the record has been licensed by the institution for at least 4 years; or

(3) 4 years have elapsed from the date of the written disclosure of the invention to the institution.

§ 4-348. CONFIDENTIAL INFORMATION OWNED BY SPECIFIC STATE ENTITIES.

A custodian may deny inspection of the part of a public record that contains information disclosing or relating to a trade secret, confidential commercial information, or confidential financial information owned in whole or in part by:

(1) the Maryland Technology Development Corporation; or

(2) a public institution of higher education, if the information is part of the institution's activities under § 15-107 of the Education Article.

§ 4-349. REAL ESTATE APPRAISALS.

(a) Subject to subsection (b) of this section and other law, until the State or a political subdivision acquires title to property, a custodian may deny inspection of a public record that contains a real estate appraisal of the property.

(b) A custodian may not deny inspection by the owner of the property.

§ 4-350. SITE-SPECIFIC LOCATIONS OF CERTAIN PLANTS, ANIMALS, OR PROPERTY.

(a) A custodian may deny inspection of a public record that contains information concerning the site-specific location of an endangered or threatened species of plant or animal, a species of plant or animal in need of conservation, a cave, or a historic property as defined in § 5A-301 of the State Finance and Procurement Article.

(b) A custodian may not deny inspection of a public record described in subsection (a) of this section if requested by:

- (1) the owner of the land on which the resource is located; or
- (2) any entity that is authorized to take the land through the right of eminent domain.

§ 4-351. INVESTIGATIONS INTELLIGENCE INFORMATION; SECURITY PROCEDURES.

(a) Subject to subsections (b), (c), and (d) of this section, a custodian may deny inspection of:

(1) records of investigations conducted by the Attorney General, a State's Attorney, a municipal or county attorney, a police department, or a sheriff;

(2) an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose;

(3) records that contain intelligence information or security procedures of the Attorney General, a State's Attorney, a municipal or county attorney, a police department, a State or local correctional facility, or a sheriff; or

(4) records, other than a record of a technical infraction, relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision.

(b) A custodian may deny inspection by a person in interest only to the extent that the inspection would:

- (1) interfere with a valid and proper law enforcement proceeding;
- (2) deprive another person of a right to a fair trial or an impartial adjudication;
- (3) constitute an unwarranted invasion of personal privacy;
- (4) disclose the identity of a confidential source;
- (5) disclose an investigative technique or procedure;
- (6) prejudice an investigation; or
- (7) endanger the life or physical safety of an individual.

(c) A custodian shall allow inspection of a record described in subsection (a)(4) of this section by:

- (1) the United States Attorney;
 - (2) the Attorney General;
 - (3) the State Prosecutor; or
 - (4) the State's Attorney for the jurisdiction relevant to the record.
- (d) Except as provided in subsection (c) of this section, a custodian:
- (1) shall redact the portions of a record described in subsection (a)(4) of this section to the extent that the record reflects:
 - (i) medical information of the person in interest;
 - (ii) personal contact information of the person in interest or a witness; or
 - (iii) information relating to the family of the person in interest; and
 - (2) may redact the portion of a record described in subsection (a)(4) of this section to the extent that the record reflects witness information other than personal contact information.
- (e) A custodian shall notify the person in interest of a record described in subsection (a)(4) of this section when the record is inspected, but may not disclose the identity of the requestor to the person in interest.

§ 4-352. INFORMATION RELATED TO EMERGENCY MANAGEMENT.

- (a) Subject to subsections (b) and (c) of this section, a custodian may deny inspection of:
- (1) response procedures or plans prepared to prevent or respond to emergency situations, the disclosure of which would reveal vulnerability assessments, specific tactics, specific emergency procedures, or specific security procedures;
 - (2) (i) building plans, blueprints, schematic drawings, diagrams, operational manuals, or any other records of ports and airports and any other mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are stored, arenas, stadiums, waste and water systems, and any other building, structure, or facility, the disclosure of which would reveal the building's, structure's, or facility's internal layout, specific location, life, safety, and support systems, structural elements, surveillance techniques, alarm or security systems or technologies, operational and transportation plans or protocols, or personnel deployments; or

(ii) records of any other building, structure, or facility, the disclosure of which would reveal the building's, structure's, or facility's life, safety, and support systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols, or personnel deployments; or

(3) records that:

(i) are prepared to prevent or respond to emergency situations; and

(ii) identify or describe the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories.

(b) The custodian may deny inspection of a part of a public record under subsection (a) of this section only to the extent that the inspection would:

(1) jeopardize the security of any building, structure, or facility;

(2) facilitate the planning of a terrorist attack; or

(3) endanger the life or physical safety of an individual.

(c) (1) This subsection does not apply to the records of any building, structure, or facility owned or operated by the State or any political subdivision.

(2) A custodian may not deny inspection of a public record under subsection (a) or (b) of this section that relates to a building, structure, or facility that has been subjected to a catastrophic event, including a fire, an explosion, or a natural disaster.

(3) Subject to subsections (a) and (b) of this section, a custodian may not deny inspection of a public record that relates to an inspection of or issuance of a citation concerning a building, structure, or facility by an agency of the State or any political subdivision.

§ 4-353. MARYLAND PORT ADMINISTRATION INFORMATION.

(a) A custodian may deny inspection of any part of a public record that contains:

(1) stevedoring or terminal services or facility use rates or proposed rates generated, received, or negotiated by the Maryland Port Administration or any private operating company created by the Maryland Port Administration;

(2) a proposal generated, received, or negotiated by the Maryland Port Administration or any private operating company created by the Maryland Port Administration for use of

stevedoring or terminal services or facilities to increase waterborne commerce through the ports of the State; or

(3) except as provided in subsection (b) of this section, research or analysis related to maritime businesses or vessels compiled for the Maryland Port Administration or any private operating company created by the Maryland Port Administration to evaluate its competitive position with respect to other ports.

(b) (1) A custodian may not deny inspection of any part of a public record under subsection (a)(3) of this section by the exclusive representative identified in Section 1 of the memorandum of understanding, or any identical section of a successor memorandum, between the State and the American Federation of State, County and Municipal Employees dated June 28, 2000, or the memorandum of understanding, or any identical section of a successor memorandum, between the State and the Maryland Professional Employees Council dated August 18, 2000, if the part of the public record:

(i) is related to State employees; and

(ii) would otherwise be available to the exclusive representative under Article 4, Section 12 of the applicable memorandum of understanding, or any identical section of a successor memorandum of understanding.

(2) Before the inspection of any part of a public record under paragraph (1) of this subsection, the exclusive representative shall enter into a nondisclosure agreement with the Maryland Port Administration to ensure the confidentiality of the information provided.

§ 4-354. UNIVERSITY OF MARYLAND GLOBAL CAMPUS RECORDS.

(a) A custodian may deny inspection of any part of a public record that:

(1) relates to the competitive position of the University of Maryland Global Campus with respect to other providers of education services; and

(2) contains:

(i) fees, tuition, charges, and any information supporting fees, tuition, and charges, proposed, generated, received, or negotiated for receipt by the University of Maryland Global Campus, except fees, tuition, and charges published in catalogues and ordinarily charged to students;

(ii) a proposal generated, received, or negotiated by the University of Maryland Global Campus, other than with its students, for the provision of education services; or

(iii) any research, analysis, or plans compiled by or for the University of Maryland Global Campus relating to its operations or proposed operations.

(b) A custodian may not deny inspection of any part of a public record under subsection (a) of this section if:

(1) the record relates to a procurement by the University of Maryland Global Campus;

(2) the University of Maryland Global Campus is required to develop or maintain the record by law or at the direction of the Board of Regents of the University System of Maryland; or

(3) (i) the record is requested by the exclusive representative of any bargaining unit of employees of the University of Maryland Global Campus;

(ii) the record relates to a matter that is the subject of collective bargaining negotiations between the exclusive representative and the University of Maryland Global Campus; and

(iii) the exclusive representative has entered into a nondisclosure agreement with the University of Maryland Global Campus to ensure the confidentiality of the information provided.

§ 4-355. PUBLIC INSTITUTION OF HIGHER EDUCATION RECORDS.

(a) (1) In this section the following words have the meanings indicated.

(2) “Directory information” has the meaning stated in 20 U.S.C. § 1232g.

(3) “Personal information” means:

(i) an address;

(ii) a telephone number;

(iii) an e-mail address; or

(iv) directory information.

(b) A custodian of a record kept by a public institution of higher education that contains personal information relating to a student, a former student, or an applicant may:

(1) require that a request to inspect a record containing personal information be made in writing and sent by first-class mail; and

(2) deny inspection of the part of the record containing the personal information if the information is requested for commercial purposes.

§ 4-356.

(a) (1) In this section the following words have the meanings indicated.

(2) “Victim” means:

(i) a victim of domestic violence, as defined under § 4-701 of the Family Law Article;

(ii) a victim of a violation of Title 3, Subtitle 3 of the Criminal Law Article; or

(iii) a victim of a violation of Title 3, Subtitle 6 of the Criminal Law Article, except for a violation of § 3-607 of the Criminal Law Article where the victim is an adult.

(3)(i) “Victim’s representative” has the meaning stated in § 11-104 of the Criminal Procedure Article.

(ii) “Victim’s representative” does not include a person acting in concert with a person alleged to have committed the crime against the victim.

(b) (1) This section does not apply to a public record that has been entered into evidence in a court proceeding.

(2) This section may not be construed to:

(i) create a right of civil action for a victim or victim’s representative; or

(ii) affect the discovery or evidentiary rights of a party to a civil suit or criminal prosecution.

(c) Subject to subsections (d) and (e) of this section, before granting inspection of the part of a 9-1-1 communications record that depicts a victim, a custodian shall:

(1) within 30 days after receiving the request and if the custodian has contact information for the victim or victim’s representative, notify the victim or victim’s representative of the request;

(2) allow 10 days for a response from the victim or victim’s representative indicating that inspection may be contrary to the public interest; and

(3) consider any response received under item (2) of this subsection in determining whether to grant or deny the inspection.

(d) A custodian may redact the information described under subsection (c) of this section if a failure to do so would result in a constructive denial of the entire public record.

(e) A custodian shall allow inspection by the person in interest.

§ 4-357. RESERVED.

PART V. TEMPORARY DENIALS

§ 4-358. TEMPORARY DENIALS.

(a) Whenever this title authorizes inspection of a public record but the official custodian believes that inspection would cause substantial injury to the public interest, the official custodian may deny inspection temporarily.

(b) (1) Within 10 working days after the denial, the official custodian shall petition a court to order authorization for the continued denial of inspection.

(2) The petition shall be filed with the circuit court for the county where:

(i) the public record is located; or

(ii) the principal place of business of the official custodian is located.

(3) The petition shall be served on the applicant, as provided in the Maryland Rules.

(c) The applicant is entitled to appear and to be heard on the petition.

(d) If, after the hearing, the court finds that inspection of the public record would cause substantial injury to the public interest, the court may issue an appropriate order authorizing the continued denial of inspection.

§ 4-359. RESERVED

§ 4-360. RESERVED.

PART VI. ADMINISTRATIVE AND JUDICIAL REVIEW

§ 4-361. RESERVED.

§ 4-362. JUDICIAL REVIEW.

(a) (1) Subject to paragraph (3) of this subsection, whenever a person or governmental unit is denied inspection of a public record or is not provided with a copy, printout, or photograph of a public record as requested, the person or governmental unit may file a complaint with the circuit court.

(2) Except as otherwise provided in Subtitle 1A of this title and subject to paragraph (3) of this subsection, a complainant or custodian may appeal to the circuit court a decision issued by the State Public Information Act Compliance Board as provided under § 4-1A-10 of this title.

(3) A complaint or an appeal under this subsection shall be filed with the circuit court for the county where:

- (i) the complainant resides or has a principal place of business; or
- (ii) the public record is located.

(b) (1) Unless, for good cause shown, the court otherwise directs, and notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to the complaint within 30 days after service of the complaint.

(2) The defendant:

- (i) has the burden of sustaining a decision to:
 - 1. deny inspection of a public record; or
 - 2. deny the person or governmental unit a copy, printout, or photograph of a public record; and
- (ii) in support of the decision, may submit a memorandum to the court.

(c) (1) Except for cases that the court considers of greater importance, a proceeding under this section, including an appeal, shall:

- (i) take precedence on the docket;
- (ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

(2) The court may examine the public record in camera to determine whether any part of the public record may be withheld under this title.

(3) The court may:

(i) enjoin the State, a political subdivision, or a unit, an official, or an employee of the State or of a political subdivision from:

1. withholding the public record; or
2. withholding a copy, printout, or photograph of the public record;

(ii) issue an order for the production of the public record or a copy, printout, or photograph of the public record that was withheld from the complainant; and

(iii) for noncompliance with the order, punish the responsible employee for contempt.

(d) (1) A defendant governmental unit is liable to the complainant for statutory damages and actual damages that the court considers appropriate if the court finds that any defendant knowingly and willfully failed to:

(i) disclose or fully to disclose a public record that the complainant was entitled to inspect under this title; or

(ii) provide a copy, printout, or photograph of a public record that the complainant requested under § 4-205 of this title.

(2) An official custodian is liable for actual damages that the court considers appropriate if the court finds that, after temporarily denying inspection of a public record, the official custodian failed to petition a court for an order to continue the denial.

(3) Statutory damages imposed by the court under paragraph (1) of this subsection may not exceed \$1,000.

(e) (1) Whenever the court orders the production of a public record or a copy, printout, or photograph of a public record that was withheld from the applicant and, in addition, finds that the custodian acted arbitrarily or capriciously in withholding the public record or the copy, printout, or photograph of the public record, the court shall send a certified copy of its finding to the appointing authority of the custodian.

(2) On receipt of the statement of the court and after an appropriate investigation, the appointing authority shall take the disciplinary action that the circumstances warrant.

(f) If the court determines that the complainant has substantially prevailed, the court may assess against a defendant governmental unit reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

SUBTITLE 4. LIABILITY; PROHIBITED ACTS; PENALTIES; IMMUNITY

§ 4-401. UNLAWFUL DISCLOSURE OF PUBLIC RECORDS.

(a) A person, including an officer or employee of a governmental unit, is liable to an individual for actual damages that the court considers appropriate if the court finds by clear and convincing evidence that:

(1) (i) the person willfully and knowingly allows inspection or use of a public record in violation of this subtitle; and

(ii) the public record names or, with reasonable certainty, otherwise identifies the individual by an identifying factor such as:

1. an address;
2. a description;
3. a fingerprint or voice print;
4. a number; or
5. a picture; or

(2) the person willfully and knowingly obtains, discloses, or uses personal information in violation of § 4-320 of this title.

(b) If the court determines that the complainant has substantially prevailed, the court may assess against a defendant reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

§ 4-402. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) A person may not:

(1) willfully or knowingly violate any provision of this title;

(2) fail to petition a court after temporarily denying inspection of a public record; or

(3) by false pretenses, bribery, or theft, gain access to or obtain a copy of a personal record if disclosure of the personal record to the person is prohibited by this title.

(b) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

§ 4-403. IMMUNITY FOR CERTAIN DISCLOSURES.

A custodian is not civilly or criminally liable for transferring or disclosing the contents of a public record to the Attorney General under § 5-313 of the State Personnel and Pensions Article.

SUBTITLE 5. MISCELLANEOUS PROVISIONS

§ 4-501. PERSONAL RECORDS.

(a) In this section, “personal record” means a public record that names or, with reasonable certainty, otherwise identifies an individual by an identifying factor such as:

- (1) an address;
- (2) a description;
- (3) a fingerprint or voice print;
- (4) a number; or
- (5) a picture.

(b) (1) Personal records may not be created unless the need for the information has been clearly established by the unit collecting the records.

(2) Personal information collected for personal records:

- (i) shall be appropriate and relevant to the purposes for which it is collected;
- (ii) shall be accurate and current to the greatest extent practicable; and
- (iii) may not be obtained by fraudulent means.

(c) (1) This subsection applies only to units of the State.

(2) Except as otherwise provided by law, an official custodian who keeps personal records shall collect, to the greatest extent practicable, personal information from the person in interest.

(3) An official custodian who requests personal information for personal records shall provide the following information to each person in interest from whom personal information is collected:

- (i) the purpose for which the personal information is collected;
- (ii) any specific consequences to the person for refusal to provide the personal information;
- (iii) the person's right to inspect, amend, or correct personal records, if any;
- (iv) whether the personal information is generally available for public inspection; and
- (v) whether the personal information is made available or transferred to or shared with any entity other than the official custodian.

(4) Each unit of the State shall post its privacy policies on the collection of personal information, including the policies specified in this subsection, on its Internet Web site.

(5) The following personal records are exempt from the requirements of this subsection:

- (i) information concerning the enforcement of criminal laws or the administration of the penal system;
- (ii) information contained in investigative materials kept for the purpose of investigating a specific violation of State law and maintained by a State agency whose principal function may be other than law enforcement;
- (iii) information contained in public records that are accepted by the State Archivist for deposit in the Maryland Hall of Records;
- (iv) information gathered as part of formal research projects previously reviewed and approved by federally mandated institutional review boards; and
- (v) any other personal records exempted by regulations adopted by the Secretary of Budget and Management, based on the recommendation of the Secretary of Information Technology.

(d) (1) This subsection does not apply to:

- (i) a unit in the Legislative Branch of the State government;

(ii) a unit in the Judicial Branch of the State government; or

(iii) a board of license commissioners.

(2) If a unit or an instrumentality of the State keeps personal records, the unit or instrumentality shall submit an annual report to the Secretary of General Services.

(3) An annual report shall state:

(i) the name of the unit or instrumentality;

(ii) for each set of personal records:

1. the name of the set;

2. the location of the set; and

3. if a subunit keeps the set, the name of the subunit;

(iii) for each set of personal records that has not been previously reported:

1. the category of individuals to whom the set applies;

2. a brief description of the types of information that the set contains;

3. the major uses and purposes of the information;

4. by category, the source of information for the set; and

5. the policies and procedures of the unit or instrumentality as to:

A. access and challenges to the personal record by the person in interest; and

B. storage, retrieval, retention, disposal, and security, including controls on access; and

(iv) for each set of personal records that has been disposed of or changed significantly since the unit or instrumentality last submitted a report, the information required under item (iii) of this paragraph.

(4) A unit or an instrumentality that has two or more sets of personal records may combine the personal records in the report only if the character of the personal records is highly similar.

(5) The Secretary of General Services shall adopt regulations that govern the form and method of reporting under this subsection.

(6) The annual report shall be available for public inspection.

(e) The official custodian may allow inspection of personal records for which inspection otherwise is not authorized by a person who is engaged in a research project if:

(1) the researcher submits to the official custodian a written request that:

(i) describes the purpose of the research project;

(ii) describes the intent, if any, to publish the findings;

(iii) describes the nature of the requested personal records;

(iv) describes the safeguards that the researcher would take to protect the identity of the persons in interest; and

(v) states that persons in interest will not be contacted unless the official custodian approves and monitors the contact;

(2) the official custodian is satisfied that the proposed safeguards will prevent the disclosure of the identity of persons in interest; and

(3) the researcher makes an agreement with the unit or instrumentality that:

(i) defines the scope of the research project;

(ii) sets out the safeguards for protecting the identity of the persons in interest; and

(iii) states that a breach of any condition of the agreement is a breach of contract.

§ 4-502. CORRECTIONS OF PUBLIC RECORDS.

(a) A person in interest may request a unit of the State to correct inaccurate or incomplete information in a public record that:

(1) the unit keeps; and

(2) the person in interest is authorized to inspect.

(b) A request under this section shall:

(1) be in writing;

(2) describe the requested change precisely; and

(3) state the reasons for the change.

(c) (1) Within 30 days after receiving a request under this section, a unit shall:

- (i) make or refuse to make the requested change; and
 - (ii) give the person in interest written notice of the action taken.
- (2) A notice of refusal shall contain the unit's reasons for the refusal.
- (d) (1) If the unit finally refuses a request under this section, the person in interest may submit to the unit a concise statement that, in five pages or less, states the reasons for the request and for disagreement with the refusal.
 - (2) If the unit provides the disputed information to a third party, the unit shall provide to that party a copy of the statement submitted to the unit by the person in interest.
- (e) If a unit is subject to Title 10, Subtitle 2 of the State Government Article, a person or governmental unit may seek administrative and judicial review in accordance with that subtitle of:
 - (1) a decision of the unit to deny:
 - (i) a request to change a public record; or
 - (ii) a right to submit a statement of disagreement; or
 - (2) the failure of the unit to provide the statement to a third party.

§ 4-503.

- (a) Each governmental unit that maintains public records shall:
 - (1) identify a representative who a member of the public should contact to request a public record from the governmental unit;
 - (2) maintain contact information for the governmental unit's representative that includes:
 - (i) the representative's name;
 - (ii) the representative's business address;
 - (iii) the representative's business phone number;
 - (iv) the representative's business e-mail address; and
 - (v) the Internet address of the governmental unit;
 - (3) (i) post the contact information maintained under item (2) of this subsection in a user-friendly format on the Web site of the governmental unit; or

(ii) if the governmental unit does not have a Web site, keep the contact information maintained under item (2) of this subsection at a place easily accessible by the public;

(4) annually update the contact information maintained under item (2) of this subsection; and

(5) annually submit the contact information maintained under item (2) of this subsection to the Office of the Attorney General.

(b) The Office of the Attorney General shall:

(1) post the contact information submitted under subsection (a)(5) of this section in a user-friendly format on the Web site of the Office of the Attorney General; and

(2) include the contact information submitted under subsection (a)(5) of this section in any Public Information Act manual published by the Office of the Attorney General.

§ 4-601. SHORT TITLE.

This title may be cited as the Public Information Act.

MODEL REGULATIONS ON
PUBLIC INFORMATION ACT

TITLE ____

DEPARTMENT OF _____

SUBTITLE ____, GENERAL REGULATIONS

Chapter 01 Public Information Act Requests

Authority: [Department’s authority to adopt regulations]; General Provisions Article, §§ 4-101–4-601, Annotated Code of Maryland

.01 Scope.

This chapter sets out procedures under the Public Information Act for filing and processing requests to the Department of _____ for the inspection and copying of public records of the Department.

.02 Policy.

It is the policy of the Department to facilitate access to the public records of the Department, if access is allowed by law, by minimizing costs and time delays to applicants.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Act” means the Public Information Act, General Provisions Article, §§ 4-101–4-601, Annotated Code of Maryland.

(2) “Applicant” has the meaning stated in General Provisions Article, § 4-101(b), Annotated Code of Maryland.

(3) “Board” has the meaning stated in General Provisions Article, § 4-101(c), Annotated Code of Maryland.

(4) “Copy” means any form of reproduction using a photocopying machine or other reproduction technology, including a paper copy, an electronic copy, a printout, or an image.

(5) “Custodian” has the meaning stated in General Provisions Article, § 4-101(d), Annotated Code of Maryland.

(6) “Department” means the Department of _____.

(7) “Indigent” has the meaning stated in General Provisions Article, § 4-206(a)(2), Annotated Code of Maryland.

(8) “Metadata” has the meaning stated in General Provisions Article, § 4-205(a), Annotated Code of Maryland.

(9) “Official custodian” has the meaning stated in General Provisions Article, § 4-101(f), Annotated Code of Maryland.

(10) “PIA Coordinator” means the Department employee who is responsible for accepting requests for public records.

(11) “Public Access Ombudsman” means the official appointed under General Provisions Article, Title 4, Subtitle 1B, Annotated Code of Maryland, to resolve disputes under the Act.

(12) “Public record” has the meaning stated in General Provisions Article, § 4-101(k), Annotated Code of Maryland.

(13) “Reasonable Fee” has the meaning stated in General Provisions Article, § 4-206(a)(3), Annotated Code of Maryland.

(14) “Secretary” means the Secretary of _____.

(15) “Working day” means a day other than a Saturday, Sunday, State holiday, or other day on which the Department is not open for official business.

.04 Secretary as Official Custodian.

Unless otherwise provided by law, the Secretary is the official custodian of the public records of the Department.

.05 Who May Request Public Records.

Any person may request to inspect or copy public records of the Department.

.06 Necessity for Written Request.

A. Inspection.

(1) Except as otherwise provided in this chapter, the custodian shall make public records of the Department available for inspection by an applicant without demanding a written request.

(2) The custodian shall require a written request if the custodian reasonably believes that:

(a) The Act or any other law may prohibit the disclosure of one or more public records to the applicant; or

(b) A written request will materially assist the Department in responding.

B. Copies. If the applicant requests a copy of any public record of the Department, the custodian may require a written request.

.07 Contents of Written Request.

A written request shall:

- A. Contain the applicant's contact information; and
- B. Reasonably identify, by brief description, the public record sought.

.08 Addressee.

A request to inspect or copy a public record of the Department shall be addressed to the custodian of the record or to the Department's PIA coordinator as designated under General Provisions Article, § 4-503, Annotated Code of Maryland. If the custodian is unknown, the request may be addressed to the Secretary or the PIA Coordinator.

.09 Response to Request.

A. If the custodian decides to grant a request for inspection, the custodian shall produce the public record for inspection:

- (1) Immediately; or
- (2) If additional time is needed to retrieve the public record and conduct any necessary review, within a reasonable time period, not to exceed 30 days after the date of the request.

B. If the custodian reasonably believes that it will take more than 10 working days to produce the public record, the custodian shall indicate in writing or by electronic mail within 10 working days after receipt of the request:

- (1) The amount of time that the custodian anticipates it will take to produce the public record;
- (2) An estimate of the range of fees that may be charged to comply with the request for public records; and
- (3) The reason why it will take more than 10 working days to produce the records.

C. If the custodian decides to deny a request for inspection, the custodian shall:

- (1) Deny the request promptly and not more than 30 days after the request, except as otherwise provided by law; and
- (2) Immediately notify the applicant of the denial.

D. If a request is denied, the custodian shall provide the applicant, at the time of the denial or within 10 working days, a written statement that gives:

- (1) The reason(s) for the denial, including, for records denied under General Provisions Article, § 4-343, Annotated Code of Maryland, a brief explanation of:
 - (a) Why the denial is necessary, that is, why disclosure of the public record would be contrary to the public interest; and
 - (b) Why redacting information would not address the reasons for the denial;
- (2) The legal authority for the denial;
- (3) Without disclosing the protected information, a brief description of the undisclosed record(s) that will enable the applicant to assess the applicability of the legal authority for the denial; and

(4) Notice of the remedies available for review of the denial.

E. If a requested public record is not in the custody or control of the person to whom application is made, that person shall, within 10 working days after receipt of the request, notify the applicant:

(1) That the person does not have custody or control of the requested public record; and

(2) If the person knows:

(a) The name of the custodian of the public record; and

(b) The location or possible location of the public record.

F. Any time limit imposed by §§ A–C of this regulation may be extended:

(1) With the consent of the applicant, for an additional period of up to 30 days; and

(2) For the period of time during which a dispute is pending before the Public Access Ombudsman or Board, as permitted by General Provisions Article, § 4-203(d)(2), Annotated Code of Maryland.

.10 Notice to Person Possibly Affected by Disclosure.

A. Unless prohibited by law, the custodian may provide notice of a request for inspection or copying of any public record of the Department to any person who, in the judgment of the custodian, could be adversely affected by disclosure of the public record.

B. The custodian may consider the views of the possibly affected person before deciding whether to disclose the public record to an applicant.

.11 Electronic Records.

A. Except as provided in §§ C and D of this regulation, the custodian shall provide an applicant with a copy of the public record in a searchable and analyzable electronic format if:

(1) The public record is in a searchable and analyzable electronic format;

(2) The applicant requests a copy of the public record in a searchable and analyzable electronic format; and

(3) The custodian is able to provide a copy of the public record, in whole or in part, in a searchable and analyzable electronic format that does not disclose information that is exempt from disclosure under the Act.

B. The custodian shall provide a portion of the public record in a searchable and analyzable electronic format if:

(1) Requested by the applicant; and

(2) The custodian is able to do so by using the existing functions of the database or software program that contains the searchable and analyzable data.

C. The custodian is not required to:

(1) Create or reconstruct a public record in an electronic format if the public record is not available in an electronic format; or

(2) Release an electronic record in a format that would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained; or

(3) Create, compile, or program a new public record.

D. The custodian may remove metadata from an electronic document before providing the electronic record to an applicant by:

(1) Using a software program or function; or

(2) Converting the electronic record into a different searchable and analyzable format.

.12 Public Record Destroyed or Lost.

If the person to whom application is made knows that a requested public record of the Department has been destroyed or lost, the person shall promptly:

A. Notify the applicant that the public record is not available; and

B. Explain the reasons why the public record cannot be produced.

.13 Availability of Judicial and Administrative Review.

If the custodian denies a request to inspect or copy a public record of the Department, the applicant may file an action for judicial enforcement under General Provisions Article, § 4-362(a)(1), Annotated Code of Maryland, without pursuing the remedies set forth in General Provisions Article, Title 4, Subtitles 1A and 1B, Annotated Code of Maryland.

.14 Disclosure Against Public Interest.

A. Denial Pending Court Order.

(1) If, in the opinion of the Secretary, disclosure of a public record of the Department otherwise subject to disclosure under the Act would do substantial injury to the public interest, the Secretary may temporarily deny the request and seek a court order allowing continued nondisclosure.

(2) A temporary denial shall be in writing.

B. Circuit Court Review.

(1) Within 10 working days after the denial, the Secretary shall apply to the appropriate circuit court for an order permitting continued denial or restriction of access.

(2) Notice of the Secretary's complaint shall be served on the applicant in the manner provided for service of process by the Maryland Rules.

.15 Fees.

A. Except as provided in §§ B and C of this regulation, the fee schedule for copying and certifying copies of public records of the Department is as follows:

(1) For each copy made by a standard printer or photocopying machine within the Department, 25 cents per page;

(2) For each copy made other than by a standard printer or photocopying machine within the Department, the actual cost of reproduction; and

(3) For certification as a true copy of a copy of a public record, an additional fee of \$1 per page, or if appropriate, per item.

B. Minimum Fee. A charge may not be made if the total fee is \$10 or less.

C. If the fee for copies or certified copies of any public record of the Department is specifically set by a law other than the Act or this regulation, the custodian shall charge the prescribed fee.

D. If the custodian cannot copy a public record within the Department, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the Department. The custodian shall:

(1) Collect from the applicant a fee to cover the actual cost of reproduction; or

(2) Direct the applicant to pay the cost of reproduction directly to the facility making the copy.

E. If the custodian intends to charge a fee, before copying a public record of the Department or otherwise disclosing public records to the applicant, the custodian shall estimate both the cost of reproduction and the search and preparation fee under § F of this regulation and may either:

(1) Obtain the agreement of the applicant to pay the cost; or

(2) Require prepayment of all or a portion of the cost.

F. Search and Preparation Fee.

(1) Except as provided in § G of this regulation, the custodian may charge a reasonable fee for time that an official or employee of the Department spends to:

(a) Search for requested public records;

(b) Review requested public records for potential disclosure; and

(c) Prepare public records for inspection and copying.

(2) The custodian shall determine the fee under §F(1) of this section by multiplying the employee's salary, prorated to an hourly basis, by the actual time attributable to the search for, review of, and preparation of public records for inspection and copying.

G. The custodian may not charge a fee under § F of this regulation for the first 2 hours needed to search for and prepare a public record for inspection.

H. Waiver or Reduction of Fee.

(1) The custodian may waive or reduce any fee set under this regulation if:

(a) The applicant requests a waiver; and

(b) The custodian determines that:

(i) The waiver or reduction is in the public interest; or

(ii) The applicant is indigent and files an affidavit verifying the facts that support a claim of indigency.

(2) In determining whether a fee waiver is in the public interest, the custodian shall consider, among other relevant factors, the ability of the applicant to pay the fee.

I. If the applicant requests that copies of a public record be mailed or delivered to the applicant or to a third party, the custodian may charge the applicant for the cost of postage or delivery.

.16 Time and Place of Inspection.

A. An applicant may inspect any public record of the Department that the applicant is entitled to inspect during the normal working hours of the Department, subject to the ability of the custodian, if a record is not immediately available for inspection, to schedule a mutually agreeable date within a reasonable amount of time that comports with any applicable deadlines under the Act.

B. The inspection shall occur where the public record is located, unless the custodian, after taking into account the applicant's expressed wish, determines that another place is more suitable and convenient.

Chapter 02 Correction or Amendment of Public Records

Authority:[Department's authority to adopt regulations]; General Provisions Article § 4-502, Annotated Code of Maryland

.01 Scope.

This chapter sets out procedures under which a person in interest may request the correction or amendment of public records of the Department of _____.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Act" means the Public Information Act, General Provisions Article, §§ 4-101–4-601, Annotated Code of Maryland.

(2) "Custodian" has the meaning stated in General Provisions Article, § 4-101(d), Annotated Code of Maryland.

(3) "Department" means the Department of _____.

(4) "Person in interest" has the meaning stated in General Provisions Article, § 4-101(g), Annotated Code of Maryland.

(5) "Public record" has the meaning stated in General Provisions Article, § 4-101(k), Annotated Code of Maryland.

(6) "Secretary" means the Secretary of _____.

.03 Who May Request.

A person in interest may request that the Department correct or amend any public record that:

A. The Department keeps; and

B. The person in interest is authorized to inspect.

.04 Contents of Request.

A. A person in interest shall make a request to correct or amend a public record in writing [on a form provided by the Department].

B. The request shall:

(1) Identify the public record to be corrected or amended;

(2) State the precise correction or amendment requested;

(3) State the reason for the correction or amendment; and

(4) Include a statement that, to the best of the requester's belief, the public record is inaccurate or incomplete.

.05 Addressee.

A request to correct or amend a public record shall be addressed to the custodian of the record. If the custodian is unknown, the request may be addressed to the Secretary.

.06 Return of Nonconforming Request.

A. The Department shall accept a request to correct or amend a public record when it is received if it reasonably complies with Regulations .04 and .05 of this chapter.

B. If the request does not reasonably comply with Regulations .04 and .05 of this chapter, the Department shall return the request to the requester with:

- (1) An explanation of the reason for the return; and
- (2) A statement that, on receipt of a request that reasonably complies with Regulations .04 and .05 of this chapter, the request will be accepted.

.07 Response to Request.

Within 30 days after the Department receives a request for correction or amendment that reasonably complies with Regulations .04 and .05 of this chapter, the custodian shall:

A. Make the requested correction or amendment, and inform the requester in writing of the action; or

B. Inform the requester in writing that the Department will not:

- (1) Make the requested correction or amendment, and the reason for the refusal; or
- (2) Act on the request because:
 - (a) The requester is not a person in interest;
 - (b) The requester is not authorized to inspect the record; or
 - (c) Of any other reason authorized by law.

.08 Response to Refusal of Request—Statement of Disagreement.

If the Department refuses to make a requested correction or amendment, a person in interest may file with the Department a concise statement of the reasons for:

A. The requested correction or amendment; and

B. The person's disagreement with the refusal of the Department to make the correction or amendment.

.09 Requirements for Statement of Disagreement.

The statement submitted under Regulation .08 of this chapter shall:

- A. Be on pages not larger than 8-1/2 x 11 inches;
- B. Use only one side of each page; and
- C. Consist of not more than five pages.

.10 Disclosure of Statement of Disagreement.

If a person in interest files a statement of disagreement concerning a public record under Regulations .08 and .09 of this chapter, the Department shall provide a copy of the statement whenever the Department discloses the public record to a third party.

.11 Administrative Review.

A. A person may request administrative review under this regulation if the Department:

(1) Has refused the person's request to correct or amend a public record under Regulation .07 of this chapter;

(2) Has rejected the person's statement of disagreement under Regulation .08 of this chapter; or

(3) Has not provided a statement of disagreement to a third party under Regulation .10 of this chapter.

B. A request for review shall be filed with the Secretary within 30 days after the requester is advised of the Department's action.

C. The review proceedings shall be conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland [and the administrative hearing regulations of the Department].

OPINIONS OF THE ATTORNEY GENERAL

on the

MARYLAND PUBLIC INFORMATION ACT

A. Scope of the Public Information Act; Disclosable Records

97 Opinions of the Attorney General 95 (2012)

No exception protects from disclosure the personal e-mail addresses that government officials collect for purposes of circulating a newsletter; providing guidance on the process of seeking a protective order from the circuit court under what is now GP § 4-358.

93 Opinions of the Attorney General 138 (2008)

Provision of records required by criminal discovery rules is distinct from provision of records under the PIA.

92 Opinions of the Attorney General 137 (2007)

Although the PIA restricts access to certain student information in school system records, the PIA yields to both federal law and provisions in the Education Article of the Maryland Code governing access to student records.

92 Opinions of the Attorney General 12 (2007)

Although a local ordinance ordinarily cannot restrict access to public records in a manner inconsistent with the PIA, a local ethics ordinance restricting access to records regarding pending complaints and identifying information in advisory opinions is valid to the extent that its provisions are consistent with Maryland Public Ethics Law and model ordinance developed by the State Ethics Commission.

90 Opinions of the Attorney General 45 (2005)

While fire dispatch records are ordinarily open to inspection, medical information concerning an identified individual should be redacted.

Note: *These Opinions were based on the statutes in effect when they were issued. Changes to both the PIA and the statute governing the disclosure of information may have made some opinions obsolete.*

86 Opinions of the Attorney General 226 (2001)

Although a statute prohibits disclosure of an inmate's case record to the public, the Division of Correction may reasonably construe prohibition as not extending to projected date of inmate's release on mandatory supervision.

83 Opinions of the Attorney General 192 (1998)

The gross amount of bonuses or performance awards paid to county appointed officials or merit system employees is available to the public under the PIA.

82 Opinions of the Attorney General 111 (1997)

An individual is generally entitled under the PIA to Motor Vehicle Administration records related to a review of the individual's fitness to drive, including records of the MVA's Medical Advisory Board. However, under what is now GP § 4-351(b)(4), the MVA may treat as a confidential source someone who writes to the MVA concerning an individual's fitness to drive if the informant would reasonably expect confidentiality.

81 Opinions of the Attorney General 140 (1996)

"Public record" includes printed version of e-mail as the paper will itself be a "public record," but even if message was never printed, the version of the e-mail retained in the computer's storage would also be a "public record."

80 Opinions of the Attorney General 257 (1995)

The definition of "public record" does not extend to records that are required to be maintained by an applicant for a residential child care facility license but that never come into possession of the State agency.

79 Opinions of the Attorney General 366 (1994)

Although personnel records and other information regarding applicants for employees in Baltimore City Public Schools would otherwise be protected from inspection by the PIA, disclosure was authorized by virtue of a federal district court order.

79 Opinions of the Attorney General 354 (1994)

The criteria for determining eligibility for representation by the Public Defender are open for public inspection unless otherwise provided by law.

76 Opinions of the Attorney General 287 (1991)

Requests from the Legislative Auditor in connection with an audit are not governed by the PIA.

73 Opinions of the Attorney General 12 (1988)

Letters to the Agriculture Department complaining about gypsy moth spraying are generally disclosable.

71 Opinions of the Attorney General 282 (1986)

County ethics ordinance requires disclosure of certain information ordinarily within exceptions to disclosure.

71 Opinions of the Attorney General 288 (1986)

Tape recordings of calls to 911 Emergency Telephone System Centers are public records but portions of the recordings may fall within certain exceptions to disclosure.

71 Opinions of the Attorney General 318 (1986)

Federal and State statutes regarding the confidentiality of tax-related information prohibit disclosure of information concerning the personal and business affairs of identifiable taxpayers. However, (1) non-confidential information about the taxpayer's plans to engage in certain regulated business activities or the taxpayer's authority to collect the retail sales tax and (2) information that cannot be associated with any particular taxpayer must be disclosed to the public upon request.

68 Opinions of the Attorney General 330 (1983)

Individual criminal trial transcripts in the hands of the Public Defender are public records.

Opinion No. 81-034 (unpublished) (1981)

Under the Education Article of the Maryland Code and the Public Information Act, a County Council is entitled, as part of its review of the county school board's annual budget request, to receive supporting budgetary details that include the actual salaries paid to school board employees.

Opinion No. 79-024 (unpublished) (1979)

A managerial audit letter prepared for the Board of Education is a public document and, as such, the County Commissioners and the Director of Finance are entitled by law to a copy of the letter.

Opinion No. 79-032 (unpublished) (1979)

The Retail Sales Tax Division of the Comptroller of the Treasury must provide the State Department of Personnel with a list of the names of accounts that have been audited by the Division.

Opinion No. 78-085 (unpublished) (1978)

Neither the Insurance Commissioner nor Maryland Automobile Insurance Fund may deny the Legislative Auditor access to the report of examination of MAIF's Uninsured Division and the related work papers.

63 Opinions of the Attorney General 502 (1978)

Juvenile records may be released to the Division of Parole and Probation by the various custodians of juvenile records without a court order, but the better practice would be to get a court order. The Division of Parole and Probation may deny disclosure of a particular record if it was compiled for a law enforcement or prosecution purpose.

63 Opinions of the Attorney General 543 (1978)

Arrest logs are public records and the only grounds for denying public access to them would be pursuant to Article 76A, § 3(f).

62 Opinions of the Attorney General 396 (1977)

Any member of the public is entitled to inspect and copy registration records of the Board of Election Supervisors unless there is a "special order of the Board" or a "reasonable regulation" by the Board to the contrary.

62 Opinions of the Attorney General 579 (1977)

Information relating to legal fees paid by Maryland Automobile Insurance Fund to individual defense counsel engaged to represent the agency or its insured must be divulged upon demand.

62 Opinions of the Attorney General 712 (1977)

The Public Information Act requires the property tax assessment appeal boards to permit any person to inspect any of their records with certain exceptions.

Opinion No. 77-013 (unpublished) (1977)

The PIA requires the Department of Licensing and Regulation to honor requests for copies of numerical listings of all licensees, assembled as part of an annual routine of issuing renewal licenses.

Opinion No. 76-30 (unpublished) (1976)

Salary information with respect to employees at Prince George's Community College generally is subject to disclosure under the Public Information Act.

Opinion No. 76-142 (unpublished) (1976)

The author's name on a letter to the Maryland State Board of Ethics is considered a "public record" and does not fall within any of the exceptions to the requirement of disclosure.

61 Opinions of the Attorney General 702 (1976)

The Maryland Public Information Act does not in general authorize clerks of courts to deny public inspection of marriage records, no matter what the intended use.

60 Opinions of the Attorney General 498 (1975)

The nature of mileage forms, the purpose for which they are kept, and the place where they are kept make it clear that they are not personnel records, but are vehicle records only and, as such, they are public records open for inspection.

60 Opinions of the Attorney General 600 (1975)

Disclosure of students' names and addresses to third parties by school officials even without parents' consent is not prohibited by the PIA. However, disclosure may be prohibited by a federal statute, the Family Education Rights & Privacy Act of 1974, "the Buckley Amendment." 20 U.S.C. § 1232g.

59 Opinions of the Attorney General 59 (1974)

A list provided by the Bank Commissioner of a bank's bona fide shareholders or subscribers showing the name, residence, and actual number of shares subscribed to

and paid for are not exempt from the general requirement of disclosure. However, personal financial statements may not be released.

59 Opinions of the Attorney General 586 (1974)

County boards of education are not prohibited by the PIA from releasing the names and addresses of students within their schools. However, disclosure may be prohibited by a federal statute, the Family Educational Rights and Privacy Act of 1974, “the Buckley Amendment,” 20 U.S.C. § 1232g.

Opinion No. 74-239 (unpublished) (1974)

Disclosure of the names of all lawyers, doctors, and independent adjustors used by the Maryland Automobile Insurance Fund is compelled under the Public Information Act.

58 Opinions of the Attorney General 14 (1973)

The State Department of Assessments and Taxation is barred from permitting inspection of a taxpayer’s assessment worksheet by anyone but the taxpayer to whom the property is assessed and officers of the State and subdivision affected.

58 Opinions of the Attorney General 53 (1973)

The Act applies to all members of the general public and does not make exception for any segment thereof.

57 Opinions of the Attorney General 500 (1972)

All materials considered in connection with appointment or promotion in the Police Department are open to inspection but this does not extend to the identity of the applicant’s examiner or examiners.

57 Opinions of the Attorney General 518 (1972)

Criminal records that the court orders expunged need not be physically destroyed, but should be segregated and public and private access can be denied.

B. Role of the Custodian*93 Opinions of the Attorney General* 138 (2008)

The PIA does not provide authority for a State's Attorney to charge a criminal defendant for access to records to which defendant is entitled under Maryland Rules governing discovery; for other records, reasonable charges may be imposed.

68 Opinions of the Attorney General 330 (1983)

Public Defender is "official custodian" of trial transcript obtained by the Public Defender's office in the course of its legal representation of an indigent defendant.

65 Opinions of the Attorney General 365 (1980)

If a public official uses his or her public office to obtain the personnel file of another person, the public official becomes a de facto "custodian" of that file, subject to the statutory obligation imposed by the Public Information Act on a "custodian" to deny access to the file by unauthorized persons; as "custodian," the public official is subject to criminal penalties applicable to violations of the statute.

64 Opinions of the Attorney General 236 (1979)

Determination whether disclosure is contrary to the public interest is within the discretion of the custodian.

63 Opinions of the Attorney General 197 (1978)

If the Public Safety Data Center consolidates with the Baltimore Computer Utility, the Secretary of Public Safety and Correctional Services would continue to be the "official custodian" of the criminal history records stored in the shared system and the Maryland State Police would continue to be the "custodians" of such records.

C. Right of Access*90 Opinions of the Attorney General* 45 (2005)

While a parent of a minor ordinarily is a "person in interest" for purposes of accessing records pertaining to the minor, that status is lost if the parents' parental rights have been terminated.

81 Opinions of the Attorney General 154 (1996)

Waiver of fee is dependent upon a number of relevant factors and cannot be based solely on the poverty of the requester or the cost to the agency.

71 Opinions of the Attorney General 318 (1986)

In complying with any request for disclosable information, the Retail Sales Tax Division may impose a reasonable charge for the costs incurred, including the cost of all computer time actually used.

63 Opinions of the Attorney General 453 (1979)

The Legislative Auditor has broad statutory authority to examine records of State agencies, including medical records of the Department of Health & Mental Hygiene, in assessing the performance of the Department.

60 Opinions of the Attorney General 563 (1973)

Personnel files may be available to investigators representing the Division of Fiscal Research for purposes connected with the performance of the Division's statutory duties.

58 Opinions of the Attorney General 563 (1973)

The Public Information Act speaks only of the "right of inspection" of public records or "access to" such records. It does not compel a custodian to take affirmative action to disclose information absent a request.

56 Opinions of the Attorney General 461 (1971)

The Public Information Act does not guarantee the right to the requested information to any specific form. The State Department of Assessments and Taxation is not required to give information in the form of a duplicate data processing tape but may give a printout instead.

D. Exceptions to Disclosure

1. Exceptions Based on Other Sources of Law

87 Opinions of the Attorney General 76 (2002)

Absent court order, State's Attorney's Office may not prematurely provide community association with search warrant information for use in pursuing drug nuisance abatement action.

86 Opinions of the Attorney General 94 (2001)

A local ordinance does not constitute "other law" for purposes of what is now GP § 4-301 and cannot provide independent basis for an exemption from disclosure under the PIA.

82 Opinions of the Attorney General 15 (1997)

While a document is not confidential as a matter of law merely because it is prepared by a county attorney, the attorney-client privilege or other appropriate privileges are available to protect the confidentiality of a document and prevent disclosure under the PIA to the extent the document is encompassed by those privileges.

81 Opinions of the Attorney General 164 (1996)

Agency recipient of a management letter that is partly privileged may decline to disclose those parts of the letter to another government agency, unless other law requires disclosure.

66 Opinions of the Attorney General 98 (1981)

Notwithstanding the General Assembly's broad authority to inquire into the State's fiscal affairs, budget recommendations requested by and submitted to the Governor in confidence by various executive agencies are subject to Executive Privilege and, as such, are privileged from disclosure to the General Assembly.

64 Opinions of the Attorney General 236 (1979)

The common law doctrine of grand jury secrecy makes records obtained by a State's Attorney's office solely for use in a grand jury investigation non-disclosable under § 3(a)(iv), as amended, now codified at GP § 4-301, of the Public Information Act.

63 Opinions of the Attorney General 659 (1978)

The Maryland Public Information Act may not be used to disclose birth and death certificates, or the identifying information contained thereon, since it is confidential by law, but autopsy reports may be obtained from the custodian of such reports under this statute.

61 Opinions of the Attorney General 340 (1976)

The State Public Information Act generally denies access to educational records “unless otherwise provided by law.” It is permissible for a representative of the State Department of Education to examine the academic records of certain students at Morgan State University.

Opinion No. 75-060 (unpublished) (1975)

Release of information that a specific individual is currently a patient in a State mental hospital is contrary to former Article 59, § 19 and, therefore falls within the PIA exception for records protected by other laws.

2. Discretionary Exceptions

92 Opinions of the Attorney General 26 (2007)

Request for mug shots in custody of police department should be analyzed as a request for an investigatory record under the PIA. Thus, a mug shot must be disclosed unless the custodian determines disclosure would be contrary to the public interest.

89 Opinions of the Attorney General 31 (2004)

If, in carrying out its statutory mandate, an agency is in possession of investigatory records obtained from another agency, it may apply the investigatory records exemption to withhold the records if the agency that provided the records would itself deny access under the investigatory record exemption.

86 Opinions of the Attorney General 94 (2001)

In determining whether an investigation is for “law enforcement purposes,” the proper focus is on whether the agency’s investigatory function is part of an overall scheme designed to review specific instances of alleged improper conduct, not the array of possible sanctions that might result from the investigation.

77 Opinions of the Attorney General 183 (1992)

Custodian of investigatory records has discretion whether to disclose name and address of victim of crime.

71 Opinions of the Attorney General 305 (1986)

Agency's citizen response plan log that contains information concerning citizen complaints is not ordinarily an investigatory record exempt from disclosure.

64 Opinions of the Attorney General 236 (1979)

The Police Department must disclose investigative reports, or a severable part of them, unless disclosure would be contrary to the public interest.

Opinion No. 75-202 (unpublished) (1975)

The report of the Maryland Automobile Insurance Fund Advisory Board subcommittee may be withheld from public inspection in the discretion of the executive director and the Board of Trustees of MAIF.

58 Opinions of the Attorney General 53 (1973)

Access may be denied to the report prepared for the Maryland Transportation Authority by an independent engineering consulting firm to assist the Authority in preparing its defense to claims filed against it. Disclosure of the claims, resulting in a potentially significant cost to the public, is clearly contrary to public interest.

58 Opinions of the Attorney General 563 (1973)

The custodian of Police Department records may deny public access to arrest records only upon a determination that disclosure would be contrary to the public interest.

3. Mandatory Exceptions

90 Opinions of the Attorney General 45 (2005)

Medical information recorded by dispatcher during course of 911 call is to be redacted prior to release of fire department "event report" or dispatch.

86 Opinions of the Attorney General 94 (2001)

Personnel records exemption does not preclude municipal agency from sharing personnel records with another municipal agency that is charged with personnel

administration responsibilities to the extent necessary for the latter agency to carry out its responsibilities.

82 Opinions of the Attorney General 65 (1997)

Prohibition against disclosure of “personnel records” does not preclude school officials from disclosing to a student’s parent oral information gained through reported observations concerning employee’s conduct even if information subsequently was memorialized, thus resulting in a “record.” Furthermore, certain information gained through investigation of school system personnel about a student may be disclosed as long as the confidentiality of employee-related information derived from personnel record is preserved.

79 Opinions of the Attorney General 362 (1994)

Performance evaluation reports on judges, lawyers’ responses on judicial performance questionnaires, and the compiled data for each judge are exempt. Members of the public are entitled to the composite data that do not identify particular judges.

78 Opinions of the Attorney General 291 (1993)

Employee-related information stemming from a complaint about discriminatory behavior is a personnel record that may not be disclosed to third parties.

77 Opinions of the Attorney General 188 (1992)

Value or description of abandoned property constitutes personal financial information that may not be disclosed.

71 Opinions of the Attorney General 305 (1986)

Exemption for licensing records applies only to records of licensees who are individuals, and not to those who are business entities.

71 Opinions of the Attorney General 297 (1986)

A tape recording of an involuntary admission hearing may be disclosed only to a patient or authorized representative.

71 Opinions of the Attorney General 368 (1986)

Under certain conditions, information about the handling of a child abuse case by the local Department of Social Services may be disclosed.

69 Opinions of the Attorney General 231 (1984)

Architectural and engineering plans that are submitted to a county as a prerequisite to issuance of a building permit are public records and must be disclosed unless they contain commercial information that would give competitors of the submitter a concrete advantage in obtaining future work on that or a similar project.

68 Opinions of the Attorney General 335 (1983)

A custodian must deny inspection of letters of reference — solicited or unsolicited — that concern a person's fitness for public office or employment.

Opinion No. 83-044 (unpublished) (1983)

While performing evaluations of local directors of social services, local boards have the right to examine internal Department of Human Resources documents that relate to performance but may not use or disseminate the information in contravention of any confidentiality requirements imposed by Article 88A, § 36 or General Provisions Article § 4-315.

63 Opinions of the Attorney General 432 (1978)

Nonprofit health service plans may not release personal medical record information, without the consent of the individuals, to employers who sponsor and maintain group health plans. The only exception would be if the information was released without identifying the subscribers.

63 Opinions of the Attorney General 355 (1978)

The custodian shall determine if data is a "trade secret" or "confidential commercial or financial data." The mere assertion by a vendor that commercial data is confidential is not sufficient. One important indicium of confidentiality or privilege is whether the records are customarily so regarded in the trade or industry.

Opinion No. 77-006 (unpublished) (1977)

Public Information Act does not prohibit the disclosure of a State, county, or municipal job or position description.

Opinion No. 75-071 (unpublished) (1975)

The information contained in the application for State Certification of Conformance for Hospitals and Related Institutions and/or Federal § 1122 Certification for

Reimbursement of Capital Expenditures should be open to the public unless it is confidential.

Opinion No. 73-099 (unpublished) (1973)

The Comptroller may release information relating to taxpayers to the Treasury Department of the United States.

60 Opinions of the Attorney General 559 (1975)

Where an employee of the Department of Health and Mental Hygiene has filed a claim for Workmen's Compensation with the State Accident Fund, its investigators should be provided access to information concerning the claimant, or otherwise pertinent to the claim, contained in the Department's personnel file.

60 Opinions of the Attorney General 600 (1975)

Degree information, including credits earned by teachers in specific school systems, should not be disclosed.

4. Preventing Disclosure Where No Exception Applies

97 Opinions of the Attorney General 95 (2012)

Providing guidance on the process of seeking a protective order from the circuit court under what is now GP § 4-358 when no exception protects from disclosure the personal e-mail addresses that government officials collect for purposes of circulating a newsletter.

Opinion No. 76-142 (unpublished) (1976)

If disclosure would do substantial injury to public interest, a custodian may seek a court order to permit denial or restriction of access.

E. Procedures for Making a Request for Inspection or Copying

81 Opinions of the Attorney General 154 (1996)

Waiver of fee is dependent upon a number of relevant factors and cannot be based solely on the poverty of the requester or the cost to the agency.

61 *Opinions of the Attorney General* 698 (1976)

There is no requirement that an applicant give a reason for the request.

F. Liability of Persons Who Violate the Act

65 *Opinions of the Attorney General* 365 (1980)

If a public official uses his or her public office to obtain the personnel file of another person, the public official becomes a de facto “custodian” of that file, subject to the statutory obligation imposed by the Public Information Act on a “custodian” to deny access to the file by unauthorized persons; as “custodian,” the public official is subject to criminal penalties applicable to violations of the statute.

61 *Opinions of the Attorney General* 698 (1976)

A person who violates the Public Information Act may be subject to criminal and/or civil action.

G. Correction of Records

76 *Opinions of the Attorney General* 276 (1991)

PIA procedures for correction of records do not apply to a death certificate. (Reversed by subsequent legislation. See 1992 Md. Laws, ch. 547.)

**RESPONDING TO REQUESTS
UNDER THE
MARYLAND PUBLIC INFORMATION ACT:
A SUGGESTED PROCESS**



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Last Revised October 2015

RESPONDING TO REQUESTS UNDER THE MARYLAND PUBLIC INFORMATION ACT: A SUGGESTED PROCESS

The basic mandate of the Public Information Act (“PIA”) is to enable people to have access to government records without unnecessary cost or delay. Custodians have a responsibility to provide such access, unless the requested records fall within one of the exceptions provided in the PIA. The keys to compliance with the PIA are:

(1) a *clear process* for handling requests for records;

(2) quality *training* about the law for frontline personnel; and

(3) the same attitude of *professionalism and customer service* expected for other agency functions.

The following guidelines are intended to offer custodians of records practical ways to enhance compliance with the letter and spirit of the PIA. They reflect best practices, but they are not meant to cover all aspects of the law. Nor are they intended to create any legal rights for any person; the Act itself and agency regulations that govern the handling of PIA requests set forth the legal rights and obligations under the PIA.

1. IDENTIFY KEY PERSONNEL

Who receives requests for records at the agency? Who should respond to them?

A. Designate an agency PIA coordinator (or more than one, if need be) who is responsible for PIA compliance. The person the agency identifies as its PIA

“representative” for purposes of receiving PIA requests would be a logical choice.

B. Set clear guidelines for those who handle PIA requests; for example, make sure that whoever opens the mail knows to whom a PIA request should be sent and the importance of delivering the request promptly.

2. SEPARATE THE SIMPLE FROM THE UNUSUAL OR COMPLEX

Are the requested records in a category that you have previously identified as available to anyone immediately, no questions asked?

A. If YES:

(i) Make the records available immediately for inspection, even if the request is made orally;

(ii) If the requester wants copies (paper or electronic), charge no more than a reasonable, pre-set fee.

You should consider designating commonly requested documents that are available on this basis.

B. If NO:

(i) If the request was made orally, ask the requester to write out the request. You may find it useful to devise a form for this purpose.

(ii) Promptly send the form to the person in the agency designated to handle

PIA requests (or to the person or persons who handle this type of PIA request).

Should you ask requesters who they are or why they want the records?

In general, no. In some circumstances, however, you will need to identify who the requester is. Some records (*e.g.*, medical files, personnel files) that are not available to the general public are available to the subject of the records, who is called a “person in interest” in the PIA. If the request involves a type of record for which a person in interest has special rights, you need to find out if the requester is a person in interest.

3. INFORM THE REQUESTER PROMPTLY OF PROBLEMS WITH THE REQUEST

Does the request cover records in the agency’s custody? Are they described in a way that allows the records to be found after a reasonable search?

A. If you can’t search for the records because they don’t exist (there is no duty to create records) or you don’t have them, tell the requester promptly (within, at most, 10 days); if you know that another agency has the records, tell the requester; if feasible, you may offer to forward the request to that agency.

B. If you can’t search for the records because the request is unclear or unreasonably broad, promptly ask the requester to clarify or narrow the request. If you think it would be helpful, you may offer to assist the requester in reframing the request. Do not simply wait 30 days and deny the request only because it is unclear or unreasonably broad.

C. If there is a reason why the search or review of the records will take more than 10 working days, send the requester a letter or email *within that 10-day period* explaining the reason for the delay, the time needed to respond, and an estimate of the range of fees that might be charged.

4. RETRIEVE – REVIEW – RESPOND

A. If your agency has the records and can find those covered by the request after a reasonable search, promptly retrieve the records.

B. Review the records, with legal assistance as needed, to determine their status under the PIA.

C. Decide whether your review requires information from outside the agency and, if so, request it right away. Two common situations:

(i) A record would be available to a person in interest, but not to a member of the general public. If applicable, ask for the information you need to determine whether the requester is a person in interest.

(ii) A record contains information that appears to be confidential commercial or financial information. Ask the person or entity that submitted the information whether the information is regarded as confidential and, if so, why.

D. Determine if any of the exemptions in the PIA (or in another law) apply to the record or a portion of the record.

(i) If an applicable exemption *requires* that all of the information be withheld from disclosure, withhold the entire record unless redacting all identifying

information would remove the record from scope of the exemption. If only part of the information is exempt, redact the exempt portion.

(ii) If an applicable exemption *permits, but does not require*, that information be withheld from disclosure, carefully consider how you will exercise the discretion that the law gives you. In general, disclose the record unless doing so would cause a harm to the public interest that you can describe.

(iii) If *no exemption* applies, disclose the record unless, within 10 days, your agency will go to court for an order allowing you to withhold the record on the ground that disclosure would cause “substantial injury to the public interest.” Courts will likely grant such orders only in extraordinary circumstances.

E. Complete the retrieval and review process as quickly as possible, but in any case within 30 days of receiving the request, unless the requester agrees to an extension.

(i) If you determine that records are to be disclosed, notify the requester immediately that the records are available for inspection or copying.

(ii) If you determine that the records are to be withheld in whole or in part, promptly send the requester a letter explaining why those records are exempt from disclosure, citing legal authority and telling the requester how to seek review of your decision.

5. PROVIDE COPIES, IF REQUESTED.

A. If the requester seeks copies, provide them within a reasonable time. If the request

is voluminous, discuss a mutually agreeable schedule – for example, providing copies on a rolling basis.

B. If copies are requested in an electronic or other special format, honor that request if it is possible to do so without significant cost or burden on the agency. In some circumstances, the requester may have a right to an electronic copy

6. CHARGE ONLY REASONABLE, COST-BASED FEES.

A. Search and Review Time. If you charge a fee, base the fee on the actual staff time spent responding to the request and their prorated salaries. Keep track of your time, but remember that the first two hours of search and review time are free.

B. Copies. Decide in advance what you will charge per copy. You may decide that it is more cost-effective not to charge for small numbers of copies.

C. Fee Waivers. If the requester asks that you waive the fees, you may do so if a waiver would be in the public interest or if the requester is indigent. For indigency waivers, require the requester to submit an affidavit of indigency. For other waiver requests, consider the ability of the applicant to pay, but other factors as well (*e.g.*, whether the information is sought for a broad public purpose or for a narrow personal or commercial interest).

More information about the PIA may be found in the Attorney General’s manual, available online at: **Error! Hyperlink reference not valid.**

Access to Government Records Under the Maryland Public Information Act

What is the Public Information Act?

Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay. The PIA is found in the General Provisions Article ("GP"), §§ 4-101 through 4-601, Annotated Code of Maryland.

It is similar to the federal Freedom of Information Act which applies to federal executive branch agencies and independent federal regulatory agencies.

The PIA grants you the right to review the available records that are disclosable and to obtain copies of those records. It does not require an agency to answer informational questions or to create a record to satisfy your request.

What is a public record?

A public record is defined as the original or copy of any documentary material in any form created or received by an agency in connection with the transaction of public business. Included in this definition are written materials, books, photographs, photocopies, films, microfilms, records, tapes, computerized records, maps, drawings and other materials.

Who can submit a PIA request?

Anyone.

Are all government records available?

No. The PIA attempts to balance the public's right to access government records with other policies that respect the privacy or confidentiality of certain information.

For example, some public records are confidential under federal or state statutes, under court rules, or under various common law privileges such as attorney-client privilege and executive privilege. GP § 4-301. The PIA itself also protects certain records from disclosure (for example, adoption records, personnel records, certain personal information in Motor Vehicle Administration records). In addition, some information contained in public records must remain confidential (for example, an individual's medical information, confidential commercial information and trade secrets). GP §§ 4-304 to 4-327 (Part II), §§ 4-328 to 4-342 (Part III). In some cases, these protections may be waived.

Other records may be withheld if the agency decides that disclosure of those records would be "contrary to the public interest." Examples of records subject to discretionary disclosure include investigatory records, information related to academic, licensing, and employment examinations, and documents of a pre-decisional and deliberative nature. GP §§ 4-343 to 4-357 (Part IV).

Do I have a right to obtain a record about me even if it is otherwise confidential under the PIA?

In some cases, yes. The PIA grants a "person in interest" a right to access some records that are otherwise not available to the public under the PIA. A person in interest is usually the person who is the subject of the record.

Whom do I contact to get access to a record under the PIA?

There is no central agency that is responsible for PIA requests. You should contact the agency that has the type of record you are seeking. If you are uncertain about what agency would have the record, you might review the "Maryland Manual" (available online at www.mdarchives.state.md.us/msa/mdmanual/html/mmtoc.html), check

agency web sites, or contact your local library where the reference staff might be able to help identify the agency that has the particular type of record. As for to whom to direct your request, check the agency's website; it should have the relevant contact information. You can also check the Attorney General's website and Appendix J to this Manual, both of which have a list of the PIA representatives for various State, county, and municipal bodies.

Is there a particular form that I must use?

No, although some agencies have created request forms to help the agency respond to PIA requests.

In some cases, a telephone call to the appropriate person in a government agency may satisfy your request for a document. In other cases, you will need to submit your request in writing. Address your request to the individual the agency identifies as its PIA contact. If you do not know who that is, address your request to the agency's public information officer or to the head of the agency.

It is important that you specifically describe the records you seek so that the agency can research your request. Sometimes discussions with agency personnel will clarify your request and help the agency find the records you are seeking.

How long will it take for an agency to respond to my request?

In many instances, an agency will be able to respond to your request immediately. In fact, for some frequently requested records, an agency may already have records available on its web site. (For example, the State Department of Assessments and Taxation makes property assessment information publicly available through its web site). Otherwise, an agency is normally expected to comply with a PIA request within 30 days, but there may be instances where an agency needs additional time to locate and review the requested records.

Is there a charge for obtaining records under the PIA?

The PIA allows an agency to charge a “reasonable fee” for copies of public records.

An agency may also charge a reasonable fee for searching for a public record—a charge that may include the time required for locating and reviewing the record. The first two hours of search time are free, but an extensive search may prove time-consuming and therefore expensive. Thus, it is in both your interest and the agency’s interest to ensure that a PIA request clearly and accurately describes the records sought. Sometimes discussing your request with agency staff is the best way to gain access to the records you seek promptly and at little or no cost.

Actual fee schedules may be found in agency regulations. Agencies may choose to waive fees in particular cases.

What happens if I am dissatisfied with the agency’s response?

If an agency denies all or part of your request, it must provide you with a written explanation that includes the reason for the denial, the legal authority justifying the denial, and your appeal rights.

You have three options if you are dissatisfied with the agency’s response: (1) You can go to court if you wish to challenge any aspect of the agency’s decision and, if you prevail, potentially receive attorneys’ fees and damages; (2) You can request dispute resolution through the Office of the Public Access Ombudsman (the Ombudsman is supported by the Office of the Attorney General); and (3) If you are unable to resolve your dispute through the Ombudsman, and your dispute lies within the jurisdiction of the Public Information Act Compliance Board, you may file a complaint with the Board.

How can I learn more about the PIA?

The Office of the Attorney General publishes a detailed legal analysis of the PIA in the Maryland Public Information Act Manual. The Manual also includes the text of the PIA and a sample request letter to help you make a PIA request. The Manual is

available for purchase for \$10 by sending a check to the Office of Attorney General, Opinions and Advice Division, 200 St. Paul Place, Baltimore, Maryland 21202. The manual is also available without charge on the Attorney General's website, <http://www.oag.state.md.us/Opengov/pia.htm>.

Public Information Act Representatives

(General Provisions Article § 4-503(b))

Governmental units are grouped together by jurisdiction, beginning with State agencies, then county agencies, and then municipal agencies. Note that a body that qualifies as a State entity might nevertheless be grouped with county agencies when its jurisdictional reach is limited to a particular county. Also note that this list will be updated periodically, with each update bearing its revision date in the lower left-hand corner of the page.

State Agencies

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Administrative Office of the Courts (Court of Appeals, Court of Special Appeals, District Court, Circuit Court, Orphan's Court)	Bradley Tanner, Public Information Officer	187 Harry S. Truman Parkway, Annapolis, MD 21401	(410) 260-1486	bradley.tanner@mdcourts.gov; communications@mdcourts.gov; http://mdcourts.gov
Allegany College of Maryland	Dr. B. Renee Conner	12401 Willowbrook Rd. SW Cumberland, Maryland 21502	(301) 784-5206	rconner@allegany.edu www.allegany.edu
Attorney General	Janice Jewson Executive Associate	200 St. Paul Place, Baltimore, MD 21202	(410) 576-6342	jjewson@oag.state.md.us; www.oag.state.md.us
Baltimore City Community College	Bryan L. Perry, Esq. Office of General Counsel	2900 Liberty Heights Avenue, Harper Hall Suite 204, Baltimore, Maryland 21215	(410) 462-8047	BPerry@BCCC.edu
Banneker-Douglas Museum	Robert James		(410) 216-6186	Robert.james2@maryland.gov
Board for the Certification of Residential Child Care Program Professionals	James Merrow, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-5996	james.merrow@maryland.gov
Board of Acupuncture	Penny Heisler, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-5925	penny.heisler@maryland.gov
Board of Audiologists, Hearing Aid Dispensers & Speech-Language Pathologists	Candace Robinson, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4723	Candace.robinson@maryland.gov
Board of Chiropractic and Massage Therapy	Sharon Oliver, Executive Director	4201 Patterson Avenue, #301 Baltimore, MD 21215	(410) 764-5985	Sharon.oliver@maryland.gov
Board of Dental Examiners	Alexis McCamey	55 Wade Avenue, Catonsville, MD 21228	(410) 402-8502	alexis.mccamey@maryland.gov
Board of Dietetic Practice	Mari Savage, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4733	marie.savage@maryland.gov

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Board of Elections	Jared DeMarinis, Public Information Act Officer	151 West Street, Suite 200, Annapolis, MD 21401	(410) 269-2840	jared.demarinis@maryland.gov; www.elections.state.md.us
Board of Environmental Health Specialists	James Merrow, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-3512	james.merrow@maryland.gov
Board of Morticians and Funeral Directors	Christy Collins, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4714	Christy.collins@maryland.gov
Board of Nursing	Karen Brown	4140 Patterson Avenue, Baltimore MD 21215	(410) 585-1923	karen.brown2@maryland.gov
Board of Occupational Therapy Practice	Lauren Murray	Spring Grove Hospital Center, 55 Wade Avenue, 4th Fl., Baltimore, MD 21228	(410) 402-8556	lauren.murray@maryland.gov
Board of Optometry	Kecia Dunham	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4710	kecia.dunham@maryland.gov
Board of Pharmacy	Deena Speights-Napata	4201 Patterson Avenue, #509 Baltimore, MD 21215	(410) 764-4753	deena.speights-napata@maryland.gov
Board of Physical Therapy	Laurie Kendall-Ellis, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4718	Laurie.kendall-ellis@maryland.gov
Board of Physicians	Yemisi Koya, Director of Comm., Education and Policy	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4772	yemisi.koya@maryland.gov
Board of Podiatric Medical Examiners	Eva Schwartz, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4785	eva.schwartz@maryland.gov
Board of Professional Counselors and Therapists	Tracey DeShields, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4732	tracey.deshields@maryland.gov
Board of Psychology	Lorraine Smith, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4787	lorraine.smith@maryland.gov
Board of Public Works	Lisa Johnson Records Manager	80 Calvert Street, Rm 117, Annapolis, MD 21401	410.260.7335	lisa.johnson1@maryland.gov bpw.maryland.gov
Board of Social Work Examiners	Kara Brooks-Tyson, Compliance Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4788	kara.brooks-tyson@maryland.gov
Bowie State University	General Counsel	14000 Jericho Park Road, Bowie, MD 20710	(301) 860-3555	generalcounsel@bowiestate.edu; www.bowiestate.edu
Canal Place Preservation and Development Authority	Nicole Gray	13 Canal Street, Ste. 301, Cumberland, MD 21502	(301) 724-2655	nicole.gray@maryland.gov www.canalplace.org
College Savings Plan, Maryland	Michelle Winner	217 E. Redwood Street, Suite 1350, Baltimore, MD 21202	(443) 769-1024	mwinner@maryland529.org

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Comptroller of Maryland	Justin Hayes	80 Calvert Street, P.O. Box 466, Annapolis, MD 21404-0466	(410) 260-7696	pia@marylandtaxes.gov www.marylandtaxes.com
Coppin State University	Matthew Fraling		(410) 951-3845	mfraling@coppin.edu
Court of Appeals of Maryland	Suzanne C. Johnson, Clerk	361 Rowe Boulevard, Annapolis, MD 21401	(410) 260-1500	suzanne.johnson@mdcourts.gov; coaclerkofthecourt@mdcourts.gov; www.mdcourts.gov/coappeals
Department of Aging	Bernice Hutchinson	301 W. Preston Street, Rm. 1007, Baltimore, MD 21201	(410) 767-1110	Bernice.hutchinson@maryland.gov
Department of Agriculture	Denise Burrell	50 Harry S. Truman Parkway, Annapolis, MD 21401	(410) 841-5880	Denise.Burrell@maryland.gov
Department of Budget and Management	Nicholas Peppersack	45 Calvert Street, Annapolis, MD 21401	(410) 260-6261	Nick.peppersack@maryland.gov
Department of Commerce (formerly the Department of Business & Economic Development)	Karen Glenn Hood	World Trade Center, 401 E. Pratt Street, 5th floor, Baltimore, MD 21202	(410) 767-6447	karen.glennhood@Maryland.gov
Department of General Services	Christian Skipper, Director of Records Management	7275 Waterloo Road, Jessup, MD 20794	(410) 799-1930	christian.skipper1@maryland.gov
Department of Health	Carlita Lindsey, PIA Coordinator	201 W. Preston Street, 5th Fl., Baltimore, MD 21201	(410) 767-6504	mdh.pia@maryland.gov http://dhmh.maryland.gov/
Department of Housing and Community Development	Owen McEvoy, Director of Public Information	7800 Harkins Lane, Lanham, MD 20706	(301) 429-7610	Owen.mcevoy@maryland.gov dhcd.maryland.gov/Pages/Public-Information.aspx
Department of Human Services	Katherine Morris, Communications Dir.	311 W. Saratoga Street, Baltimore, MD 21201	(410)767-8944	Piarequest.dhr@maryland.gov, www.dhr.state.md.us
Department of Information Technology	Patrick Mulford, Communications Director	100 Community Place, Crownsville, MD 21032	410-697-9495	Patrick.mulford@maryland.gov
Department of Juvenile Services	Audra Harrison, Public Information Officer	120 West Fayette Street, Baltimore, MD 21201	(410) 230-3164	Audra.harrison1@maryland.gov
Department of Labor	Joseph D. Cunningham, Director of Legislative Response and Special Projects	1100 N. Eutaw Street, Suite 611, Baltimore, MD 21201	(410) 230-6094	dllr.pio@maryland.gov

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Department of Legislative Services	Victoria Gruber, Executive Director	90 State Circle, Annapolis, MD 21401	(410) 946-5500	mya.dempsey@mlis.state.md.us mgaleg.maryland.gov
Department of Natural Resources	Anthony Burrows, PIA Coordinator	Office of Communications, 580 Taylor Avenue, D-4, Annapolis, MD 21401	(410) 279-6094	PIA.DNR@Maryland.gov anthony.burrows1@maryland.gov https://dnr.maryland.gov/Pages/pia.aspx
Department of Public Safety and Correctional Services	Ivy Williams	300 East Joppa Road, Towson, MD 21286	(410) 339-5010	ivy.williams@maryland.gov, www.dpscs.maryland.gov
Department of the Environment	Amanda R. Redmiles Interdepartmental Information Liaison	1800 Washington Blvd, Baltimore, MD 21230	(410) 537-4120	amanda.redmiles@maryland.gov
Department of Veterans Affairs (MDVA)	Dana Burl, Director of Outreach	16 Francis Street Annapolis, MD 21401	410-260-3842	dana.burl@maryland.gov veterans.maryland.gov
Frostburg State University	Brad Nixon, General Counsel	101 Braddock Road, Frostburg, MD 21532	(301) 687-3160	bnixon@frostburg.edu
Governor, Office of	Christopher J. Mincher, Esq.	1 Church Circle, Annapolis, Maryland 21401	(410) 974-2741	christopher.mincher@maryland.gov
Governor's Coordinating Offices	Heather Epkins		(443) 422-0037	Heather.epkins@maryland.gov
Governor's Office for Children	Barbara Krupiarz, Deputy Director	100 Community Place, Crownsville, MD 21032	(410) 967-9247	Barbara.krupiarz1@maryland.gov
Governor's Office of Community Initiatives	Dave Abrams		(410) 697-9262	dave.abrams@maryland.gov
Governor's Office of Deaf and Hard of Hearing	Kelly Brick		(443) 453-5761	Gov.odhh@maryland.gov
Governor's Office of Crime Prevention, Youth, and Victim Services	Joseph Cueto	100 Community Place, 1 st Floor Crownsville, MD 21032	(410) 697-9382	joseph.cueto@maryland.gov; www.goccp.maryland.gov
Governor's Office of Homeland Security	Walter "Pete" Landon	16 Francis Street, Annapolis MD 21401	410-974-3901	Walter.landon@maryland.gov
Governor's Office of Performance Improvement	Justin Jung		(443) 603-5072	Justin.jung@maryland.gov
Governor's Office of Service & Volunteerism	Joanna Chen		(410) 697-9269	Joanna.chen@maryland.gov
Governor's Office of Small Minority & Women Business Affairs	Alison Tavik, Dir. of Communications	6 Saint Paul St., Ste. 1502, Baltimore, MD 21202	(410) 697-9604	alison.tavik@maryland.gov www.goma.maryland.gov

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Health Services Cost Review Commission	Donna Kinzer, Executive Director	4160 Patterson Avenue, Baltimore, MD 21215	(410) 764-2591	donna.kinzer@maryland.gov
Maryland Automobile Insurance Fund	Sandra L. Dodson	1215 E. Fort Avenue, Suite 300, Baltimore, MD 21230	(667) 210-5182	sdodson@marylandauto.net; MyMarylandAuto.com
Maryland Automobile Insurance Fund	Joseph M. Kalinowski	1215 E. Fort Avenue, Suite 300, Baltimore, MD 21230	(667) 210-5142	jkalinowski@marylandauto.net; MyMarylandAuto.com
Maryland Center for School Safety	Craig Meister Emily Allen Lucht	7125 Ambassador Road, Baltimore, MD 21244	410-281-2335	craig.meister@maryland.gov emily.allen@maryland.gov http://www.safeschoolsmd.org/
Maryland Commission on Civil Rights	Alvin O. Gillard, Executive Director	6 Saint Paul Street, Suite 900, Baltimore, Maryland 21202	410-767-8576	mccr@maryland.gov mccr.maryland.gov
Maryland Commission on Indian Affairs	E. Keith Colston	301 West Preston Street, 15th Fl., Baltimore, MD 21201	(410) 767-7631	keith.colston@maryland.gov; www.americanindian.maryland.gov
Maryland Commission on Kidney Disease	Eva Schwartz, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4785	eva.schwartz@maryland.gov
Maryland Department of Planning	David Buck	301 West Preston Street, 11th Fl., Baltimore, MD 21201	(410) 767-4395	david.buck@maryland.gov; www.mdp.state.md.us
Maryland Department of Transportation Maryland Aviation Administration (MDOT MAA)	Trey Hanna	Executive Offices, 3rd Floor, Terminal Building, P. O. Box 8766, BWI Airport MD 21240-0766	(410) 859-7046	thanna@bwiairport.com
Maryland Department of Transportation Maryland Port Administration (MDOT MPA)	Nichol Conley	World Trade Center, 401 East Pratt Street, 20th Fl., Baltimore, MD 21202	(410) 385-4434	nconley@marylandports.com
Maryland Department of Transportation Maryland Transit Administration (MDOT MTA)	Angel Maes	William Donald Schaefer Tower, 6 Saint Paul Street, 22nd Fl, Baltimore MD 21202	(410) 767- 0995	Amaes1@mta.maryland.gov
Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA)	Tracey Sheffield	6601 Ritchie Highway, N.E., #200; Glen Burnie , MD 21062	(410) 768-7545	tsheffield@mdot.state.md.us www.mva.maryland.gov
Maryland Department of Transportation State Highway Administration (MDOT SHA)	Jean Anne Hosker	707 North Calvert Street. Baltimore, MD 21202	(410) 545-0429	jhosker@mdot.maryland.gov
Maryland Department of Transportation Secretary's Office (MDOT TSO)	Timothy Perry	7201 Corporate Center Dr., 2nd Floor, Hanover MD 21075	(410) 865-1237	Tperry1@mdot.state.md.us

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Maryland Energy Administration	Garry J Aime, Energy Program Manager	60 West Street, Ste. 300, Annapolis, MD 21401	(410) 260-7184	Garry.Aime@maryland.gov, www.energy.maryland.gov
Maryland Environmental Service	Sharon Merkel, Communications Specialist	259 Najoles Road, Millersville, MD 21108	(410) 729-8638	smerkel@menv.com www.menv.com
Maryland Health Benefits Exchange	Betsy Charlow, Deputy Director, Marketing & Outreach	750 East Pratt Street, 16th floor	410-547-1279	Elizabeth.charlow@maryland.gov
Maryland Health Care Commission	Bridget A. Zombro, Dir. of Administration	4160 Patterson Avenue, Baltimore, MD 21215	(410) 764-3558	Bridget.Zombro@maryland.gov
Maryland Higher Education Commission	Rhonda Wardlaw, Director of Communications	6 N. Liberty Street, 10th floor, Baltimore, MD 21201	(410) 767-7589	Rhonda.wardlaw@maryland.gov
Maryland Historical Trust	David Buck	301 West Preston Street, 11th Fl., Baltimore, MD 21201	(410) 767-4395	david.buck@maryland.gov; www.mdp.state.md.us
Maryland Institute for Emergency Medical Services Systems	James Brown, Director	653 West Pratt Street, 3rd Fl., Baltimore, MD 21201	(410) 706-3994	JBrown@miemss.org www.miemss.org/home/
Maryland Insurance Administration	Joseph Sviatko	200 St. Paul Place Ste. 2700, Baltimore, MD 21201	(410) 468-2458	joseph.sviatko@maryland.gov; www.insurance.maryland.gov
Maryland Longitudinal Data System Center	Ms. Jamese Dixon-Bobbitt	525 W. Redwood Street, Baltimore, MD 21201	(410) 706-2085	jamese.dixon-bobbitt@maryland.gov; www.mldscenter.maryland.gov
Maryland Lottery and Gaming Control Agency	Carole Everett, Dir. of Communications	1800 Washington Blvd, Ste. 330, Baltimore, MD 21230	(410) 230-8725	carole.everett@maryland.gov mdlottery.com
Maryland Medical Cannabis Commission	Jennifer White	Department of Health, 849 International Drive, Suite 450, Linthicum MD 21090	(410)487-8071	jenniferb.white@maryland.gov
Maryland Military Department	Quentin Banks	Fifth Regiment Armory, 29th Division Street, Baltimore, MD 21201	(410) 576-6021	Quentiin.banks@maryland.gov; www.military.maryland.gov
Maryland Public Television	Lindsay Wood, Senior Admin. Assistant	11767 Owings Mills Blvd., Owings Mills, MD 21117	(410) 581-4375	lwood@mpt.org
Maryland Stadium Authority	Rachelina Bonacci	The Warehouse at Camden Yards, 333 West Camden Street, Ste. 500, Baltimore, MD 21201-2435	(410) 223-4136	rbonacci@mdstad.com

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Maryland State Archives	Liz Coelho, Executive Associate	350 Rowe Blvd, Annapolis, MD 21401	(410) 260-6401	Liz.coelho@maryland.gov
Maryland State Commission on Criminal Sentencing Policy	Stacy Skroban Najaka, Ph.D, Research Director	University of Maryland, 4511 Knox Road, Suite 309, College Park, MD 20742	(301) 403-2709	snajaka@umd.edu www.msccsp.org
Maryland State Dept. of Education	Lora Rakowski	200 W. Baltimore St., Baltimore, MD 21201	(410) 767-0482	Lora.rakowski@maryland.gov; www.marylandpublicschools.org www.msde.maryland.gov
Maryland State Ethics Commission	Michael W. Lord	45 Calvert Street, 3rd Fl, Annapolis, MD 21401	(410) 260-7770	Michael.lord@maryland.gov http://ethics.maryland.gov/
Maryland Thurgood Marshall State Law Library	James G. Durham, Director	Courts of Appeal Building, 361 Rowe Blvd., Annapolis, MD 21401	(410) 260-1436; (410) 260-1430	lawlibrary@mdcourts.gov; https://mdcourts.gov/lawlib
Maryland State Police	Mark Urbanik	1201 Reisterstown Road, Pikesville, MD 21208	(410)653-4314	msh.pia@maryland.gov www.mdsp.org
Maryland State Retirement and Pension System	Michael D. Golden, Dir. of External Affairs	120 East Baltimore Street, Baltimore, MD 21202-6700	(410) 625-5603; (410) 625-5535 (TDD/TTY)	mgolden@sra.state.md.us sra.maryland.gov
Maryland State Treasurer's Office	Bernadette Benik, Chief Deputy Treasurer	80 Calvert Street, Annapolis, MD 21401	(410)260-7390	bbenik@treasurer.state.md.us
MD Teachers & State Employees Supp. Retirement Plans Board of Trustees	Andrea L. Hill Assistant to the Executive Director	6 Saint Paul Street, Ste. 200, Baltimore, MD 21202	(410) 767-8731	andreal.hill@maryland.gov www.MSRP.maryland.gov
Maryland Transportation Authority (MDTA)	Christopher Imms	2310 Broening Highway, 2 nd Fl, Baltimore, MD 21224	(410) 537-1019	cimms@mdta.state.md.us; www.mdtamaryland.gov
Maryland-National Capital Park & Planning Commission	Asuntha Chiang-Smith Ex. Dir.	6611 Kenilworth Avenue, Suite 200, Riverdale, MD 20737	(301) 454-1740	piarep@mncppc.org www.mncppc.org
Maryland Public Service Commission	Andrew S. Johnston	William Donald Schafer Tower 6 St. Paul Street, 16th Floor Baltimore MD 21202	(410) 767-8067	andrew.johnston@maryland.gov www.psc.state.md.us
Northeast Maryland Waste Disposal Authority	Kimberly W. Gordon, Director of Administration and Contracts	100 S. Charles Street, Tower II, Suite 402, Baltimore, MD 21201-2705	(410) 333-2730	kgordon@nmwda.org; <i>Please cc Authority's general e-mail address</i> authority@nmwda.org; nmwda.org
Office of Administrative Hearings	John Leidig, Deputy Dir., Operations	11101 Gilroy Road, Hunt Valley, MD 21031	(410) 229-4175	John.leidig@maryland.gov
Office of the Public Defender	Becky Feldman	6 St. Paul Street, Suite 1400 Baltimore, MD 21202	(410) 767-8708	bfeldman@opd.state.md.us

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Open Meetings Compliance Board	Administrator	200 St. Paul Pl., Baltimore, MD 21202	(410) 576-7033	OpenGov@oag.state.md.us
Public Information Act Compliance Board	Administrator	200 St. Paul Pl., Baltimore, MD 21202	(410) 576-7033	Pia_opengov@oag.state.md.us; www.marylandattorneygeneral.gov/Pages/OpenGov/piacb.aspx
Public Information Act Ombudsman	Administrator	200 St. Paul Pl., Baltimore, MD 21202	(410) 576-7033	Pia.ombuds@oag.state.md.us; http://news.maryland.gov/mpiaombuds/
Salisbury University	Karen A. Treber, General Counsel	1101 Camden Avenue, Salisbury, MD 21801	(410) 548-2331	mpia@salisbury.edu; www.salisbury.edu
Secretary of State	Tami Cathell	16 Francis Street, Annapolis, MD 21401	(410) 260-3872	Tami.Cathell@Maryland.gov; www.sos.state.md.us/PIARequest.html
St. Mary's College of Maryland	Gretchen Phillips	47645 College Drive, St. Mary's City, MD 20686	(240) 895-3073	gdphillips@smcm.edu www.smcm.edu
State Department of Assessments & Taxation	Meghann Malone	300 W. Preston Street, Room 605, Baltimore, MD 21201	(410) 767-1184	Meghann.malone@maryland.gov
State Emergency Medical Services Board	James Brown, Director	653 West Pratt Street, 3rd Fl., Baltimore, MD 21201	(410) 706-3994	JBrown@miemss.org www.miemss.org
State Labor Relations Boards	Erica L. Snipes	45 Calvert Street, Room 102, Annapolis, MD 21401	(410) 260-7291	erica.snipes@maryland.gov, www.laborboards.maryland.gov
State Prosecutor	Letam Duson	300 East Joppa Road, Suite #410 Towson, Maryland 21286	410-321-4067	letam.duson@maryland.gov https://osp.maryland.gov/
Towson University	Eduardo Duenas, Office of the General Counsel	8000 York Road, Towson, MD 21252	(410)704-2221	eduenas@towson.edu www.towson.edu
University of Baltimore	Anita Harewood	1420 N. Charles Street, Baltimore, MD 21201	(410) 837-4533	
University of Maryland Baltimore	Karen Matthews, Dir. Planning & Progs.	220 Arch Street, Room 03-135, Baltimore, MD 21201	(410) 706-2422	mpia@umaryland.edu www.umaryland.edu
University of Maryland Baltimore County Police	Mr. Robert Jagoe	1000 Hilltop Circle, Baltimore, MD 21250-0002	(410) 455-3673	jagoe@umbc.edu
University of Maryland Baltimore County Police	Major Paul Dillon	1000 Hilltop Circle, Baltimore, MD 21250-0002	(410) 707-6012	pdillon@umbc.edu
University of Maryland Eastern Shore	Matthew Taylor, Esq., General Counsel	11868 Academic Oval, Suite 2101, Princess Anne, MD 21853	(410)651-7800	mataylor3@umes.edu www.umes.edu
University of Maryland Office of the General Counsel	Laura Anderson Wright, Esq.	2117 Seneca Building, 4716 Pontiac Street, College Park, MD 20740	(301) 405-4945	publicinformationact@umd.edu; www.umd.edu/pia

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
University of Maryland Global Campus	Sherri Sampson, and Erin Parker	3501 University Boulevard East, Suite 3115 Adelphi, MD 20783	(301) 985-7479	sherri.sampson@umuc.edu erin.parker@umuc.edu www.umuc.edu
University System of Maryland Office	Mike Lurie, Media Relations and Web Manager	3300 Metzerott Road, Adelphi, MD 20783-1690	(301) 445-2719	mlurie@usmd.edu
University System of Maryland, Board of Regents	Mike Lurie, Media Relations and Web Manager	3300 Metzerott Road, Adelphi, MD 20783-1690	(301) 445-2719	mlurie@usmd.edu
Workers' Compensation Commission	Stacey L. Roig, Sec'y, Cust. of Records	10 E. Baltimore Street, 7th Fl., Baltimore, MD 21202	(410) 864-5315	sroig@wcc.state.md.us

County Jurisdictions

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Allegany County	Bretta Reinhard Public Information Officer	701 Kelly Road Cumberland, MD 21502	301-777-2526 ext. 124	breinhard@alleganygov.org http://www.alleganygov.org
Allegany County Board of Elections	Diane Loibel Election Administrator	701 Kelly Road, Ste. 213 Cumberland, MD 21502	(301) 777-5931	dloibel@alleganygov.org
Allegany County Department of Social Svs	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Allegany County Register of Wills	Mary Beth Pirolozzi	59 Prospect Square – 1 st Floor Cumberland, MD 21502	(301) 724-3760	mpirolozzi@registers.maryland.gov
Anne Arundel County, Administrative Hearing Officer	Holly Colby	44 Calvert Street, Annapolis, MD 21401	(410) 222-1266	zhcolb22@aacounty.org
Anne Arundel County, Aging & Disabilities	Brandi Francis	2666 Riva Road, 4th Floor, Annapolis MD 21401	(410) 222-0273	agfran56@aacounty.org
Anne Arundel County Attorney	Sharon Darden	2660 Riva Road, 4th Floor, Annapolis, MD 21401	(410) 222-7888	sdarden@aacounty.org
Anne Arundel County Auditor	Michelle Bohlayer	60 West Street, Annapolis, MD 21401	(410) 222-1415	aubohl22@aacounty.org
Anne Arundel County Board of Elections	David Garreis	6740 Baymeadow Drive Glen Burnie, MD 21060	(410) 222-0405	david.garreis@maryland.gov
Anne Arundel County Board Nominating Commission	Michelle L. Davis	90 State Circle, Room 222 Annapolis, MD 21401	(410) 946-5215	Michelle.davis@mlis.state.md.us
Anne Arundel County Budget Office	Chris Trumbauer	44 Calvert Street, Annapolis, MD 21401	(410) 222-1083	extrum99@aacounty.org
Anne Arundel County Central Services	Christine Romans	44 Calvert Street, Annapolis, MD 21401	(410) 222-4011	csroma22@aacounty.org
Anne Arundel County, Public Information	Renesha Alphonso	44 Calvert Street, Annapolis, MD 21401	(410) 222-1372	exalph21@aacounty.org
Anne Arundel Community College	Melissa Beardmore	101 College Parkway Arnold, MD 21012		mbeardmore@aacc.edu

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Anne Arundel County, Controller/Finance	Karin McQuade	44 Calvert Street, Annapolis, MD 21401	(410) 222-1781	fnmcqu00@aacounty.org
Anne Arundel County, County Council	Laura Corby	44 Calvert Street, Annapolis, MD 21401	(410) 222-1107	lcorby@aacounty.org
Anne Arundel County Department of Social Svcs	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Anne Arundel County, Detention	Amanda Tabor	131 Jennifer Road, Annapolis, MD 21401	(410) 222-7154	dctabo56@aacounty.org
Anne Arundel County, Economic Development	Rosa Cruz	2660 Riva Road, 2nd Floor, Annapolis, MD 21401	(410) 222-7410	info@aaedc.org
Anne Arundel County Executive Office/Administration	Renesha Alphonso	44 Calvert Street, Annapolis, MD 21401	(410) 222-1372	exalph21@aacounty.org
Anne Arundel County Fire Department	Lt. Jennifer Macallair	2011 Commerce Park Dr, Annapolis, MD 21401	(410) 222-8305	jmacallair@aacounty.org
Anne Arundel County, Government Relations	Renesha Alphonso	44 Calvert Street, Annapolis, MD 21401	(410) 222-1372	exalph21@aacounty.org
Anne Arundel County Health Department	Megan Pringle	3 Harry Truman Parkway, Annapolis, MD 21401	(410) 222-4508	hdprin21@aacounty.org
Anne Arundel County, Inspections & Permits	Tracie Reynolds	2664 Riva Road, Annapolis, MD 21401	(410) 222-7502	ipreyn26@aacounty.org
Anne Arundel County, Office of Info. Technology	Renesha Alphonso	44 Calvert Street, Annapolis, MD 21401	(410) 222-1372	exalph21@aacounty.org
Anne Arundel County, Personnel	Anne Budowski	44 Calvert Street, Annapolis, MD 21401	(410) 222-4405	pebudo99@aacounty.org
Anne Arundel County, Planning & Zoning	Sharon Grecco Christine Duvall	2664 Riva Road, Annapolis, MD 21401	(410) 956-5264 (410) 222-7454	pzgrec00@aacounty.org pzduva20@aacounty.org
Anne Arundel County Police Department	Christine Ryder	8495 Veterans Highway, Millersville, MD	(410) 222-8977	p98930@aacounty.org
Anne Arundel County, Public Works	Matt Diehl	2662 Riva Road, Annapolis, MD 21401	(410) 222-7500	pwdieh00@aacounty.org

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Anne Arundel County, Purchasing	Diana Cox	2660 Riva Road, 3rd Floor, Annapolis, MD 21401	(410) 222-7678	phcox001@aacounty.org
Anne Arundel County, Recreation & Parks	Colleen Joseph, Chief of Marketing and Events	1 Harry S. Truman Pkwy Annapolis, MD 21401	(410) 222-7316	rpjose22@aacounty.org
Anne Arundel County Register of Wills	Greg Staub	7 Church Circle Annapolis, MD 21401	(410) 222-1430	gstaub@registers.maryland.gov
Anne Arundel County Public Schools	Bob Mosier Chief Comm. Officer Maneka Monk Senior Mgr, Comm.	2644 Riva Road Annapolis, MD 21401	(410) 222-5312 (410) 222-5316	rmosier@aacps.org mmonk@aacps.org www.aacps.org
Anne Arundel Soil Conservation District	Keli Kirby Office Manager	2662 Riva Road Annapolis, MD 21401	(410) 571-6757 ext.114	john@aascd.org
Anne Arundel County Office of the State's Attorney	Tia Lewis	Circuit Court Building, 8 Church Circle, Suite 200, Annapolis, MD 21401	(410) 222-7686	tialewis@aacounty.org https://www.aacounty.org/departments/sao/media/index.html
Baltimore County, Board of Elections	Ruie Marie LaVoie Director	11112 Gilroy Road, Ste. 104 Hunt Valley, MD 2103	(410) 887-0902	rlavoie@baltimorecountymd.gov www.baltimorecountymd.gov/departments/elections
Baltimore County, Community College of	Tracy E. Ashby, Esq. General Counsel	7200 Sollers Point Road Dundalk, MD 21222	(443) 840-3098	tashby@ccbcmd.edu www.ccbcmd.edu
Baltimore County Council	Thomas H. Bostwick Secretary/ Legislative Counsel	400 Washington Avenue Towson, MD 21204	(410) 887-3196	tbostwick@baltimorecountymd.gov www.baltimorecountymd.gov/county council/index
Baltimore County, County Executive/Administration	Stacy Rodgers, County Administrative Officer	Historic Courthouse 400 Washington Avenue Towson, Maryland 21204	(410) 887-8032	cao@baltimorecountymd.gov www.baltimorecountymd.gov/departments/executive/index
Baltimore County, Department of Aging	Laura Riley Director	611 Central Avenue, Room 303 Towson, MD 21204	(410) 887-2109	lriley@baltimorecountymd.gov www.baltimorecountymd.gov/departments/aging/index
Baltimore County, Department of Corrections	Kelly Shaw, Acting Personnel Manager	720 Bosley Avenue Towson, MD 21204	(410) 512-3417	kshaw@baltimorecountymd.gov www.baltimorecountymd.gov/departments/corrections
Baltimore County, Dept. of Economic and Workforce Development	Leonard J. Howie, Director	Historic Courthouse 400 Washington Avenue, Suite 100 Towson, Maryland 21204	(410) 887-8000	dewdpia@baltimorecountymd.gov www.baltimorecountymd.gov/departments/economicdev/baltimorecountybusiness

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Baltimore County, Dept. of Environmental Protection and Sustainability	David V. Lykens Director	111 West Chesapeake Avenue, Ste. 319 Towson, MD 21204	(410) 887-8028	dlykens@baltimorecountymd.gov www.baltimorecountymd.gov/departments/environment
Baltimore County, Dept. of Health and Human Services	Elyn Garrett-Jones Public Information Off.	6401 York Road, Third Fl. Baltimore, MD 21212	(410) 887-3072	egarrettjones@baltimorecountymd.gov www.baltimorecountymd.gov/departments/hhs
Baltimore County Dept. of Permits, Approvals and Inspections	C. Peter Gutwald, Director	111 W. Chesapeake Ave., Ste. 105 Towson, MD 21204	(410) 887-3353	cpgutwald@baltimorecountymd.gov www.baltimorecountymd.gov/departments/permits
Baltimore County, Department of Planning	Stephen Lafferty, Director	Jefferson Building 105 West Chesapeake Ave., Ste. 101 Towson, Maryland 21204	(410) 887-3211	slafferty@baltimorecountymd.gov www.baltimorecountymd.gov/departments/planning
Baltimore County Department of Public Works	D'Andrea L. Walker, Acting Director	111 W. Chesapeake Ave., Ste. 307 Towson, MD 21204	(410) 887-3300	dwalker2@baltimorecountymd.gov www.baltimorecountymd.gov/departments/publicworks
Baltimore County Department of Recreation and Parks	Lisa Winters, Executive Secretary	9831 Van Buren Lane Cockeysville, MD 21030	(410) 887-3810	lwinters@baltimorecountymd.gov www.baltimorecountymd.gov/departments/recreation
Baltimore County Department of Social Svcs	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Baltimore County, Fire Department	Joanne R. Rund, Fire Chief	700 Joppa Road, Ste. 401 Towson, MD 21286	(410) 887-2071	fire-records@baltimorecountymd.gov www.baltimorecountymd.gov/departments/fire
Baltimore County, 911 Communications Center	Tammy Price, Chief	401 Bosley Avenue Towson, MD 21204	(410) 307-2000	tmprice@baltimorecountymd.gov www.baltimorecountymd.gov/departments/budfin/911center
Baltimore County, Office of Budget and Finance	Ed Blades, Director	400 Washington Avenue Towson, MD 21204	(410) 887-3313	eblades@baltimorecountymd.gov www.baltimorecountymd.gov/departments/budfin
Baltimore County, Office of Human Resources	Dawn Scarpulla	308 Allegheny Avenue Towson, MD 21204	(410) 887- 3139	dscarpulla@baltimorecountymd.gov www.baltimorecountymd.gov/departments/humanresources

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Baltimore County, Office of the Inspector General	Kelly Madigan Inspector General	Historic Courthouse 400 Washington Avenue Towson, Maryland, 21204	410-887-6500	kmadigan@baltimorecountymd.gov
Baltimore County, Office of Information Technology	Heather White	400 Washington Avenue, Rm. 33 Towson, MD 21204	(410) 887-2441	OITPIAREQ@Baltimorecountymd.gov www.baltimorecountymd.gov/departments/infotech
Baltimore County, Office of Law	James R. Benjamin, Jr. County Attorney	400 Washington Avenue, Room 219 Towson, MD 21204	(410) 887-4420	jrbenjamin@baltimorecountymd.gov www.baltimorecountymd.gov/departments/law <i>Includes a list of County PIA contacts at:</i> www.baltimorecountymd.gov/departments/law/piarequests
Baltimore County, People's Counsel	Peter Max Zimmerman People's Counsel	105 West Chesapeake Avenue, Ste. 204 Towson, MD 21204	(410) 887-2188	peoplescounsel@baltimorecountymd.gov www.baltimorecountymd.gov/Contact/peoplescounsel
Baltimore County Police Dept. (Media Inquiries)	Joy Stewart, Director of Public Affairs Section	700 Joppa Road Towson, MD 21286	(410) 887-2210	policepia@baltimorecountymd.gov www.baltimorecountymd.gov/departments/police
Baltimore County Police Department (Non-Media Inquiries)	Melissa Garrett	700 Joppa Road Towson, MD 21286	(410) 887-2211	mjgarrett@baltimorecountymd.gov www.baltimorecountymd.gov/departments/police
Baltimore County Public Library	Sonia Alcantara-Antoine, Director	320 York Road Towson, MD 21204	(410) 887-6100	santoine@bcpl.net www.bcpl.info
Baltimore County Public Schools	Margaret-Ann F. Howie General Counsel	6901 Charles St. Towson, MD 21204	(410) 809-4060	MPIAOfficer@bcps.org www.bcps.org
Baltimore County, Register of Wills	Tanya Brooks	County Courts Building 401 Bosley Avenue, Room 500 Towson, MD 21204	(410) 887-6680	tbrooks@registers.maryland.gov
Baltimore County Revenue Authority	Ken Mills Executive Director	115 Towsontown Boulevard Towson, MD 21286	(410) 887-3127	kmills@bcramd.com www.bcramd.com
Baltimore County Sheriff	Lt. Charles Stahm	401 Bosley Avenue, Ground Fl. Towson, MD 21204	(410) 887-3151	cstahm@baltimorecountymd.gov www.baltimorecountymd.gov/departments/sheriff
Baltimore County, State's Attorney	John Cox Deputy State's Attorney	401 Bosley Avenue, Room 511 Towson, MD 21204	(410) 887-6660	jcox@baltimorecountymd.gov www.baltimorecountymd.gov/departments/statesattorney

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Baltimore County, Soil Conservation District	James B. Ensor District Manager	1114 Shawan Road Cockeysville, MD 21030	(410) 527-5920 x3	jbsensor@baltimorecountymd.gov
Calvert County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Calvert County Election Board	Mary DePelteau	P.O. Box 798 Prince Frederick, MD 20678-0798	(410) 535-2214	mary.depelteau@maryland.gov
Calvert County Government	John Norris	175 Main Street Prince Frederick, MD 20678	(410) 535-1600 ext. 2291	norrisjb@co-cal-md.us www.co.cal.md.us
Calvert County Public Schools	Karen Maxey Administrative Assistant to the Board of Education	1305 Dares Beach Road	(410) 535-7220	MaxeyK@calvertnet.k12.md.us
Calvert County, Register of Wills	Margaret Phipps	175 Main Street Prince Frederick, MD 20678	(410) 535-0121	mphpips@registers.maryland.gov
Calvert County Sheriff's Office	Major Dave McDowell Assistant Sheriff	30 Church Street Prince Frederick, MD 20678	(410) 535-1600 ext. 2459	mcdowepd@co.cal.md.us
Calvert Soil Conservation District	William A. Clark District Manager	P.O. Box 657 489 Main Street, Ste. 101 Prince Frederick, MD 20678	(410) 535-1521, ext. 3	clarkwa@co.cal.md.us
Caroline County Board of Elections	Allison Murphy Election Director	403 S. Seventh Street, Ste. 247 Denton, MD 21629	(410) 479-8145	allison.murphy@maryland.gov www.carolinemdelections.org
Caroline County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Caroline County	Heather Price County Attorney	411 Franklin Street Denton, MD 21629	(410) 479-5841	hprice@carolinemd.org www.carolinemd.org
Caroline County, Register of Wills	Jim Phelps	109 Market Street, Room 119 Denton, MD 21629	(410) 479-07170	jphelps@registers.maryland.gov
Caroline County Sheriff's Office	Capt. James A. Henning Chief Deputy	101 Gay Street Denton, MD 21629	(410) 479-4120	jhenning@carolinemd.org www.carolinesheriff.net
Carroll County	Timothy C. Burke County Attorney	225 North Center Street, Rm. 300 Westminster, MD 21157	(410) 386-2030	PIARequests@carrollcountymd.gov carrollcountymd.gov

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Carroll County Board of Elections	Katherine Berry		(410) 386-2958	Katherine.Berry@maryland.gov
Carroll County Circuit Court	Theresa Mozzano Chief Deputy Clerk	55 N. Court Street Westminster, MD 21157	(410) 386-8716	Theresa.mozzano@mdcourts.gov Mdcourts.gov/clerks/carroll/index.html
Carroll County Community College	Sylvia Blair Director Communications	1601 Washington Road Westminster, MD 21157	(410) 386-8411	sblair@carrollcc.edu
Carroll County Public Schools	W. Carey Gaddis Supervisor of Community & Media Relations	125 North Court Street Westminster, MD 21157	(410) 751-3020 (410) 751-3030	wcgaddi@carrollk12.org
Carroll County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Carroll County, Register of Wills	Paul Zimmermann	Courthouse Annex 55 North Court Street, Room 124 Westminster, MD 21157	(410) 848-2586	pzimmermann@registers.maryland.gov
Carroll County Sheriff's Office	Sgt. Jesse DiMura Warrant Unit Superv'r Cust. of Records	100 North Court Street Westminster, MD 21157	(410) 386-2255	jdimura@carrollcountymd.gov
Carroll Soil Conservation District	Charles "Ed" ward Null, Jr. District Manager	698J Corporate Center Court	(410) 848-8200 Ext. 3	Ed.null@maryland.gov www.carrollsoil.com
Catoctin/Frederick Soil Conservation District	Denny Remsburg District Manager	92 Thomas Johnson Dr., Ste. 230 Frederick, MD 21702	(301) 695-28003 ext. 3	soil.conservation@comcast.net www.catoctinfrederickscd.com
Cecil College	Richard Haubert	One Seahawk Drive North East, MD 21901	(410) 287-1054	rhaubert@cecil.edu www.cecil.edu
Cecil County	Rebekah Corle Paralegal	200 Chesapeake Blvd., Ste. 2100 Elkton, MD 21921	(410) 996-8300	rcorle@ccgov.org
Cecil County Sheriff's Office	Sherryl Church	107 Chesapeake Blvd, Suite 112 Elkton, MD 21921	(410) 392-2113	
Cecil County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Circuit Court for Cecil County	Charlene M. Notarcola Clerk of the Court	129 East Main Street Elkton, MD 21921	(410) 996-3024	Charlene.notarcola@mdcourts.gov www.mdcourts.gov/courtsdirectory/cecil.html

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Cecil County, Register of Wills	Michael W. Dawson	Circuit Courthouse 129 East Main Street, Suite 102 Elkton, MD 21921	(410) 996-5330	mdawson@registers.maryland.gov
Charles County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Charles County, Office of the County Attorney	Melody Weschler, Legal Assistant III	PO Box 2150 200 Baltimore Street La Plata, MD 20646	(301) 645-0555	WeschleM@charlescountymd.gov www.charlescountymd.gov/coattny/public-information-act-request-pia
Charles County Public Schools	Shelley Mackey, Director of Communications & Media Relations	P.O. Box 2770 La Plata, MD 20646	(301) 934-7220	smackey@ccboe.com www.ccboe.com
Charles County, Register of Wills	Pamela Reagan	Courthouse 11 Washington Avenue PO Box 3080 La Plata, MD 20646-3080	(301) 932-3345	preagan@registers.maryland.gov
Assistant State's Attorney for Charles County	Tiffany L. Campbell	PO Box 3065 La Plata, Maryland 20646	(301) 932-3350	MPiA@charlescountymd.gov www.ccsao.us
Charles County Sheriff's Office	Judith A. Torney	PO Box 189 La Plata, MD 20646	(301) 609-6400	www.ccsso.us
Charles Soil Conservation District	Luis Dieguez District Manager	4200 Gardiner Road Waldorf, MD 20601-2086	(301) 638-3028	info@charlesscd.com Charlesscd.com
Dorchester County	Becky Dennis Human Resources Dir.	501 Court Lane, Room 113 Cambridge, MD 21613	(410) 901-2406	bdennis@docogonet.com www.docogonet.com
Dorchester County Circuit Court, Clerk's Office	Amy J. Craig, Clerk	206 High Street Cambridge, MD 21613	(410) 228-0481	Amy.craig@mdcourts.gov
Dorchester County, Register of Wills	Doris Lewis	Courthouse 206 High Street Cambridge, MD 21613	(410) 228-4181	dlewis@registers.maryland.gov

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Dorchester County Sheriff's Office	Capt. John Stichberry, Jr.	829 Fieldcrest Road Cambridge, MD 21613	(410) 228-4141	jstichberry@docogonet.com www.docosheriff.com
Dorchester County Department of Social Svcs	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Dorchester Soil Conservation District	Karen Houtman, District Manager	204 Cedar Street, Suite 200 Cambridge, MD 21613	410-228-5640 x3	karen.houtman@maryland.gov
Frederick County	Andrew J. Ford Assistant County Attorney	Office of the County Attorney 12 East Church Street Frederick, MD 21701	(301) 600-1030	aford@frederickcountymd.gov www.frederickcountymd.gov/7799/Public-Information-Act-Requests
Frederick Community College	Caroline Cole Communications Coordinator	7932 Opossumtown Pike Frederick, MD 21702	(240) 629-7918	ccole@frederick.edu
Frederick County Department of Social Svcs	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Frederick County Public Schools	Michelle S. Dauksha, Esq. Staff Attorney, Legal Services Division	191 South East Street Frederick, MD 21701-5918	(301) 696-6861	michelle.dauksha@fcps.org www.fcps.org
Frederick County Register of Wills	Chris Manners Chief Deputy	100 W. Patrick Street Frederick, MD 21701	(301) 600-6565	cmanners@registers.maryland.gov
Frederick County State's Attorney	Kristen H. Brown Deputy State's Attorney	100 W. Patrick Street Frederick, MD 21701	(301) 600-2395	kbrown2@statesattorney.us https://statesattorney.us/
Garrett County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Garrett County Government	Kevin Null County Administrator	203 South Fourth St., Room 207 Oakland, MD 21550	(301) 334-8970	knull@garrettcountry.org www.garrettcountry.org
Garrett County, Register of Wills	R Watson	Courthouse 313 East Alder Street, Room 103 Oakland, MD 21550	(301) 334-1999	rwatson@registers.maryland.gov
Garrett Soil Conservation District	Shaun L. Sanders District Manager	1916 MD Highway, Suite C Mt. Lake Park, MD 21550	(301)334-6958	Shaun.sanders@maryland.gov Garrettscd.org

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Harford County, Community College	Nancy Dysard, Director for Communications	401 Thomas Run Road Bel Air, MD 21015	443-412-2408	ndysard@harford.edu
Harford County, Dept. of Community Services	Amber Shrodes	125 N. Main Street Bel Air, MD 21014	410-638-3389	acshrodes@harfordcountymd.gov http://www.harfordcountymd.gov/319/Community-Services
Harford County, Dept. of Emergency Services	Susan Ayers	222 Ady Road Forest Hill, MD 21050	410-638-4794	slayers@harfordcountymd.gov http://www.harfordcountymd.gov/165/Emergency-Services
Harford County, Dept. of Human Resources	Tiffany Stephens	220 S Main Street Bel Air, MD 21014	410-638-3201	tsstephens@harfordcountymd.gov http://www.harfordcountymd.gov/296/Human-Resources
Harford County, Dept. of Inspections, Licenses & Permits	Roxanne Lynch	220 S. Main Street Bel Air, MD 21014	410-638-3366	nrlynch@harfordcountymd.gov http://www.harfordcountymd.gov/289/Inspections-Licenses-Permits-DILP
Harford County, Dept. of Parks & Recreation	Kathy Burley	702 N. Tollgate Road Bel Air, MD 21014	410-638-3570	klburley@harfordcountymd.gov http://www.harfordcountymd.gov/225/Parks-Recreation
Harford County, Dept. of Planning & Zoning	Sandra Caudell	220 S. Main Street Bel Air, MD 21014	410-638-3116	smcaudell@harfordcountymd.gov http://www.harfordcountymd.gov/164/Planning-Zoning
Harford County, Dept. of Procurement	Karen Myers	220 S. Main Street Bel Air, MD 21014	410-638-3550	kdm Myers@harfordcountymd.gov http://www.harfordcountymd.gov/158/Procurement
Harford County, Dept. of Public Works	Joseph Siemek	212 S. Bond Street, 3rd Fl. Bel Air, MD 21014	410-638-3285	jjsiemek@harfordcountymd.gov http://www.harfordcountymd.gov/555/Public-Works
Harford County, Dept. of Treasury	Sharon Ballweg	220 S. Main Street Bel Air, MD 21014	410-638-3315	saballweg@harfordcountymd.gov http://www.harfordcountymd.gov/644/Treasury
Harford County, Dept. of Community & Economic Development	Leonard Parrish	15 S. Main Street Bel Air, MD 21014	410-638-3046	lrparrish@harfordcountymd.gov http://www.harfordcountymd.gov/2474/Community-Economic-Development
Harford County, Dept. of Governmental & Community Relations	Cindy Mumby	220 S. Main Street Bel Air, MD 21014	410-638-3420	camumby@harfordcountymd.gov http://www.harfordcountymd.gov/1339/Governmental-Community-Relations

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Harford County, Dept. of Info. & Communication Technology	Karissa Otte	2220 Ady Road Forest Hill, MD 21050	410-638-3213	kmotte@harfordcountymd.gov http://www.harfordcountymd.gov/355/Information-Communication-Technology
Harford County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Harford County Board of Elections	Kevin K. Keene Election Director	133 Industry Lane Forest Hill, MD 21050	(410) 809-6001	kkkeene@harfordcountymd.gov kevin.keene@maryland.gov
Harford County, Register of Wills	Ashley Nordell	Courthouse 20 West Courtland Street, Rm 304 Bel Air, MD 21014	(410) 638-3275	anordell@registers.maryland.gov
Harford County Council	Charles E. Kearney, Jr. Council Attorney Myia A. Dixon Council Administrator	212 S. Bond Street, 2nd Fl. Bel Air, MD 21014	(410) 638-3343 exts. 1475, 1401	Ckearney@harfordcountycouncil.com mdixon@harfordcountycouncil.com www.harfordcountymd.gov/council/
Harford County Public Library	Mary Hastler CEO	1221-A Brass Mill Road Belcamp, MD 21017	410-273-5600	hastler@hcplonline.org www.hcplonline.org
Howard County Government	Mark Miller Administrator	Office of Public Information 3430 Court House Drive Ellicott City, MD 21043	(410) 313-2022	ask@howardcountymd.gov www.howardcountymd.gov/PIA
Howard County, Circuit Court	Wayne A. Robey	8360 Court Avenue Ellicott City, MD 21043	(410) 313-2160	Wayne.robey@mdcourts.gov http://www.mdcourts.gov/clerks/howard/index.html
Howard County Department of Fire and Rescue Services	Maria Hogg Public Information Officer	2201 Warwick Way, Marriottsville, MD 21104	(410) 313-6000	FirePIA@howardcountymd.gov www.howardcountymd.gov/PIA
Howard County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Howard County Police Department	Jeanne Upchurch Custodian of Records	3410 Court House Drive Ellicott City, MD 21043	(410) 313-2250	therecordssection@howardcountymd.gov www.howardcountymd.gov/PIA
Howard County Public Schools	Danielle Lueking	10910 Clarksville Pike Ellicott City, MD 21042	(410) 313-6820	Danielle_Lueking@hcpss.org

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Howard Soil Conservation District	David Plummer District Manager	14735 Frederick Road Cooksville, MD 21723	(410) 313-0680	dplummer@howardcountymd.gov www.howardscd.org
Howard County, Register of Wills	Charles Bubeck	Circuit Courthouse 8360 Court Avenue Ellicott City, MD 21043	(410) 313-2133	cbubeck@registers.maryland.gov
Howard County Sheriff's	Staff Sgt. Darrin Granger & Cpl. Mark Verderaime	8360 Court Avenue Ellicott City, MD 21043	(410) 313-2150	dkgranger@howardcountymd.gov mverderaime@howardcountymd.gov www.howardcountymd.gov
Kent County	Sondra M. Blackiston Clerk April E. Bitter Deputy Clerk	R. Clayton Mitchell, Jr. Kent County Government Center 400 High Street Chestertown, MD 21620	(410) 778-4600	kentcounty@kentgov.org www.kentcounty.com/government
Kent County Sheriff's Office	James H. Culp Chief Deputy	104 Vicker's Drive, Unit B Chestertown, MD 21620	(410) 778-2279	jculp@kentgov.org http://sheriff.kentcounty.com/
Kent County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Kent County, Register of Wills	Kristi Osborn	Courthouse 103 North Cross Street Chestertown, MD 21620	(410) 778-7466	kosborn@registers.maryland.gov
Kent Soil & Water Conservation District	Karen L. Miller District Manager	122 Speer Road, Ste. 4 Chestertown, MD 21620	(410) 778-5150 ext. 108	kentsoil@verizon.net
Montgomery College	Tim Dietz, General Counsel	9221 Corporate Drive, Rockville, MD 20850	(240) 567-4384	PublicInformationAct@montgomerycollege.edu www.montgomerycollege.edu
Montgomery County Alcohol Beverage Services	Melissa Davis	201 Edison Park Drive Gaithersburg, MD 20878	(240) 777-1915	Melissa.davis2@montgomerycountymd.gov https://www.montgomerycountymd.gov/ABS
Montgomery County Agriculture	Jacqueline Arnold	18410 Muncaster Rd. Derwood, MD 20855	(301) 590-2859	Jacqueline.arnold@montgomerycountymd.gov https://www.montgomerycountymd.gov/agservices
Montgomery County Animal Service	Arpie Park	7315 Muncaster Mill Rd. Derwood, MD 20855	(240) 773-5932	Arpie.Park@montgomerycountymd.gov https://www.montgomerycountymd.gov/animalservices/index.html

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Montgomery County Board of Appeals	Barbara Jay	100 Maryland Avenue, Room 217 Rockville, MD 20850	(240) 777-6600	barbara.jay@montgomerycountymd.gov www.montgomerycountymd.gov/boa/
Montgomery County Board of Elections	Alysoun McLaughlin	18753 N. Frederick Ave., Suite 210 Gaithersburg, MD 20879	(240) 777-8522	Alysoun.McLaughlin@montgomerycountymd.gov https://www.montgomerycountymd.gov/Elections/index2.html
Montgomery County Community Engagement Cluster	Yvette Torres	21 Maryland Ave. Rockville, MD 20850	(240) 777-8044	Yvette.torres@montgomerycountymd.gov https://www.montgomerycountymd.gov/cec
Montgomery County Community Use of Public Facilities	Patricia Vitale	2425 Reedie Drive, 9 th Flr. Wheaton, MD 20902	(240) 777-2725	Patricia.vitale@montgomerycountymd.gov
Montgomery County Council	Christine Wellons	100 Maryland Avenue, Suite 600 Rockville, MD 20850	(240) 777-7892	Christine.wellons@montgomerycountymd.gov www.montgomerycountymd.gov/council/
Montgomery County County Attorney	Edward Lattner	101 Monroe St., 3 rd Flr. Rockville, MD 20850	(240) 777-6700	Edward.lattner@montgomerycountymd.gov https://www.montgomerycountymd.gov/cat/index.html
Montgomery County Department of Corrections and Rehabilitation	Kaye Beckley	22880 Whelan Lane Boyd's, MD 20841	(240) 777-9908	kaye.beckley@montgomerycountymd.gov www.montgomerycountymd.gov/cor
Montgomery County Department of Economic Development	Kristina Ellis	111 Rockville Pike, Suite 800 Rockville, MD 20850	(240) 777-2024	Kristina.Ellis@montgomerycountymd.gov www.montgomerycountymd.gov/council/
Montgomery County Economic Development Corporation	Bill Tompkins	1801 Rockville Pike, Suite 320, Rockville, MD 20852	240-641-6721	bill@thinkmoco.com www.thinkmoco.com
Montgomery County Department of Environmental Protection	Joanne Heller	2425 Reedie Dr., 4 th Floor Wheaton, MD 20902	(240) 777-7725	DEP.MPIA-Requests@montgomerycountymd.gov www.montgomerycountymd.gov/dep
Montgomery County Employee Retirement Plans	Linda Herman	101 Monroe St., 15 th Flr. Rockville, MD 20850	(240) 777-8224	Linda.herman@montgomerycountymd.gov https://www.montgomerycountymd.gov/mcerp

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Montgomery County Ethics Commission	Robert Cobb	100 Maryland Avenue, Room 204 Rockville, MD 20850	(240) 777-6674	Robert.cobb@montgomerycountymd.gov www.montgomerycountymd.gov/ethics
Montgomery County Health and Human Services	Joy Page	401 Hungerford Dr., 5 th Flr. Rockville, MD 20850	(240) 777-3247	Joy.page@montgomerycountymd.gov www.montgomerycountymd.gov/hhs
Montgomery County Human Rights Commission	James Stowe	21 Maryland Ave., Suite 330 Rockville, MD 20850	(240) 777-8490	James.stowe@montgomerycountymd.gov https://www.montgomerycountymd.gov/humanrights
Montgomery County Department of Finance	Rahela Majidi	101 Monroe St., 15 th Flr. Rockville, MD 20850	(240) 777-8877	Rahela.majidi@montgomerycountymd.gov https://www.montgomerycountymd.gov/finance
Montgomery County Fire and Rescue Service (MCFRS)	Shanice Tsui Records Custodian	100 Edison Park Drive, 2 nd Floor Gaithersburg, MD 20878	(240) 777-2418	FRS.RecordsCustodian@montgomerycountymd.gov www.montgomerycountymd.gov/mcfrs
Montgomery County Department of General Services	Yemisi Ogbodo	101 Monroe Street, 9 th Floor Rockville, MD 20850	(240) 777-6026	Yemisi.ogbodo@montgomerycountymd.gov www.montgomerycountymd.gov/dgs
	Greg Ossont		(240) 777-6192	Greg.ossont@montgomerycountymd.gov www.montgomerycountymd.gov/dgs
Montgomery County Department of Housing & Community Affairs	Daniel McHugh Manager	1401 Rockville Pike, 4 th Flr. Rockville, MD 20852	(240) 777-3735	dan.mchugh@montgomerycountymd.gov www.montgomerycountymd.gov/dhca
Montgomery County Technology & Enterprise Business Solutions	Michele Crane	101 Monroe Street, 13 th Flr. Rockville, MD 20850	(240) 777-2845	Michele.crane@montgomerycountymd.gov https://www.montgomerycountymd.gov/TEBS http://www.montgomerycountymd.gov/council/
Montgomery County Housing Opportunity Commission	Aisha Memon	10400 Detrick Avenue Kensington, MD 20895	(240) 627-9740	Aisha.Memon@hocmc.org http://www.hocmc.org/
Montgomery County Merit System Protection Board	Bruce P. Martin	100 Maryland Avenue, Suite 113 Rockville, MD 20850	(240) 777-6622	Bruce.martin@montgomerycountymd.gov www.montgomerycountymd.gov/mspb/index.html

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Montgomery County Office of Consumer Protection	Tracy D. Rezvani	100 Maryland Ave. #3600 Rockville, MD 20850	(240) 777-3774	Tracy.rezvani@montgomerycountymd.gov www.montgomerycountymd.gov/ocp
Montgomery County Office of the County Executive	Adrienne Craver Administrative Specialist	Office of the County Executive 101 Monroe St., 2 nd Flr. Rockville, MD 20850	(240) 777-2511	Adrienne.Craver@MontgomeryCountyMD.gov https://montgomerycountymd.gov/exec/index.html
Montgomery County Office of Emergency Management and Homeland Security	Michael Goldfarb	100 Edison Park Drive, Suite 1S31 Gaithersburg, MD 20878	(240) 777-2333	Michael.Goldfarb@montgomerycountymd.gov www.montgomerycountymd.gov/oemhs
Montgomery County Office of Human Resources	Darryl Gorman	101 Monroe St., 12 th Flr. Rockville, MD 20850	(240) 777-5026	Darryl.gorman@montgomerycountymd.gov www.montgomerycountymd.gov/ohr
Montgomery County Office of Intergovernmental Relations	Kathleen Boucher	101 Monroe Street, 4 th floor Rockville, MD 20850	(240) 777-6554	kathleen.Boucher@montgomerycountymd.gov www.montgomerycountymd.gov/oir
Montgomery County Office of Inspector General	Mollie Habermeier	51 Monroe Street, Suite 600 Rockville, MD 20850	(240) 777-8240	Mollie.Habermeier@montgomerycountymd.gov www.montgomerycountymd.gov/oig
Montgomery County Office of Labor Relations	Jitain Modi	101 Monroe St., 7 th Flr. Rockville, MD 20850	(240) 777-5154	Jitain.modi@montgomerycountymd.gov https://montgomerycountymd.gov/olr
Montgomery County Office of Legislative Oversight	Chris Cihlar	100 Maryland Avenue, 4 th Flr. Rockville, MD 20850	(240) 777-7996	chris.cihlar@montgomerycountymd.gov www.montgomerycountymd.gov/OLO/index.html
Montgomery County Office of Management and Budget	Dieter Klinger	101 Monroe St., 14 th Flr. Rockville, MD 20850	(240) 777-2847	Dieter.klinger@montgomerycountymd.gov https://montgomerycountymd.gov/omb
Montgomery County Department of Recreation	Judy Stiles	2425 Reedie Dr., 10 th Flr. Wheaton, MD 20902	(240) 777-6536	Judy.stiles@montgomerycountymd.gov https://www.montgomerycountymd.gov/rec/

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Montgomery County Office of Procurement	Pam Jones	27 Courthouse Square, Suite 330 Rockville, MD 20850	(240) 777-9900	#PRO.MPIA@montgomerycountymd.gov https://www.montgomerycountymd.gov/pro/index.html
Montgomery County Office of Public Information	Barry Hudson	101 Monroe Street, 4 th Fl. Rockville, MD 20850	(240) 777-6528	Barry.hudson@montgomerycountymd.gov https://www.montgomerycountymd.gov/opi/site/home.html
Montgomery County Permitting Services	Simin Rasolee	2425 Reedie Dr., 7 th Fl. Wheaton, MD 20902	(240) 777-6283	Simin.rasolee@montgomerycountymd.gov https://www.montgomerycountymd.gov/DPS/index.html
Montgomery County Public Libraries	Regina Holyfield-Jewett	21 Maryland Ave., Suite 310 Rockville, MD 20850	(240) 777-0106	Regina.holyfield-jewett@montgomerycountymd.gov https://www.montgomerycountymd.gov/library
Montgomery County Public Schools	Brian K. Edwards Chief Comm. Officer	850 Hungerford Drive, Room 112 Rockville, MD 20850	(301) 279-3853	pio@mcpsmd.org
Montgomery County Dept. of Transportation	Brady Goldsmith	101 Monroe Street, 10 th Fl. Rockville, MD 20850	(240) 777-7170 (240) 777-9976	Brady.goldsmith@montgomerycountymd.gov www.montgomerycountymd.gov/dot/index.html
Montgomery County Office of Zoning and Administrative Hearings	Sara Behanna	100 Maryland Avenue, Suite 200 Rockville, MD 20850	(240) 777-6660	sara.behanna@montgomerycountymd.gov www.montgomerycountymd.gov/ozah/
Montgomery County Police Department	Mary Davison	100 Edison Park Dr., 1 st Fl. Gaithersburg, MD 20878	(240) 773-5221	mary.davison@montgomerycountymd.gov www.montgomerycountymd.gov/pol/index.html
Montgomery County, Register of Wills	Margie Beatty Judicial Center	50 Maryland Avenue North Tower 3220 Rockville, MD 20850	(240) 770-9600	mbeatty@registers.maryland.gov
Montgomery Soil Conservation District	Davie C. Plummer District Manager		(301) 590-2855	www.montgomeryscd.org/
Prince George's County, Fire/Emergency Medical Services	Paul W. Brown, III;	9201 Basil Ct., Ste. 352, Largo, MD 20774	(301) 883-7181	pwbrown@co.pg.md.us
Prince George's County, Housing & Community Dev.	Estella Alexander, Director	9200 Basil Ct., Ste. 500, Largo, MD 20774	(301) 883-5532	ealexander@co.pg.md.us
Prince George's County, Information Technology	William T. Addis	9201 Basil Court, Rm 270, Largo, MD 20774	(301) 883-3351	wtaddis@co.pg.md.us; http://oit.mypgc.us
Prince George's County Council	Donna J. Brown	14741 Gov. Oden Bowie Dr., 2d Fl., Upper Marlboro, MD 20772	(301) 952-3700	djbrown@co.pg.md.us

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Prince George's County, Dept. of Environment - (**Tow vehicles**)	Karen Gooden; Rodney C. Taylor	1801 McCormick Drive, Ste. 500, Largo, MD 20774	(301) 883-5970 (301) 883-5810	kwgooden@co.pg.md.us; rctaylor@co.pg.md.us
Prince George's County Dept. of Family Services	Jermoni Dowd - PIO	Harriet Hunter Bldg., 6420 Allentown Road, Camp Springs, MD 20748	(301) 265-8490	jkdown@co.pg.md.us; http://familyservices.mypgc.us
Prince George's County Dept. Permitting, Inspections & Enforcement (DPIE)	Avis Thomas Lester; Gary Cunningham	9400 Peppercorn Pl., Largo, MD 20774	(301) 636-2053	athomaslester@co.pg.md.us gecunningham@co.pg.md.us http://dpie.mypgc.us
Prince George's County Health Dept.	Anea Jordan	1701 McCormick Dr., Suite 200. Largo, MD 20774	(301) 883-7844	aajordan@co.pg.md.us
Prince George's County Health Dept. (Disease Control)	Vanessa Ford	1701 McCormick Dr., Suite 200. Largo, MD 20774	(301) 883-7605	vsfird@co.pg.md.us
Prince George's County Legislative Branch & County Council	Karen T. Zavakos, Zoning and Legislative Council	14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772	(301) 952-3435	ktzavakos@co.pg.md.us
Prince George's County Memorial Library System	Robin Jacobsen	9601 Capital Lane, Largo, MD 20774	(301) 699-3500	Pia.officer@pgcmls.info; www.pgcmls.info
Prince George's County, Central Services	Leslie Jackson-Jenkins	1400 McCormick Drive, Suite 200, Largo, MD 20774	(301) 883-6450	ljjenkins@co.pg.md.us; http://centralservices.mypgc.us
Prince George's County, Citizens' Complaint Oversight Panel (CCOP)	L. Denise Hall Marva Jo Camp, Esq.	9200 Basil Court, Rm 406, Largo, MD 20774	(301) 883-5042	ldhall@co.pg.md.us mjcamp@comcast.net
Prince George's County, Dept. of Corrections	Lt. Stephanie Matthews	13400 Dille Drive, Upper Marlboro, MD 20772	(301) 952-7338/ 4800	sgmatthews@co.pg.md.us; http://corrections.mypgc.us
Prince George's County, Ethics and Accountability	LaShanda R. Whaley, Legal Counsel	9201 Basil Court, Largo, MD 20774	(301) 883-3445/46	lrwhaley@co.pg.md.us

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Prince George's County, Human Relations Commission	Renee Battle-Brooks, Esq. Sandra Powell	14741 Gov. Oden Bowie Dr., Upper Marlboro, MD 20772	(301) 883-6170	hrcstaff@co.pg.md.us
Prince George's County, Human Resources Mgmt.	Linda D. Tetlow; Jaclyn Harris (invest); Alex McCray	1400 McCormick Dr., Suite 125 Largo, MD 20774	(301) 883-6344	ldtetlow@co.pg.md.us jfharris@co.pg.md.us ahmccray@co.pg.md.us
Prince George's County Memorial Library System	Robin Jackson	9601 Capital Lane, Largo, MD 20774	(301) 699-3500	Pia.officer@pgmcls.info www.pgcmcls.info
Prince George's County Office of Community Relations	Taylor E. Brown	9200 Basil Ct., #102 Largo, MD 20774	(301) 952-4179	tebrown@co.pg.md.us ocr@co.pg.md.us www.CountyClick311.com
Prince George's County, Office of Finance	Wanda R. Coley-Smith; Ivy L. Kline	14741 Gov. Oden Bowie Dr., Rm 3200, Upper Marlboro, MD 20772	(301) 952-5025	wrcoley@co.pg.md.us ilkline@co.pg.md.us
Prince George's County, Homeland Security/PSC Audio	Shelly (Jenks) Dashnaw; Charlynn Flaherty	17321 Melford Blvd., Bowie, MD 20715	(301) 352-1401	smjenks@co.pg.md.us clflaherty@co.pg.md.us
Prince George's County, Office of Law	Rhonda L Weaver, County Atty; Joseph C. Ruddy, Deputy County Atty; Ryan T. Sargent	1301 McCormick Drive, Suite 4100, Largo, MD 20774	(301) 952-5225	rlweaver@co.pg.md.us jcruddy@co.pg.md.us rtsargent@co.pg.md.us http://law.mypgc.us
Prince George's County, Office of Management & Budget	Janice Marcellas-Ward	1301 McCormick Drive, Suite 4200, Largo, MD 20774	(301) 952-3300	jmarcellas@co.pg.md.us
Prince George's County, Office of the Sheriff	Lt. Alex Maldonado	5303 Chrysler Way, Upper Marlboro, MD 20772	(301) 780-8600	sheriffinfo@co.pg.md.us www.princegeorgescountymd.gov/sites/sheriff/pages/default.aspx
Prince George's County, Police Department	Lt. Nancy Jackson; Mary A. Randall	4923 43rd Avenue, 3rd Fl. Hyattsville, MD 20781	(301) 985-3638	police_recordscurdian@co.pg.md.us marandall@co.pg.md.us http://police.mypgc.us
Prince George's County, Public Works and Transportation	Courtney Glass, Esq.	9400 Peppercorn Place, Ste 300, Largo, MD 20774	(301) 883-5600	cdglass@co.pg.md.us

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Prince George's County, Public Safety Communications	Charlynn Flaherty	17321 Melford Boulevard Upper Marlboro MD 20772	301-352-1490	cflaherty@co.pg.md.us www.princegeorgescountymd.gov/542/Public-Safety-Communications
Prince George's County, Register of Wills	Cereta A. Lee	Courthouse, 14735 Main Street, Room D4001, Upper Marlboro, MD 20772	(301) 952-3250	clee@registers.maryland.gov www.registers.maryland.gov
Prince George's County, Soil Conservation District	Steven Darcey, Executive Director	5301 Marlboro Race Track Road, Suite 100, Upper Marlboro, MD 20772	(301) 574-5162 x 3	pgscd@verizon.net; www.pgscd.org
Prince George's County Executive	Christy Lipscomb/PIO; Anthony McAuliffe/PIO	1301 McCormick Drive, Suite 4000, Largo, MD 20774	(301) 952-4672, (301) 952-3755	calipscomb@co.pg.md.us; ammcauliffe@co.pg.md.us http://www.princegeorgescountymd.gov
Prince George's County Executive (Media)	John M. Erzen Elis R. Ford	1301 McCormick Drive, Suite 4000, Largo, MD 20774	(301) 952-4817	jeerzen@co.pg.md.us erford@co.pg.md.us
Prince George's County, Dept. Social Services	Renee Pope	805 Brightseat Road, Landover, MD 20785	(301) 909-6316	Renee.pope@maryland.gov
Prince George's County, Public Schools, Office of General Counsel	Demetria T. Tobias, Esq., Associate General Counsel	14201 School Lane, Room 202, Upper Marlboro, MD 20772	(301) 952-6048	demetria.tobias@pgcps.org http://www1.pgcps.org/generalcounsel/index.aspx?id=215645
Queen Anne's County Clerk of the Court	Scott MacGlashan, Clerk Katherine Hager, Deputy Clerk (alternate)	100 Courthouse Square Centreville, MD 21617	(410)-758-1773, ext 116 and ext 122	Scott.macglashan@mdcourts.gov Katherine.hager@mdcourts.gov
Queen Anne's County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Queen Anne's County Housing Authority	Katya Lindsey	P.O. Box 280 Centreville, MD 21617	(410) 758-8634	klindsey@qacha.org http://www.qacha.org/
Queen Anne's County, Register of Wills	Laura Nan Cook	Liberty Building 107 North Liberty Street, Suite 220 Centreville, MD 21617	(410) 758-0585	lcook@registers.maryland.gov
Somerset County Department of Social Svcs	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Somerset County Government	Lory Ebron	Somerset County Office Complex 11916 Somerset Ave., Room 111 Princess Anne, MD 21853	(410)651-0320	Lebron@somersetmd.us www.somersetmd.us

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Somerset County Register of Wills	Nancy Dize	Courthouse 30512 Prince William Street Princess Anne, MD 21853	(410) 651-1696	ndize@registers.maryland.gov
St. Mary's County	Brandy McKelvey Paralegal	Baldrige Street, PO Box 653 Leonardtown, MD 20650	(301) 475-4200 ext. 1702	brandy.mckelvey@stmarysmd.com www.stmarysmd.com
St. Mary's County Public Schools	Suja M. Varghese, Esq. Chief Counsel	23160 Moakley Street Leonardtown, Maryland 20650	(301) 475-5511 ext. 32174	MPIARepresentative@smcps.org smcps.org
St. Mary's County Department of Social Svcs	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
St. Mary's County Metropolitan Commission	George Erichsen, Executive Director	23121 Camden Way California, Maryland 20619	301.737.7400 x 227 or x 213	gerichsen@metcom.org
St. Mary's County Register of Wills	Jennifer Dean	Courthouse 41605 Courthouse Drive Leonardtown, MD 20650	(301) 475-5566	jdean@registers.maryland.gov
St. Mary's County Sheriff's Office	Sgt. Clay Safford	23150 Leonard Hall Drive Leonardtown, MD 20650	(301) 475-4200 ext. 78073	Clay.safford@stmarysmd.com
St. Mary's Soil Conservation District	Bruce A. Young District Manager	26737 Radio Station Way, Suite B Leonardtown, MD 20650	(301) 475-8402 ext. 3	Bruce.young@stmarysscd.com www.stmarysscd.com
Talbot County	Patricia J. Finneyfrock Talbot County Office of Law	Talbot County Circuit Courthouse South Wing, 11 N Washington St., Easton, MD 21601	410-770-8092	pfinneyfrock@talbotcountymd.gov www.talbotcountymd.gov
Talbot County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Talbot County Sheriff's Office	Captain Scott Mergenthaler	115 W. Dover Street Easton, MD 21601	(410) 822-1020	
Talbot County Register of Wills	Patricia Campen	Courthouse 11 North Washington Street Easton, MD 21601	(410) 770-6700	pcampen@registers.maryland.gov
Talbot Soil Conservation District	Craig S. Zinter District Manager	28577 Marys Court, Suite 3 Easton, MD 21601	(410) 822-1577 x 3	Craig.zinter@maryland.gov www.talbotscd.com

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Washington County	Kirk C. Downey Dpty. County Attorney	100 W. Washington St., Rm. 202 Hagerstown, MD 21740	(240) 313-2230	kdowney@washco-md.net www.washco-md.net
Washington County Board of Elections	Kaye E. Robucci Election Director	35 W. Washington St., Room 101 Hagerstown, MD 21740	(240) 313-2053	kaye.robucci@maryland.gov
Washington County Clerk of Circuit Court	Kevin Tucker Deputy Clerk	24 Summit Avenue Hagerstown, MD 21740	(301) 790-4972	Kevin.tucker@mdcourts.gov www.mdcourts.gov/clerks/washington/index.html
Washington County Department of Social Svs	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Washington County Sheriff's Office	Col. Randy E. Wilkinson Chief Deputy	500 Western MD Pkwy Hagerstown, MD 21740	(240) 313-2102	rwilkinson@washco-md.net www.washcosheriff.com
Washington County Register of Wills	Jason A. Malott	Courthouse 24 Summit Avenue, Room 213 Hagerstown, MD 21740	(301) 739-3612	jmalott@registers.maryland.gov
Washington County Soil Conservation District	Elmer Weibley CPESC Manager	1260 Maryland Avenue, Ste. 101 Hagerstown, MD 21740	(301) 797-6821 ext. 3	elmer@conservationplace.com conservationplace.com
Washington Suburban Sanitary Commission	Julianne Montes de Oca Acting Corp. Secretary	14501 Sweitzer Lane Laurel, MD 20707-5901	(301) 206-8200	MPIA-request@wsscwater.com www.wsscwater.com
Wicomico County Circuit Court Clerk's Office	Mark S. Bowen	P.O. Box 198 Salisbury, MD 21803-0198	(410) 543-6551, x 158	Mark.bowen@mdcourts.gov www.md.courts.gov/clerks/wicomico/
Wicomico County, Executive Branch	Lisa Taylor Executive Office Assoc.	125 N. Division Street, Rm. 303 P.O. Box 870 Salisbury, MD 21803-0870	(410) 548-4801	ltaylor@wicomiconcounty.org www.wicomiconcounty.org/125/County-Executive
Wicomico County Board of Education	Tracy Sahler Public Information Officer	Main Building, Administration 2424 Northgate Drive P.O. Box 1538 Salisbury, MD 21802	(410) 677-4465	tsahler@wcboe.org
Wicomico County Board of Elections Office	Anthony Gutierrez Election Director			
Wicomico County Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Wicomico County, Legislative Branch	Laura Hurley Council Administrator	125 N. Division Street, Room 301 Salisbury, MD 21801	(410) 548-4696	lhurley@wicomiconcounty.org www.wicomiconcounty.org/185/County-Council
Wicomico County Public Schools	Tracy Sahler Public Information Officer	Main Building, Administration 2424 Northgate Drive P.O. Box 1538 Salisbury, MD 21802	(410) 677-4465	tsahler@wcboe.org
Wicomico County Register of Wills	Karen A. Lemon	101 N. Division Street, Room 102 Salisbury, Maryland 21801	(410) 543-6635	klemmon@registers.maryland.gov www.registers.maryland.gov
Wicomico County Sheriff's Office	1 st Sgt. Jessica Murphy Sgt. Tony Glenn (Alternate)	401 Naylor Mill Road Salisbury, MD 21801	(410) 548-4891	jmurphy@wicomiconcounty.org tgleen@wicomiconcounty.org www.wicomiconsheriff.com
Wicomico County State's Attorney's Office	Patrick M. Gilbert, Chief Prosecution Integrity Unit	309 East Main Street P.O. Box 1006 Salisbury, MD 21803-1006	(410) 548-4880	pgilbert@wicomiconcounty.org www.wicomiconstatesattorney.com
Worcester County Board of Elections	Lisa Shockley	100 Belt Street Snow Hill, MD 21863	(410) 632-1320, ext. 101	Lisa.Shockley@Maryland.gov
Worcester County Circuit Court	Susan Braniecki, Clerk	1 West Market Street, Room 104	(410) 632-5500	Susan.braniecki@mdcourts.gov
Worcester County Department of Social Svs	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Worcester County Government	Kim Moses	One West Market Street, Rm 1103 Snow Hill, MD 21863	(410) 632-1194	kmoses@co.worcester.md.us www.co.worcester.md.us
Worcester County Register of Wills	Charlotte K. Cathell	Courthouse 1 West Market Street, Room 102 Snow Hill, MD 21863	(410) 632-1529	ccathell@registers.maryland.gov
Worcester County Sheriff's Office	Lt. Ed Schreier Lt. Neal Adams (alternate)	1 W. Market Street, Room 1001 Snow Hill, MD 21863	(410) 632-1111	eschreier@co.worcester.md.us nadams@co.worcester.md.us www.co.worcester.md.us/departments/sheriff
Worcester County Office of the State's Attorney	Kelly Hurley Special Investigator Rick Taylor Chief Investigator	106 Franklin Street Snow Hill, MD 21863	(410) 632-2166, x 1762	khurley@co.worcester.md.us rick.taylor@co.worcester.md.us

Municipal Jurisdictions

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Aberdeen, City of	Monica Correll City Clerk	60 North Parke Street Aberdeen, MD 21001	(410) 272-1600 ext. 211	mcorrell@aberdeennmd.gov www.aberdeennmd.gov
Aberdeen Finance Department	Opiribo Jack Director	60 North Parke Street Aberdeen, MD 21001	(410) 272-1600 ext. 200	ojack@aberdeennmd.gov www.aberdeennmd.gov
Aberdeen Human Resources Department	Theresa Hartman Manager	60 North Parke Street Aberdeen, MD 21001	(410) 272-1600 ext. 200	thartman@aberdeennmd.gov www.aberdeennmd.gov
Aberdeen Planning & Community Development	Phyllis Grover Director	60 North Parke Street Aberdeen, MD 21001	(410) 272-1600 ext. 216	pgrover@aberdeennmd.gov www.aberdeennmd.gov
Aberdeen Police Department	Lt. C. William Reiber	60 North Parke Street Aberdeen, MD 21001	(410) 272-2121	wreiber@aberdeennmd.gov www.aberdeennpolice.org
Aberdeen Public Works	Kyle Torster Director	60 North Parke Street Aberdeen, MD 21001	(410) 272-1600 ext. 217	ktorster@aberdeennmd.gov www.aberdeennmd.gov
Accident, Town of	Ruth Ann Hahn	PO Box 190 Accident, MD 21520	(301) 746-6346	accidenttownhall@verizon.net accidentmd.org
Annapolis, City of	Ashley Leonard Asst. City Attorney	160 Duke of Gloucester Street Annapolis, MD 21401	(410) 263-7954	aeleonard@annapolis.gov; CityAtty@annapolis.gov www.annapolis.gov
Baltimore Children and Youth Fund, Inc.	Dorcas R. Gilmore	10 E. North Ave. Baltimore, MD 21201	(410) 870-5082	Gen.counsel@bcyfund.org https://bcyfund.org/transition-board/
Baltimore City, Board of Elections	Armstead Jones Elections Director	417 E. Fayette St Room 129 Baltimore, MD 21202	(410) 396-5570	Armstead.Jones@baltimorecity.gov https://boe.baltimorecity.gov/
Baltimore City, Board of Estimates	KC Kelleher	100 N. Holliday Street, Room 204 Baltimore, MD 21202	(978) 578-7667	kc.kelleher@baltimorecity.gov comptroller.baltimorecity.gov/communications
Baltimore City, Board of Finance	Jennell Rogers	200 N. Holliday Street, Rm 7 Baltimore, MD 21202	(410) 396-4750	jrogers@baltimorecity.gov https://board-of-finance.baltimorecity.gov/
Baltimore City, City Council	Yvonne Wenger	100 N. Holliday Street, Ste. 400 Baltimore, MD 21202	(410) 396-4804	Yvonne.wenger@baltimorecity.gov https://baltimorecitycouncil.com/contact
Baltimore City Circuit Court, Compliance Office	Marilyn Mitchell	111 N. Calvert Street Baltimore, MD 21202	(410) 333-1255	
Baltimore City, Civil Rights and Wage Enforcement	John Wesley	7 E. Redwood St., 9th Fl. Baltimore, MD 21202	(410) 396-8858	John.wesley@baltimorecity.gov civilrights.baltimorecity.gov/contact-us

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Baltimore City, Comptroller's Office	KC Kelleher	100 N. Holliday Street, Room 204 Baltimore, MD 21202	(410) 804-4289	Kc.kelleher@baltimorecity.gov comptroller.baltimorecity.gov/communications
Baltimore City, Department of Finance	Henry Raymond	100 N. Holliday Street, Rm 454 Baltimore, MD 21202	(410) 396-4940	Henry.raymond@baltimorecity.gov finance.baltimorecity.gov
Baltimore City Department of Social Services	Katherine Morris Communications Director	311 W. Saratoga Street Baltimore, MD 21201	(410) 767-8944	Piarequest.dhr@maryland.gov www.dhr.state.md.us
Baltimore City, Employees and Elected Officials Retirement Sys	Aja Jackson	7 East Redwood Street, 12 th Flr Baltimore, MD 21202	(443) 984-3191	ajackson@bcers.org www.bcers.org/contact-beers/
Baltimore City, Enoch Pratt Library	Gordon Krabbe	400 Cathedral Street Baltimore, MD 21201	(410) 545-3108	gkrabbe@prattlibrary.org www.prattlibrary.org/contact-us/public-information-requests
Baltimore City, Environmental Control Board	Rebecca Woods	100 N. Charles Street, 13 th Floor Baltimore, MD 21202	(410) 396-6909	environmentalcontrolboard@baltimorecity.gov https://ecb.baltimorecity.gov
Baltimore City, Office of Equity and Civil Rights	Khadeja Farahmand	7 E. Redwood St., 9th Floor, Baltimore, Maryland 21202	(443) 835-5524	Khadeja.Farahmand@baltimorecity.gov https://civilrights.baltimorecity.gov/contact-us
Baltimore City, Ethics Board	Maura Ford	100 N. Holliday Street, Rm 635 Baltimore, MD 21202	(410) 396-7986	ethics@baltimorecity.gov https://ethics.baltimorecity.gov
Baltimore City, Fire Department	Ahleah Knapp	401 E. Fayette Street Baltimore, MD 21202	(410) 545-0113	bcdmpia@baltimorecity.gov https://fire.baltimorecity.gov/fire-public-information/requests
Baltimore City, Fire and Police Employees Retirement Sys	Amy Baskerville	7 East Redwood Street, 18 th Fl. Baltimore, MD 21202	(410) 497-7929, opt.3	pia@BCFPERS.org bcfpers.org/contact/public-information-requests/
Baltimore City, General Services	Brian Lasan	200 Holliday Street Baltimore, MD 21202	(410) 396-4069	dgs.communication@baltimorecity.gov https://generalservices.baltimorecity.gov
Baltimore City, Health Department	Adam Abadir	1001 E. Fayette Street Baltimore, MD 21202	(443) 984-2623	Adam.abadir@baltimorecity.gov https://health.baltimorecity.gov/newsroom/media-contact-information
Baltimore City, Housing and Community Development	Kevin Nash	417 E Fayette St., 14th Floor Baltimore, MD 21202	(410) 396-4707	kevin.nash@baltimorecity.gov http://dhcd.baltimorehousing.org/m/news/public-info-request
Baltimore City, Human Resources	Lauren Walker	7 East Redwood Street 17 th Floor Baltimore, MD 21202	(410) 396-3851	lauren.walker@baltimorecity.gov https://humanresources.baltimorecity.gov

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Baltimore City, Labor Commissioner	Deborah Moore-Carter	417 East Fayette St., Ste. 1203 Baltimore, MD 21202	(410) 396-4365	olc@baltimorecity.gov https://labor-commissioner.baltimorecity.gov
Baltimore City, Law Department	D'ereka Bolden	100 N. Holliday Street, Rm 454 Baltimore, MD 21202	(410) 396-3934	Dereka.bolden@baltimorecity.gov https://law.baltimorecity.gov
Baltimore City, Legislative Reference	Anita Evans	626 City Hall Baltimore, MD 21202	(410) 396-4730	Anita.evans@baltimorecity.gov https://legislative-reference.baltimorecity.gov
Baltimore City, Mayor's Office	Stefanie Mavronis	100 Holliday Street, Room 230, Baltimore, MD 21202	(410) 545-1935	stefanie.mavronis@baltimorecity.gov https://mayor.baltimorecity.gov/public-information-act-requests-1
Baltimore City, Municipal and Zoning Appeals	Kathleen Byrne	417 E Fayette St., #922 Baltimore, MD 21202	(410) 396-4301	bmza@baltimorecity.gov https://zoning.baltimorecity.gov
Baltimore City, Parking Authority	David Rhodes	200 W. Lombard Street, Ste. B Baltimore, MD 21201	(443) 573-2800	David.rhodes@bcparking.com https://parking.baltimorecity.gov
Baltimore City, Planning	Stephanie Smith	417 E. Fayette Street, 8th Fl. Baltimore, MD 21202	(410) 396-8337	stephanie.smith@baltimorecity.gov https://planning.baltimorecity.gov
Baltimore City, Police Department	Dana Abdul Saboor Office of Legal Affairs	242 W 29th Street Baltimore MD 21211	(410) 637-8684	dcu@baltimorepolice.org www.baltimorepolice.org/transparency/maryland-public-information-act
Baltimore City, Public Schools	Edie House Foster Manager Public Info	200 E. North Avenue, Room 317 Baltimore, MD 21202	(443) 984-2000	media@bcps.k12.md.us www.baltimorecityschools.org
Baltimore City, Public Works	Dominic Lamartina	200 Holliday Street, Room 203 Baltimore, MD 21202	(410) 396-3312	dominic.lamartina@baltimorecity.gov publicworks.baltimorecity.gov/about-us/public-information-requests
Baltimore City, Recreation and Parks	Whitney Brown	3001 East Dr. Baltimore, MD 21217	(410) 396-6694	whitney.brown@baltimorecity.gov bcrp.baltimorecity.gov/mediaroom
Baltimore City, Register of Wills	Belinda K. Conaway	Courthouse East 111 North Calvert Street, 3 rd FL	(410) 752-5131	bconaway@registers.maryland.gov
Baltimore City State's Attorney Office	Reagan Greenberg	120 E Baltimore St, Baltimore, MD 21202	(443) 984-6084	rgreenberg@StAttorney.org
Baltimore City State's Attorney Office (Media)	Michael Schatzow	120 E Baltimore St, Baltimore, MD 21202	(443) 984-6011	MSchatzow@stattorney.org

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Baltimore City, Transportation	Kathy Dominick German Virgil	417 E. Fayette Street, 5th Fl. Baltimore, MD 21202	(410) 361-9297 (or 9296)	Kathy.dominick@baltimorecity.gov german.vigil@baltimorecity.gov https://transportation.baltimorecity.gov/
Baltimore Convention Center	Peggy Daidakis	One West Pratt Street Baltimore, MD 21201	(410) 649-7000	pdaidakis@bccenter.org www.bccenter.org/p/about
Baltimore Development Corporation (BDC)	Nancy Jordan-Howard	36 S. Charles Street, Ste. 2100 Baltimore, MD 21201	(410) 837-9305	nhoward@baltimoredevelopment.com baltimoredevelopment.com/about-bdc/
Baltimore Office of Promotion and the Arts (BOPA)	Lauren Green	10 E. Baltimore Street, 10th Fl. Baltimore, MD 21202	(410) 752-8632	lgreen@promotionandarts.org https://www.promotionandarts.org/about-us/
Barnesville, Town of	Lisa Fedders	18001 Barnesville Road Barnesville, MD 20838	(240) 415-1659	Clerk.bmd@barnesvillemd.org Clerk.bmd@barnesvillemd.org
Barton, Town of	Barbara DeShong, Clerk	19018 Legislative Road, SW PO Box 153 Barton, MD 21521	(301) 463-6347	town@townofbarton.comcastbiz.net www.townofbartonmaryland
Bel Air, Town of	Michael Krantz Director of Human Resources & Admin	39 North Hickory Avenue Bel Air, MD 21014	410-638-4550	mkrantz@belairmd.org www.belairmd.org
Berlin, Town of	Mary Bohlen Admin. Services Dir.	10 William Street Berlin, MD 21811	(410) 641-4314 (410) 641-2770	mbohlen@berlinmd.gov www.berlinmd.gov
Berwyn Heights, Town of	Kerstin Harper, Clerk	5700 Berwyn Road Berwyn Heights, MD 20740	(301) 474-5000	kharper@town.berwyn-heights.md.us www.berwyn-heights.com/
Bladensburg, Town of	Richard Charnovich, Town Clerk	4229 Edmonston Road Bladensburg, MD 20710	(301) 927-7048	clerk@bladensburgmd.gov www.bladensburgmd.gov
Bowie, City of	Awilda Hernandez City Clerk	15901 Excalibur Road Bowie, MD 20716	(301) 809-3029	ahernandez@cityofbowie.org
Bowie Police Department	Acting Captain John Knott	15901 Excalibur Road Bowie, MD 20716	(240) 544-5793	PDMPIARequest@cityofbowie.org www.cityofbowie.org
Brentwood, Town of	Rocio Treminio-Lopez Mayor C. Reginald Bagley Town Administrator	4300 39 th Place Brentwood, MD 20722	(301) 927-3344	Rocio.treminio-lopez@brentwoodmd.gov Town.administrator@brentwoodmd.gov
Brentwood, North Town of	Carl Jones Town Clerk	PO Box 196 Brentwood, MD 20722	(301) 699-9699	cityclerk@northbrentwood.com www.northbrentwood.com

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Brentwood Police Department	Robert Altoff Chief of Police	4300 39 th Place Brentwood, MD 20722	(301) 864-1858	Police.chief@brentwoodmd.gov
Brookeville, Town of	Cate McDonald Town Clerk	5 High Street Brookeville, MD 20833	(301) 570-4465	clerk@townofbrookevillemd.org http://townofbrookevillemd.org/
Brunswick, City of	Carrie Myers Office Manager/Clerk	1 West Potomac Street Brunswick, MD 21716	(301) 834-7500 ext 201	assistant@brunswickmd.gov www.brunswickmd.gov
Cambridge, City of	Kathryn Foster	410 Academy Street; PO Box 255 Cambridge, MD 21613	(410) 228-1211	kfoster@chooscambridge.com www.chooscambridge.com
Cecilton, Town of	Brenda Cochran Kim Roland	117 West Main Street; PO Box 317 Cecilton, MD 21913	(410) 275-2692	bcochran@ceciltonmd.gov kroland@ceciltonmd.gov www.ceciltonmd.gov
Centreville Police Department	Carolyn Brinkley Town Clerk	101 Lawyers Row Centreville, MD 21617	(410) 758-1180	cbrinkley@townofcentreville.org www.townofcentreville.org/departments/police
Centreville, Town of	Carolyn Brinkley Town Clerk	101 Lawyers Row Centreville, MD 21617	(410) 758-1180	cbrinkley@townofcentreville.org www.townofcentreville.org
Charlestown, Town of	Debbie Myers	PO Box 154 Charlestown, MD 21914	(410) 287-6173	Townclerk21914@comcast.net www.charlestownmd.org
Chesapeake, Town of	Sandra Edwards Town Manager	108 Bohemia Avenue Chesapeake City, MD 21915	(410) 885-5298	S.edwards@chesapeakecity-md.gov www.chesapeakecity-md.gov
Chesapeake Beach, Town of	Sharon L. Humm	PO Box 400 Chesapeake Beach, MD 20732	(410) 257-2230	shumm@chesapeakebeachmd.gov www.chesapeake-beach.md.us
Cheverly, Town of	David Warrington	6401 Forest Road Cheverly, MD 20785	(301) 773-8360	townadministrator@cheverly-md.gov www.cheverly.md.gov
Chevy Chase, Town of	Todd Hoffman	4301 Willow Lane Chevy Chase, MD 20815	(301) 654-7144	thoffman@townofchevychase.org www.townofchevychase.org/
Chevy Chase View, Town of	Jana S. Coe Town Manager	P.O. Box 136 Kensington, MD 20895	(301) 949-9274	ccviewmanager@verizon.net www.chevychaseview.org
Chevy Chase Village	Shana R. Davis-Cook, Village Manager	Chevy Chase Village Hall, 5906 Connecticut Avenue Chevy Chase, MD 20815	(301) 654-7300	ccv@montgomerycountymd.gov www.chevychasevillagemd.gov
Chevy Chase Section 3, Village of	Village Manager	P.O. Box 15070 Chevy Chase, MD 20825	(301) 656-9117	villagemanager@chevychasesection3.org www.chevychasesection3.org

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Church Hill, Town of	Nancy Lindyberg Town Admin./Clerk	324 Main Street; PO Box 85 Church Hill, MD 21623-0085	(410) 758-3740	townofchurchhill@atlanticbb.net www.churchhillmd.com
Colmar Manor, Town of	Judy Myers Office Manager	3701 Lawrence Street Colmar Manor, MD 20722	(301) 277-4920	jmyers@colmarmanor.org www.colmarmanor.org
Colmar Manor Police Department	Duane Leonard Wells Administrative Assistant	3701 Lawrence St Colmar Manor, MD 20722	(301) 779-5491	dwells@colmarmanor.org www.colmarmanor.org
College City, Town of	Brittany Gabriel, Office Manager	3820 40th Ave Cottage City, MD 20722	(301) 779-2161	townhall@cottagecitymd.gov www.cottagecitymd.gov
Cottage City Police Department	Chief William Lowry	3820 40th Ave Cottage City, MD 20722	(301) 927-9225	chief1@cottagecitymd.gov www.cottagecitymd.gov
Crisfield, City of	Joyce L. Morgan Clerk-Treasurer	319 West Main Street Crisfield, MD 21817	(410) 968-1333	jmorgan@crisfieldcityhall.com www.cityofcrisfield- md.gov
College Park, City of	Janeen S. Miller City Clerk	4500 Knox Road College Park, MD 20740	(240) 487-3501	jsmiller@collegeparkmd.gov www.collegeparkmd.gov
Cumberland, City of	Margie Woodring City Clerk	57 N. Liberty Street Cumberland, MD 21502	(301) 759-6447	margie.woodring@cumberlandmd.gov www.ci.cumberland.md.us
Delmar, Town of	Cindy Fisher	100 S. Pennsylvania Avenue Delmar, MD 21875	(410) 896-2777, ext. 102	Cfisher.delmar@verizon.net www.townofdelmar.us
Delmar Police Department	Sgt. Wade Alexander	100 S. Pennsylvania Avenue Delmar, MD 21875	(410) 896-3132	Wade.Alexander@cj.state.de.us www.delmarpolice.com
Denton, Town of	Karen L. Monteith Clerk-Treasurer	4 N. Second St., Denton, MD 21629	(410) 479-2050	kmonteith@dentonmaryland.com www.dentonmaryland.com
Denton Police Department	Chief Rodney Cox	100 N. Third St., Denton, MD 21629	(410) 479-1414	rcox@dentonmdpolice.com www.dentonmaryland.com
District Heights, City of	Sharlá Crutchfield City Manager/City Clerk	2000 Marbury Drive District Heights, MD 20747	(301) 336-1402 ext.38	crutchfields@districtheights.org www.districtheights.org
Eagle Harbor, Town of	James D. Crudup, Sr.	PO Box 28 Aquasco, MD 20608	(301) 888-2410	jcrudupsr@aol.com townofeagleharborincmd.org
East New Market	Patricia L. Kiss, Clerk Treasurer	PO Box 24 East New Market, MD 21631	(410) 943-8112	enmtownhall@gmail.com eastnewmarket.us
Easton, Town of	Kathy Ruf Town Clerk	14 S Harrison Street; P.O. Box 520 Easton, MD 21601	(410) 822-2525, ext. 127	kruf@town-eastonmd.com www.eastonmd.gov

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Edmonston, Town of	Rod Barnes Town Administrator	5005 52nd Avenue Edmonston, MD 20781	(301) 699-8806	rbarnes@edmonstonmd.gov www.edmonstonmd.gov
Edmonston Police Department	Billy Sullivan	5005 52 nd Avenue Edmonston, MD 20781	(301) 699-8805	bsullivan@edmonstonmd.gov www.edmonstonmd.gov
Elkton, Town of	L. Michelle Henson Admin. Office Sec'y	100 Railroad Avenue Elkton, MD 21921	(410) 398-0970 ext. 142	administration@elkton.org www.elkton.org
Elkton Police Department	Lieutenant Carolyn Allen	100 Railroad Avenue Elkton, MD 21921	(410) 398-4200 ext. 33	Callen@ElktonPD.org www.ElktonPD.org
Emmitsburg, Town of	Madeline Shaw Town Clerk	300A South Seton Ave. Emmitsburg, MD 21727	(301) 600-6300	MShaw@emmitsburgmd.gov www.emmitsburgmd.gov
Fairmount Heights, Town of	JoAnn Tucker Town Clerk	6100 Jost Street Fairmount Heights, MD 20743	(301) 925-8585	fairmountheights@comcast.net
Fairmount Heights Police Department	Chief Stephen Watkins	6100 Jost Street Fairmount Heights, MD 20743	(301) 925-8585	fhpolice@comcast.net
Federalsburg, Town of	Shirley A. Greene	118 North Main Street Federalsburg, MD 21632	(410) 754-8173	shirley@federalsburg.org www.federalsburg.org
Forest Heights, Town of	Bonita Anderson Town Clerk	5508 Arapahoe Drive Forest Heights, MD 20745	(301) 839-1030	banderson@forestheightsmd.gov www.forestheightsmd.gov
Frederick, City of	Kim Loop PIA Coordinator	101 North Court Street Frederick, MD 21701	(301) 600-1380	kloop@cityoffrederickmd.gov www.cityoffrederick.com
Friendship Heights, Village of	Julian Mansfield Village Manager	4433 South Park Avenue Chevy Chase, MD 20815	(301) 656-2797	jmansfield@friendshipheightsmd.gov www.friendshipheightsmd.gov
Friendsville, Town of	Karen S. Benedict	P.O. Box 9 Friendsville, MD 21531	(301) 746-5919	townoffriendsville@qcol.net visitfriendsville.org
Frostburg, City of	Elizabeth Stahlman City Administrator	59 E. Main Street, P.O. Box 440 Frostburg, MD 21532	(301) 689-6000, Ext. 101	estahlman@frostburgcity.org www.frostburgcity.com
Fruitland, City of	Raye Ellen Thomas City Clerk	401 East Main Street Fruitland, MD 21826	(410) 548-2800 ext 111	rtaylor@cityoffruitland.com www.cityoffruitland.com
Gaithersburg, City of	Doris R. Stokes Municipal Clerk	31 South Summit Avenue Gaithersburg, MD 20877	(301) 258-6310 Ext. 2185	dstokes@gaithersburgmd.gov www.gaithersburgmd.gov
Galena, Town of	Sharon Weygand	PO Box 279 Galena, MD 21635	(410) 648-5151, ext 303	sweygand@townofgalena.com www.townofgalena.com

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Garrett Park, Town of	Gene Swearingen	PO Box 84; 4600 Waverly Avenue Garrett Park, MD 20896	(301) 933-7488	managergene@garrettparkmd.gov www.garrettparkmd.gov
Glenarden, City of	Charlyn Anderson Exec. Assist., Mayor's Office	8600 Glenarden Parkway Glenarden, MD 20706	(301) 773-2100	cogmpia@cityofglenarden.org www.cityofglenarden.org
Glen Echo, Town of	Beth Boa Town Manager	6106 Harvard Avenue Glen Echo, MD 20812	(301) 320-4041	townhall@glenecho.org www.glenecho.org
Goldsboro, Town of	Robin Cahall, Mayor	PO Box 132, Goldsboro, MD 21636	(410) 482-8805	Goldsboro@comcast.net
Grantsville, Town of	Robin Jones	P.O. Box 296; 171 Hill Street Grantsville, MD 21536	(301) 895-3144	info@visitgrantsville.com www.visitgrantsville.com
Greenbelt, City of	Bonita Anderson City Clerk	25 Crescent Road Greenbelt, MD 20770	(301) 474-3870	banderson@greenbeltmd.gov www.greenbeltmd.gov
Greenbelt Police Department	Captain Gordon Pracht	550 Crescent Road Greenbelt, MD 20770	(301) 474-7200	gpracht@greenbeltmd.gov www.greenbeltmd.gov
Greensboro, Town of	Jeannette DeLude Town Manager	113 S. Main Street; PO Box 340 Greensboro, MD 21639	(410) 482-6222 ext.12	jdelude@greensboromd.com www.greensboromd.org
Hagerstown Community College	Elizabeth L. Kirkpatrick Dir. of Public Info.	11400 Robinwood Drive Hagerstown, MD 21742	(240) 500-2265	elkirkpatrick@hagerstowncc.edu www.hagerstowncc.edu/pigr
Hagerstown, City of	Erin C. Wolfe Communications Mgr.	14 N. Potomac St. Ste. 200A Hagerstown, MD 21740	(301) 739-8577 ext. 819	ewolfe@hagerstownmd.org www.hagerstownmd.org/publicinfo
Hampstead, Town of	Tammi Ledley Town Manager	1034 South Carroll Street Hampstead, MD 21074	(410) 239-7408	Tledley@hampsteadmd.gov www.townofhampsteadmd.gov
Hampstead Police Department	Lt. Stacey Gaegler	1034 South Carroll Street Hampstead, MD 21074	(410) 239-8954	sgaegler@hampsteadmd.gov www.townofhampsteadmd.gov
Hancock, Town of	David D. Smith	126 West High Street Hancock, MD 21750	(301) 678-5622	hanmd@verizon.net Townofhancock.org
Havre de Grace, City of	Steve Gamatoria Director of Administration	711 Pennington Avenue Havre de Grace, MD 20178	(410) 939-1800, ext. 1116	steveg@havredegracemd.com
Hebron, Town of	Mary Purner Gail Smith	100 North Main Street P.O. Box 299 Hebron, MD 21830	(410) 742-5555	townofhebron-mdmap@comcast.net

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Henderson, Town of	Sandy Cook Mayor	PO Box 10 Henderson, MD 21640	(410) 482-2193	hendsandy@comcast.net
Hyattsville, City of	Laura Reams	4310 Gallatin Street, 3 rd Floor Hyattsville, MD 20781	(301) 985-5009	lreams@hyattsville.org www.hyattsville.org
Indian Head, Town of (Town Records)	Annie Brady Town Clerk	4195 Indian Head Highway Indian Head, MD 20640	(301) 743-5511 ext. 103	annie@townofindianhead.org www.townofindianhead.org
Indian Head, Town of (Financial Records)	Ginger Foster Financial Officer	4195 Indian Head Highway Indian Head, MD 20640	(301) 743-5511 ext. 113	ginger@townofindianhead.org www.townofindianhead.org
Kensington, Town of	Susan Engels	3710 Mitchell Street Kensington, MD 20895	(301) 949-2424	susan.engels@tok.md.gov tok.md.gov
Kitzmilller, Town of	Angela Guthrie	115 West Center Street Kitzmilller, MD	(301) 453-3449	kitzmd@shentel.net www.kitzmd.org
Landover Hills, Town of	Kathleen Tavel Town Manager Chief Henry Norris	6904 Taylor Street Landover Hills, MD 20784	(301) 273-6401	k.tavel@landoverhills.us h.norris@landoverhills.us www.lhills.sailorsite.net
La Plata, Town of	Daniel J. Mears Town Manager Danielle Mandley Town Clerk	305 Queen Anne Street P.O. Box 2268 La Plata, MD 20646	(301) 934-8421	dmears@townoflaplata.org dmandley@townoflaplata.org www.townoflaplata.org
La Plata Police Department	Chief Carl Schinner	101 La Grange Avenue; P.O. Box 1038 La Plata, MD 20646	(301) 934-1500	cschinner@townoflaplata.org www.townoflaplata.org
Laurel, City of	Kimberely A. Rau, MMC, Clerk	8103 Sandy Spring Road Laurel, Maryland 20707	(301) 725-5300 x2121	www.cityoflaurel.org
Laytonsville, Town of	Charlene Dillingham Lisa Whittington	P.O. Box 5158 Laytonsville, MD 20882	(301) 869-0042	clerk@comcast.net clerk2@comcast.net laytonsville.md.us
Leonardtwn, Town of	Teri P. Dimsey Executive Secretary			
Loch Lynn Heights, Town of	Carolyn Corley Mayor	211 Bonnie Boulevard Loch Lynn Heights, MD 21550	(301) 334-8339	lochlynn@shentel.net
Lonaconing, Town of	Aaron C. Wilt Town Administrator	7 Jackson St. Lonaconing, MD 21539	(301) 463-6266	aaron.wilt21539@gmail.com

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Lonaconing Police Department	Royce C. Douty Police Chief	7 Jackson St. Lonaconing, MD 21539		rdouty@allconet.org
Luke, Town of Mayor	Edward E. Clemons, Jr.	510 Grant Street Luke, MD 21540	(301) 359-3074	lukemd@comcast.net
Luke, Town of Clerk-Treasurer	Jeannie K. Gentry	510 Grant Street Luke, MD 21540		lukemd@comcast.net
Luke, Town of Police Dept	James A. Swann II Police Chief	510 Grant Street Luke, MD 21540	(301) 359-3023	lukemdpd@yahoo.com
Manchester, Town of	Mayor Ryan Warner Steven L. Miller Town Administrator	P.O. Box 830 3208 York Street Manchester, MD 21102	(410) 239-3200	info@manchestermd.gov slmiller@manchestermd.gov manchestermd.gov
Mardela Springs, Town of	Kortney Robinson	PO Box 81 Mardela Springs, MD 21837	(443) 523-5795	Kortney.robinson711@gmail.com Mardelasprings.org
Martin's Additions, Village of	Matt Trollinger Village Manager	7013-B Brookville Rd. Chevy Chase, MD 20815	(301) 656-4112	martinsadditions@gmail.com www.martinsadditions.org
Marydel, Town of	Debbie Rowe, Mayor Elizabeth Simmons, Clerk	319 Main Street, POB 81 Marydel, MD 21649	(410) 482-2349	marydelmd@comcast.net rowe.debbie@comcast.net
Middleton, Town of	Andrew J. Bowen Town Administrator	31 West Main Street Middleton, MD 21769	(301) 371-6171	abowen@ci.middleton.md.us
Midland, Town of	Ted Baker Clerk	19823 Big Lane Midland, MD 21532	(301) 268-7716	bakerted@hotmail.com
Millington, Town of	Michelle Marshall	P.O. Box 330; 402 Cypress Street Millington, MD 21651	(410) 928-3880	millington@atlanticbbn.net www.millingtonmd.us
Mountain Lake Park, Town of	Lenora Fischetti Town Clerk	P.O. Box 2182; 1007 Allegany Drive Mountain Lake Park, MD 21550	(301) 334-2250	mlpcclerk@mac.com www.mtnlakepark.org
Mount Airy	Deborah Parker Brennan Town Clerk	110 South Main St.; P.O. Box 50 Mount Airy, MD 21771	(301) 829-1424	dparkerbrennan@mountairymd.org www.mountairymd.org
Morningside, Town of	Karen D. Rooker, Administrative Agent	6901 Ames Street Morningside, MD 20746	(301) 736-2300	clerkmorningside@aol.com
Morningside, Town of Police Dept	Regina Foster Administrative Agent	6901 Ames Street Morningside, MD 20746	301.736.7400	mrpd.enforcement@aol.com
Morningside, Town of Police Chief	Amos Damron	6901 Ames Street Morningside, MD 20746		morningsidechief@aol.com

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Mountain Lake Park, Town of	Lenora Fischetti Clerk Treasurer	P.O. Box 2182; 1007 Allegany Drive Mountain Lake Park, MD 21550	(301) 334-2250	mlpclerk@mac.com www.mtnlakepark.org
Myersville, Town of	Kathy Gaver Town Clerk	301 Main Street; P.O. Box 295 Myersville, MD 21773	(301) 293-4281	kgaver@myersville.org www.myersville.org
New Carrollton, City of	Graham Waters City Admin. Officer	6016 Princess Garden Parkway New Carrollton, MD 20784	(301) 459-6100	City@newcarrolltonmd.gov www.newcarrolltonmd.gov
New Market, Town of	Michelle Mitchell Town Clerk	P.O. Box 27; 40 South Alley New Market, MD 21774-0027	(301) 865-5544 x1	michelletownofnewmarket@gmail.com www.townofnewmarket.org
New Windsor, Town of	Kimberlee Schultz Councilwoman	302 High St. P.O. Box 404 New Windsor, MD 21776	(443) 340-8056	kimberleeschultz@comcast.net
North Beach, Town of	Stacy Wilkerson Town Clerk	P.O. Box 99 North Beach, MD 20714	(410) 257-9618	northbeach@northbeachmd.org www.northbeachmd.org
North Chevy Chase, Village of	Robert Weesner Village Manager			nccvm@comcast.net www.northchevy Chase.org
North East, Town of	Melissa B. Cook- MacKenzie	106 South Main Street Post Office Box 528 North East, MD 21901-0528	(410) 287-5801, ext. 13	mmackenzie@northeastmd.org www.northeastmd.org
Oakland, Town of	Gwen Evans	15 South Third Street Oakland, MD 21550	(301) 334-2691	townof oak@gmail.com www.oaklandmd.com
Ocean City, Town of	Diana Chavis City Clerk	301 N. Baltimore Avenue Ocean City, MD 21842	(410) 289-8842	dchavis@oceancitymd.gov www.oceancitymd.gov
Ocean City Police Department	Catherine Potter Custodian of Records	6501 Coastal Highway Ocean City, MD 21842	(410) 723-6631	cpotter@oceancitymd.gov oceancitymd.gov
Oxford, Town of	Cheryl Lewis Admin., Clerk/Treasurer	P.O. Box 339 Oxford, MD 21654	(410) 226-5122	oxfordclerk@goeaston.net www.oxfordmd.net
Perryville, Town of	Denise Breder Town Administrator c/o Jackie Sample Town Clerk	P.O. Box 773 515 Broad Street Perryville, MD 21903	(410) 642-6066	Townhall@perryvillemd.org www.perryvillemd.org
Perryville Police Department	Al Miller, Police Chief c/o Kim Crew Administrative Assistant	P.O. Box 511 448 Otsego Street Perryville, MD 21903	(410) 642-3725	kcrew@perryvillemd.org www.perryvillemd.org/police-department

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Pocomoke City	Robert L. Cowger Jr.	101 Clarke Avenue, City Hall P.O. Box 29 Pocomoke City, MD 21851	(410) 957-1333	bobby@pocomokemd.gov www.cityofpocomoke.com
Poolesville, Town of	Barbara L. Evans Town Clerk	P.O. Box 158 Poolesville, MD 20837	(301) 428-8927	townhall@lan2wan.com www.ci.poolesville.md.us
Port Deposit, Town of	Vicky Rinkerman	64 South Main Street Port Deposit, MD 21904	(410) 378-2121	vrinkerman@portdeposit.org www.portdeposit.org
Preston, Town of	Stacey Pindell	105 Backlanding Road Preston, MD 21655	(410) 673-7929	prestonmanager@comcast.net www.prestonmaryland.us
Princess Anne Police Department	Timothy R. Bozman Chief of Police	11780 Beckford Avenue Princess Anne, MD 21853	(410) 651-1822	tbozman@princessannepolice.com
Queen Anne, Town of	Kamie Mech Town clerk/Treasurer	P.O. Box 365 Queen Anne, MD 21657	(410) 364-9229	Townqa@comcast.net
Queenstown, Town of	Amy W. Moore	PO Box 4 Queenstown, MD 21658	(410) 827-7646	amoore@queenstown-md-com www.queenstown-md.com
Ridgely, Town of	Stephanie Berkey Clerk-Treasurer	P.O. Box 710 Ridgely, MD 21660	(410) 634-2177	sberkey@ridgelymd.org www.ridgelymd.org
Rising Sun, Town of Town Clerk/Office Manager	Marsha J. Spencer	PO Box 456; 1 East Main Street Rising Sun, Maryland 21911	(410) 658-5353	mspencer@risingsunmd.org
Riverdale Park, Town of	Jessica E. Barnes Town Clerk	5008 Queensbury Road Riverdale Park, MD 20737	(301) 927-6381	jbarnes@riverdaleparkmd.gov www.riverdaleparkmd.info
Riverdale Park Police Department	Tracey Y. Perrin. Records Manager	5004 Queensbury Road Riverdale Park, MD 20737	(301) 927-4343	tperrin@riverdaleparkmd.gov
Rock Hall, Town of	Ronald Fithian Town Manager	5585 S. Main Street; PO Box 367 Rock Hall, MD 21661	(410) 639-7611	rfithian@rockhallmd.gov www.rockhallmd.gov
Rockville, City of	Louise Atkins MPIA Coordinator	City Manager's Office 111 Maryland Avenue Rockville, MD 20850	(240) 314-8139	latkins@rockvillemd.gov mpia@rockvillemd.gov www.rockvillemd.gov
Salisbury, City of	Christopher M. Demone	125 N. Division Street, Room 305 Salisbury, MD 21801	(410) 548-3100	cdemone@ci.salisbury.md.us www.ci.salisbury.md.us
Seat Pleasant, City of	Dashaun N. Lanham	6301 Addison Rd. Seat Pleasant, MD 20743	(301) 336-2600	dashaun.lanham@seatpleasantmd.gov www.seatpleasantmd.gov

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Seat Pleasant Police Department	Robert Ploof	6011 Addison Rd. Seat Pleasant, MD 20743	(301) 499-8700	Robert.ploof@seatpleasantmd.gov www.seatpleasantmd.gov
Sharpsburg, Town of	Kimberly L. Fulk Town Clerk	106 East Main Street; P.O. Box 368 Sharpsburg, MD 21782	(301) 432-4428	townofsharpsburg@comcast.net www.sharpsburgmd.com
Sharptown, Town of	Judy Schneider Clerk/Treasurer	P.O. Box 338 Sharptown, MD 21861	(410) 883-3767	sharptown@comcast.net townofsharptown.org
Smithsburg, Town of	Betsy Martin Clerk/Treasurer	21 W. Water Street P. O. Box 237 Smithsburg, MD 21783	(301) 824-7234	b.martin@myactv.net
Smithsburg Police Department	Chief George L. Knight Jr	21 W. Water Street P. O. Box 282 Smithsburg, MD 21783	(301) 824-3500	smithsburgpd@myactv.net www.townofsmithsburg.org
Snow Hill, Town of	Kelly Pruitt Town Manager	P.O. Box 348 103 Bank Street Snow Hill, MD 21863	(410) 632-2080	kpruitt@snowhillmd.com www.snowhillmd.com
Somerset, Town of	Rich Charnovich Town Manager	4510 Cumberland Avenue Chevy Chase, MD 20815	(301) 657-3211	manager@townofsomerset.com www.townofsomerset.com
St. Michaels, Town of	Jean R. Weisman, Town Manager	300 Mill Street St. Michaels, MD 21663	(410) 745-9535	jweisman@townofstmichaels.org www.townofstmichaels.org
Sudlersville, Commissioners of	Michelle Marshall	200 South Church Street Sudlersville, MD 21668	(410) 438-3465	townoffice@townofsudlersville.org www.townofsudlersville.org
Sykesville, Town of	Kerry Chaney Town Clerk	7547 Main Street Sykesville, MD 21784	(410) 795-8959	kchaney@sykesville.net http://www.townofsykesville.org/2176/Clerk
Takoma Park, City of	Jessie Carpenter City Clerk	7500 Maple Avenue Takoma Park, MD 20912	(301) 891-7267	JessieC@takomaparkmd.gov www.takomaparkmd.gov
Thurmont, Town of	James C. Humerick, CAO	615 East Main Street; P.O. Box 17 Thurmont, MD 21788	(301) 271-7313	jhumerick@thurmontstaff.com www.thurmont.com
Thurmont Police Department	Stephanie Kennedy Donna West	800 East Main Street Thurmont, MD 21788	(301) 271-0905 ext. 102	skennedy@frederickcountymd.gov www.thurmont.com
Trappe, Town of	Erin Braband Town Clerk/Treasurer	4011 Powell Avenue; P.O. Box 162 Trappe, MD 21673	(410) 443-0087	clerk@trappemd.net www.trappemd.net
Union Bridge, Town of	Dawn Metcalf Clerk-Treasurer	104 W. Locust Street Union Bridge, MD 21791	(410) 775-2711	unionbr@carr.org www.carr.org/~unionbr

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University Park, Town Of	Tracey Toscano Town Clerk	6724 Baltimore Avenue University Park, MD 20782	(301) 927-4262	townhall@upmd.org www.upmd.org
Upper Marlboro, Town of	M. David Williams Town Clerk, Admin.	14211 School Lane Upper Marlboro, MD 20772	(301) 627-6905 ext.3	clerk@uppermarlboromd.gov www.uppermarlboromd.gov
Vienna, Town of	Cynthia McFarlane Mary Jane Marine	PO Box 86 214 Middle Street Vienna, MD 21869	(410) 376-3442 (443) 614-3711	mjmarinesharptown@verizon.net viennamd@dmv.com
Walkersville, Town of	Gloria Long Rollins	21 West Frederick Street; P.O. Box 249 Walkersville, MD 21793	(301) 845-4500	walkersvillemanager@comcast.net www.walkersvillemd.gov
Washington Grove, Town of	Joli A. McCathran Mayor	300 Grove Avenue; P.O. Box 216 Washington Grove, MD 20880	(301) 869-5358	JMcCathranWGMD@gmail.com washintgongrovmmd.org
Westminster Police Department	Ms. Lisa Cooper Custodian of Records	36 Locust Street Westminster, MD 21157	(410) 848-7173	lcooper@westgov.com www.westminstermd.gov
Willards, Town of	Steven E. Warren Council President	7344 Main St. Willards, MD 21874	(410) 835-8192	townofwillards@wicomico.org