

Public Information Act Compliance Board Complaint Procedures

If a records custodian is charging you a fee of more than \$350 to provide you with records in response to a request you have made under the Public Information Act, and you believe that the amount is unreasonable, you may file a complaint with the Public Information Act Compliance Board (“Board” or “PIACB”). Complaints must be submitted within 90 days after the action that is the subject of the complaint.

The Board encourages members of the public who have questions about how a records custodian has calculated the fee to speak first with the custodian, who may be able to answer your questions. The custodian may also be able to work with you on ways to meet your needs with less expense.

1. How to File a Complaint

You may send a complaint by e-mail to the Public Information Act Compliance Board at OpenGov@oag.state.md.us, with “PIACB complaint” in the subject line, or by regular mail to: Public Information Act Compliance Board, c/o Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21202. Include the following information with your complaint:

- A copy of the original request for records that you sent to the records custodian and any subsequent communications about the records that you requested. If you do not have the request, provide the Board with a short summary of the records you asked for, the name and contact information of the person to whom you made the request, and the date on which you made the request.
- A copy of the custodian’s response or other communications regarding the amount charged, or, if you do not have these documents, a short description of the custodian’s action and the date of the action.
- A description of any other circumstances that bear on the amount charged, including a short statement of why you believe that the amount charged is unreasonable. Please do not include the records that you requested unless the Board asks for them or unless an example would be helpful to the Board’s understanding of the circumstances.
- A signature (by statute, all complaints must be signed), and your contact information, whether a mailing address or email address. The Board accepts scanned signatures.

- Please note: Your complaint and anything else you send to the Board will be a public record, subject to inspection under the Public Information Act.

Please be as detailed as you can. The Board will be able to act more quickly if the complaint and response provide sufficient information. And please limit your complaint to violations of the fee provisions of the Public Information Act. The PIACB does not have the authority to address other types of Public Information Act complaints, such as a belief that a public records custodian body wrongfully refused to produce documents. Those concerns may be brought to the PIA Ombudsman, whose contact information is posted at www.oag.state.md.us/Opengov/pia.htm. For other remedies under the PIA, see Chapter 8 of the PIA Manual, posted at www.oag.state.md.us/Opengov/Chapter8.pdf.

2. Receipt and Processing of Complaints

The Board will promptly transmit your complaint to the public body for its response if your complaint appears to raise issues within the Board's authority. Depending on the volume of complaints, a complaint will usually be sent to the identified custodian within two or three business days.

If the complaint does not raise issues for the Board, you will receive a brief explanation of why it has been dismissed. If your complaint does not provide enough information for staff to process it or the Board to consider it, you will be asked for additional information. If you do not provide the information within 30 days, the Board will dismiss the complaint.

Please advise the Board promptly of any change in the facts that might make it unnecessary for the Board to address your complaint, such as a resolution reached through the Ombudsman. You may also withdraw a complaint. If the public body has already responded, the Board may decide to issue an opinion anyway.

3. How to Respond to a Complaint

The records custodian must file a written response within 15 days of receipt of the complaint from the Board. The response should state the basis for the fee that the custodian charged and briefly address any other circumstances relevant to the complaint. If the complainant has not included the original records request and other communications relevant to the fee charged, the response should provide those documents. If an example of one of the requested records would be helpful to the Board's understanding of the circumstances, it may be included. Note: Responses, including any attachments, and any other communications to the Board are subject to inspection by the public.

Responses may be sent by e-mail to the Public Information Act Compliance Board at OpenGov@oag.state.md.us, with “PIACB complaint” in the subject line. You may instead send your complaint by regular mail to: Public Information Act Compliance Board, c/o Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21202. Please send a copy of the response and supporting documents to the complainant.

If the Board does not receive a response within 45 days of the date it sent the complaint to the custodian, the Board will decide the case on the facts before it.

4. Additional Submissions and the Board’s Opinion

If the complainant disagrees with a fact stated in the response, the complainant may provide additional information to the Board, with a copy to the custodian, within 7 calendar days of receipt of the response. Within seven calendar days of receiving the additional information, the custodian may address the additional information. After that, the file will be closed unless the Board asks for more information.

The Board or its staff will sometimes ask the public body to supplement its response. Occasionally, the Board may hold an informal conference with the custodian, the requester, or anyone else with relevant information about the matter.

The Board will issue a written opinion within 30 days of its receipt of the public body’s response, if the complaint and response have provided the Compliance Board with enough information, or within 30 days of the informal conference, if one is held. If the Board is unable to issue an opinion within these timeframes, it will notify the parties as to why that is the case and issue an opinion within 90 days after the filing of the complaint. Opinions, including the names of the complainant and the governmental entity, will be sent to the Complainant and the custodian and posted on this website.

In its opinion, the Board will state its opinion on whether the PIA’s fees provisions were violated. If the Board finds a violation, it may order the custodian to reduce the fee to the amount that the Board has determined to be reasonable. If the Complainant has already paid the fee, the Board may order the custodian to refund the difference. The Board has no authority to impose penalties.

Board opinions are sent to the public body and complainant and then posted on the Web. You can access opinions at: www.oag.state.md.us/OpenGov/PIA/board.htm