FOURTH ANNUAL REPORT

OF THE

STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD

BOARD MEMBERS

JOHN H. WEST, III, ESQ., CHAIR
LARRY E. EFFINGHAM
DEBORAH F. MOORE-CARTER
RENÉ C. SWAFFORD, ESQ.
DARREN S. WIGFIELD

SEPTEMBER 2019

MSAR #10501

FOURTH ANNUAL REPORT
OF THE STATE
PUBLIC INFORMATION ACT COMPLIANCE BOARD

The Maryland Public Information Act promotes access to information about the affairs of government and the official acts of public officials and employees. The General Assembly created the State Public Information Act Compliance Board (Board) through a statute enacted during the 2015 legislative session to address complaints regarding whether a custodian has charged an unreasonable fee. Pursuant to § 4-1A-04(c) of the General Provisions Article of the Maryland Code, the Board submits this annual report for the period running from July 1, 2018, through June 30, 2019.

This report contains a description of the Board's activities during the past fiscal year, including summaries of the Board's opinions, the number and nature of complaints filed with the Board, and any recommended improvements to the statute. In addition, the Board understands that the law does not provide an opportunity for the Public Access Ombudsman to submit a similar report, but believes such a report is useful in understanding the current state of dispute resolution under the Public Information Act ("PIA"). For this reason, the Board has included a report from the Ombudsman as an Appendix to the Board's Report.

I.
ACTIVITIES OF THE BOARD

A. Responsibilities of the Board

On October 1, 2015, the law creating the Board went into effect, making FY2019 the Board's third full year of operation. The duties of the Board include:

- Receiving, reviewing, and resolving complaints that a custodian of public records charged an unreasonable fee that exceeds $350;
- Issuing a written opinion regarding whether a violation has occurred relating to a fee, including the ability to direct a reduction of a fee or a refund of the portion of a fee that was unreasonable;
- Studying ongoing compliance with the PIA by custodians of public records; and

- Making recommendations to the General Assembly for improvements to the PIA.

The original five members of the Board were commissioned on December 28, 2015, for terms that would expire on staggered dates. Four of these members remain, as follows:

- John H. West, III, Esquire—Chair; citizen member– Expired 06/30/2019 (carrying over until reappointed or a successor is named)
- Deborah F. Moore-Carter—knowledge/Maryland Association of Counties/ Maryland Municipal League member– Expired 06/30/2018 (carrying over until successor is named)
- René C. Swafford, Esquire—attorney member– Expires 06/30/2021 (reappointed on 07/01/18 for a second term)
- Darren S. Wigfield—citizen member– Expired 06/30/2019 (carrying over until reappointed or a successor is named)

In August 2017, Larry E. Effingham was appointed to serve on the Board as its non-profit/open government/news media member. The term of his commission is three years and expires on 06/30/2020.

The Attorney General's Office provides the Board with the services of counsel and administrator, posts the Board's opinions and other Public Information Act materials on its website, and bears the incidental costs of administering the complaint and review process. The Board appreciates the excellent service it has received from the Attorney General's Office in the performance of these tasks. Specifically, the Board wishes to thank Janice Clark, who serves as the Board's administrative officer, and Assistant Attorney General Jeffrey Hochstetler, who serves as counsel to the Board.

The Board also extends its thanks to the Public Access Ombudsman, Lisa Kershner, who handles many matters that might come to the Board but for her excellent mediation efforts. The Ombudsman's services often lead to an outcome of compromise that can be more satisfying to the parties than a declaration by the Board that a fee is reasonable or unreasonable.

B. Processes and procedures

The Board adheres to the statutory process for receiving and handling complaints. The Board's procedures appear on the website, along with a description of the type of information the Board finds useful for making its decision. The website also contains tips for complainants and custodians to attempt to resolve an issue before submitting a complaint to the Board.

Generally, complaints are received by Board staff at the Office of the Attorney General and numbered based on the date received. Board counsel makes an initial determination as to whether the complaint falls within the Board's jurisdiction. If the complaint involves an assertion of an unreasonable fee that exceeds $350, Board staff forwards the materials to the relevant custodian of records for a response. Once all materials are compiled, the Board reviews them and determines whether to schedule a conference with the parties or to decide the matter based on the materials. The Board typically makes its decision within thirty days after the conference, if there is one, or within 30 days after receiving the custodian's response, if relying solely on the submissions.

When a complaint addresses only issues that are not within the jurisdiction of the Board, the matter will be dismissed. For example, if a complainant seeks review of a fee waiver request, but does not assert that the fee is unreasonable, the Board does not have the authority to consider the issue. These kinds of complaints, and those that include multiple issues in addition to the unreasonableness of a fee, often fall within the Public Access Ombudsman's authority to address. If the Board believes it does not have jurisdiction, and/or that the complaint might benefit from mediation, it refers the complainant to the Ombudsman. The experience to date reflects the success of the Ombudsman's efforts to mediate those issues, which often resolves all of the outstanding disputes between the parties so that even the fee dispute does not require consideration by the Board.

Indeed, during the past fiscal year, the Board has found that the Public Access Ombudsman continued to provide essential service to the public. In addition to accepting some referrals from the Board, she handled nearly 240 matters from individual requesters and agencies. From the Board's vantage point, it appears that many complaints benefit from the assistance of the Ombudsman as a first step in the PIA dispute-resolution process. Because the Ombudsman can assist the parties in clarifying a request and discussing the

reasonableness of the costs, her guidance often resolves all aspects of the dispute and eliminates the need for the Board's review. Facilitating this kind of compromise between the parties reflects the essence of the policy goals of the Public Information Act by ensuring that public records are provided without an undue burden on either the requester or the agency.

C. Complaint and Opinion Activities for FY2019

1. Statistics

- New complaints submitted to the Board: 14
- Complaints dismissed without opinion: 7
  - Not within Board's limited jurisdiction: 7
- Opinions issued during FY2019: 4
  - Carryover from FY2018 complaints: 0
- Complaints submitted in FY2019 and still pending on 7/1/19: 3

2. Complaints Dismissed without an Opinion

Half the complaints received by the Board in FY2019 included issues other than the reasonableness of a fee greater than $350 – the sole issue within the jurisdiction of the Board. This trend indicates that the limited role of the Board is still not well understood. Some of these complaints were from complainants who claimed they could not afford the fee, or that their request for a fee waiver should have been granted, rather than that the fee was unreasonable. Other complaints concerned untimely responses or allegations that records were wrongly withheld, neither of which is within the Board's jurisdiction.

The following matters did not result in a formal opinion of the Board, because they were dismissed for lack of jurisdiction without a written opinion:

- **PIACB 19-02 Baltimore County State's Attorney's Office**
  Issues: Agency denied inmate's request for fee waiver and complainant alleged he could not pay.
  Process: Complaint was not within Board's jurisdiction. The Board sent the complainant a "no jurisdiction" letter and provided Ombudsman's information.

- **PIACB 19-03 Baltimore City State's Attorney's Office**
  Issues: Agency denied inmate's request for fee waiver and complainant alleged he could not pay.
  Process: Complaint was dismissed for lack of jurisdiction because it was not within Board's jurisdiction. The Board sent the complainant a "no jurisdiction" letter and provided Ombudsman's information.

- **PIACB 19-05 Circuit Court for Washington County**
  Issues: Complainant sought review of dispute regarding request for recording of a court proceeding.
  Process: Complaint was not within Board's jurisdiction. The Board sent the complainant a "no jurisdiction" letter and, as a courtesy, sent the complainant a copy of Court Rules governing access to judicial records.

- **PIACB 19-07 Baltimore City Police Department**
  Issues: Agency had not responded to complainant's request for records after several months.
  Process: Complaint was not within the jurisdiction of the Board. The Board sent the complainant a "no jurisdiction" letter and referred matter to Ombudsman.

- **PIACB 19-09 Anne Arundel County Circuit Court**
  Issues: Complainant alleged that fee charged by court for judicial records was unreasonable.
  Process: Complaint was not within the jurisdiction of the Board because fee disputes for judicial records are governed by Maryland Rule 16-903, not by the PIA. The Board sent the complainant a "no jurisdiction" letter.

- **PIACB 19-10 City of Mt. Rainier**
  Issues: City allegedly did not timely responded to PIA request, and other issues not related to a fee.
  Process: Complaint was not within the jurisdiction of the Board. The Board sent the complainant a "no jurisdiction" letter and provided the Ombudsman's information.

- **PIACB 19-13 Baltimore City Public School System**
  Issues: Complainant alleged that the School system was wrongly withholding records and was not responding timely.
  Process: Complaint was not within jurisdiction of the Board. The Board sent the complainant a "no jurisdiction" letter and provided the Ombudsman's information as a courtesy.

3. Complaints in which Board Issued an Opinion

When a complaint is clearly within the jurisdiction of the Board and ripe for review, the Board will issue a written opinion. During FY2019, the Board issued four opinions, two of which involved the same complainants. The limited number of opinions and complainants might have several causes. One possible explanation is that local custodians are, for the most part, charging no fees or fees less than $350. Another possibility is that custodians are better able to articulate to requestors the reasonableness of higher fees. Yet another explanation is that the Ombudsman's active mediation and outreach efforts over the past three years have resulted in the resolution of fee-related disputes before they require the Board's services.

The Board's opinions for FY2019 appear on the Office of the Attorney General's website at: http://www.marylandattorneygeneral.gov/Pages/OpenGov/piaindex.aspx. Summaries of the opinions appear in this report for ease of reference.

- **PIACB 19-01 Montgomery County – Dept. of Transportation**
  Complainant challenged reasonableness of $2,500 estimated fee for all road remediation records for a specific neighborhood in Bethesda. Estimate was based upon hourly rates of employees and contractor who would conduct the search for and review of responsive records, as well as miscellaneous costs, including fuel for a site inspection.

  Ruling: Board determined it could review the estimated fee because it was a precise amount based upon detailed costs, and custodian required prepayment before it provided the requested records. Board ordered a reduction in the estimate of $194.20 due to custodian's miscalculation, an erroneous hourly rate for a contractor, and the unrelated fuel cost.

Opinion: September 24, 2018

- **PIACB 19-04 Calvert County Public Schools**

  Complainants challenged reasonableness of $3,137 fee charged for various financial records for a two-year period. The fee was based primarily on staff time to retrieve and review the records.

  Ruling: Board reviewed the basis for the fee and concluded that it was reasonable. Board did not have jurisdiction to consider allegations about volume and content of the responsive records.

  Opinion: November 27, 2018

- **PIACB 19-06 Calvert County Public Schools**

  Complainant challenged reasonableness of $2,306.40 fee for various emails between several school employees during a two-year period. Fee was based primarily on IT staff time to search email archives and convert responsive emails to viewable format.

  Ruling: Board ordered custodian to refund $1,040 because logs from the program that searched the electronic archive showed that the actual search time was far less than amount of time used to calculate the fee. Board did not have jurisdiction to address allegations concerning the volume of records received.

  Opinion: November 27, 2018.

- **PIACB 19-08 Baltimore City State's Attorney's Office**

  Complainant challenged reasonableness of $1,275 estimated fee for the contents of his case file. Estimate was based primarily on copying costs and staff time to search for and review the requested records.

  Ruling: Board found custodian's estimate to be reasonable. Furthermore, although the Board did not have jurisdiction to order custodian to grant fee waiver, it reminded the custodian that an affidavit of indigence was separate from the "public interest" fee waiver analysis, and was an independent basis for waiving fees.

  Opinion: January 17, 2019

II.
LEGISLATION—2019 SESSION AND BOARD RECOMMENDATIONS

A. 2019 Legislative session

New laws. The General Assembly made one change to the Public Information Act during the 2019 legislative session. SB05/HB0215 amended the PIA to require a custodian of a requested 911 record that depicts a victim of domestic violence, sexual abuse, or child abuse to notify the victim or victim's representative (if possible), and to consider any objection to release. The custodian still has ultimate discretion whether to release the record. *See* Md. Code Ann., General Provisions Article, § 4-356. This change does not impact complaints to the Board.

B. Board recommendations for the 2020 Legislative Session

The Report on the Fiscal 2020 State Operating Budget and State Capital Budget and Related Recommendations ("Joint Chairmen's Report") asked the Board and the Public Access Ombudsman to work together to collect information on the PIA caseload and processes of 23 State Cabinet-level executive agencies, and to report, by December 31, 2019, both that information and recommendations for improvements to PIA monitoring and enforcement. Specifically, Committee Narrative C81C in the Joint Chairmen's Report provides, in pertinent part:

> The committees are interested in ensuring that the State's Public Information Act (PIA) increases government transparency through a robust review and disclosure process. The committees also understand that agencies must have sufficient resources and sufficient procedures to respond to reasonable and legal information requests from the public and press. To that end, the committees would like additional information on the volume of requests being made under PIA. The committees request that the PIA ombudsman and the PIA compliance board in the Office of the Attorney General (OAG) work with the Executive Branch cabinet-level agencies to prepare a report that provides the following data by agency for the period from July 1, 2018, to September 30, 2019:
>
> - the number of PIA requests;
> - the disposition of requests;
> - the average response time;
> - the number of fee waivers requested and the number granted; and
> - the number of mediation requests and the number of mediations conducted.

> In addition, the PIA ombudsman and PIA compliance board should include in the report an analysis of the utility and feasibility of State cabinet-level Executive Branch agencies publishing periodic self-evaluations of their PIA performance as well as the utility and feasibility of other PIA compliance/monitoring and extrajudicial enforcement processes, such as those employed by federal agencies pursuant to the Freedom of Information Act. This report should also include discussion of the current training, processes, and procedures, including, but not limited to, record retention and record management practices and technologies used by cabinet-level Executive Branch agencies to handle the PIA requests. The final report of the PIA ombudsman and the PIA compliance board shall be published and submitted to the committees by December 31, 2019. The PIA ombudsman and PIA compliance board shall set such interim deadlines as may be necessary to publish their final report.

The Board and the Ombudsman are in the process of collecting the requested information and of considering recommendations to propose. The Board will therefore defer any recommendations until the final report of the Board and Ombudsman, which is expected to be published by the end of the calendar year. The Board expects that its recommendations will be based on the information received from State agencies, on comparative analyses of federal and other states' open records compliance and enforcement mechanisms, and on the Board and Ombudsman's collective experience during the last four years.

APPENDIX

REPORT OF THE PUBLIC ACCESS OMBUDSMAN

The General Assembly created the Office of the Public Access Ombudsman through the same statute that created the Public Information Act Compliance Board ("Board"). The Ombudsman's duties involve making reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records under the PIA, including issues involving exemptions, redactions, failure to respond timely, overly broad requests, fee waivers, and repetitive or redundant requests. *See* § 4-1B-04 of the General Provisions Article of the Maryland Code.

This report describes the Ombudsman's principal activities during the first 8 months of 2019, and includes a summary statistical overview and description of PIA mediations, trainings, and outreach by the Ombudsman's Office during this period.

ACTIVITIES OF THE OMBUDSMAN

The Attorney General appointed Lisa Kershner as the first Public Access Ombudsman on March 3, 2016, and the Ombudsman's Office began operations on March 30, 2016. During 2016 and 2017, the Office was largely occupied with start-up tasks necessary to establish the program, completion of the H.B. 1105 investigation of the Howard County Public School System's compliance with the PIA (completed in December 2016), handling a significant backlog of mediation matters, and responding to requests for PIA training and assistance.

During 2018 and 2019, the Ombudsman's Office continued to develop and improve program mediation and training services as well as PIA resources available to requestors and agencies. Some projects the Office has undertaken and/or concluded so far in 2019 include the following:

- **Adoption of Interpretive Regulations:** In 2019, the Office of the Ombudsman adopted interpretive regulations that describe the practices, policies, and tools used by the Ombudsman to fulfill her statutory mandate to make "reasonable efforts" to resolve PIA disputes between agencies and requestors. The regulations, which can be found at https://news.maryland.gov/mpiaombuds/wp-content/uploads/sites/20/2019/06/Regs061719.pdf, make the Ombudsman's process more transparent to users, and have enabled the program to operate more efficiently.
- **Stakeholder Survey**: From January through March, 2019, the Ombudsman conducted a survey of all stakeholders with whom the Office has worked since

inception in order to obtain feedback concerning the program's performance and suggestions for improvement. The Office received 189 responses, including 113 from individual and organizational requestors, and 76 from state and local agencies. Takeaways from the survey were published in the Ombudsman's Blog, "Open Matters", available at https://news.maryland.gov/mpiaombuds/2019/03/15/sunshine/. Survey results will be further discussed in the Board and Ombudsman's forthcoming Joint Report to be issued by December 31, 2019.[1]

- **New Mediation Database**: In 2019, the Ombudsman's Office developed and began using a relational database to more efficiently track mediation matters, including issues presented, the length of time matters remain open, and outcomes. The database not only enhances the Office's ability to issue regular statistical reports about program activities, such as the statistical report found at the conclusion of this Appendix, but also will prove invaluable in extracting data pertinent to the Joint Report and recommendations to be issued by the Board and Ombudsman by the end of the year.

PROGRAM EVALUATION

The Ombudsman receives requests for assistance from a wide variety of requestors and, with increasing frequency, from agencies. The program is informal and voluntary, involves diverse participants, and covers a wide range of issues. The information needs, motivation, capacities, and resources of the requestors and agencies affect the mediation process and outcomes. Consequently, since inception, the Office has worked to strengthen and enhance the factors that increase timely and effective communication between all parties, and to respond to new issues and matters as they arise.

Trends Observed in Mediation Metrics

The bullets below highlight trends extracted from the Ombudsman's caseload, comprised of PIA mediation and "help desk" matters, *i.e.*, general PIA-related inquiries. Additional information about the Ombudsman's caseload can be found in the statistical report at the end of this Appendix.

[1] The Joint Report to be issued by the Board and Office of the Public Access Ombudsman by December 31, 2019, was requested by the Chairmen of the Senate Budget and Taxation Committee and House Appropriations Committee in their Joint Report on the Capital Budget for Fiscal Year 2020. This joint project of the Board and Ombudsman is more fully described in the Board's Fourth Annual Report at pages 8-9.

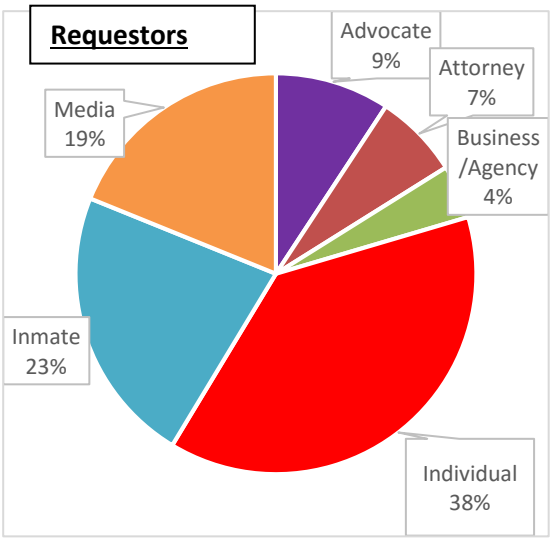
- **Total mediation and "help desk" matters**. Since inception, the Office has received more than 1,250 PIA mediation and "help desk" requests—an average of almost 31 requests for assistance per month. The total number of matters per year has been steadily increasing, with a large jump in 2019. During the first 8 months of 2019, the Office has received 381 help desk and/or mediation requests—an average of 48 per month. See the table below.

Requests for Assistance	2016 *(9 months)*	2017	2018	2019 *(8 Months)*	Total
Mediation	178	242	235	200	825
"Help Desk"	32	68	171	181	429
Total	210	310	406	381	1254
Average Per Month	23	26	34	48	31 (avg.)

- **Length of time to respond**. Since the inception of the program, the Ombudsman generally has resolved about 60% of all matters within 6 weeks or less. In 2019 to date, that percent is even higher: about 78% of all mediations were resolved within 6 weeks, and nearly 50% were resolved within three weeks, notwithstanding an increased caseload. The Office attributes this increased efficiency to the implementation of programmatic processes as described above, as well as consistent effort and attention given to training and outreach.

- **Types of Disputes** (*as reported by requestor*). Since inception, about 63% of the Ombudsman's caseload has involved either exemption issues; partial, incomplete, or nonresponsive responses by agencies (PIN); or no response by agencies (MIA). The trend in 2019 is similar, with about 65% of the caseload involving one of those issues. The detailed breakdown is presented in the report at the end of this Appendix.

- **Type of requestors**. A majority of the requests for Ombudsman assistance and mediation come from requestors, that is, those who make requests under the PIA, as opposed to agency custodians. Consistently since inception, non-incarcerated individuals have made up about 38% of requestors, incarcerated individuals comprise about 23%, and almost 39% are "occupational requestors", a category that includes media, attorneys, businesses, and advocates.



- **Outreach and Training**. The Ombudsman has seen a steady increase in requests for PIA mediation and "help-desk" assistance since the Office's inception in 2016. The Office attributes this increase in large part to the Ombudsman's outreach and training initiatives. On average, the Office conducts 1-2 PIA trainings per month around the State. Some of the highlights of these activities are included in the statistical reports at the end of this Appendix ("Outreach 2019 &2018")

LEGISLATIVE RECOMMENDATIONS

Recommendations for improvements to PIA performance and compliance will be discussed in the forthcoming Joint Report of the Board and Ombudsman to be issued by December 31, 2019. See discussion in the Board's Fourth Annual report at pages 8-9.

CONCLUSION

The Ombudsman wishes to thank the Attorney General for appointing her to this important position. In addition, the Ombudsman thanks the Board for providing this forum for sharing information about the Ombudsman program. Finally, the Ombudsman wishes to thank the dedicated staff from the Office of the Attorney General who support the Office.

Additional program information, including statistical reports, helpful tips, and PIA-related news and developments, are regularly posted throughout the year to the Ombudsman's website (piaombuds.maryland.gov) and on Twitter (@MPIA_Ombuds).

Respectfully submitted,
Lisa A. Kershner
Public Access Ombudsman
September 2019

Appendix

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MARYLAND PUBLIC INFORMATION ACT (PIA)
The public's right to information about government activities lies at the heart of a democratic government.

Public Access Ombudsman

2019 Annual Report—First 8 Months
January to August 31, 2019

2019 1st 8 Months Report

381 *in first 8 mo. of 2019*
- **200** -Mediation requests
- **181+** -Other/"help-desk" inquiries

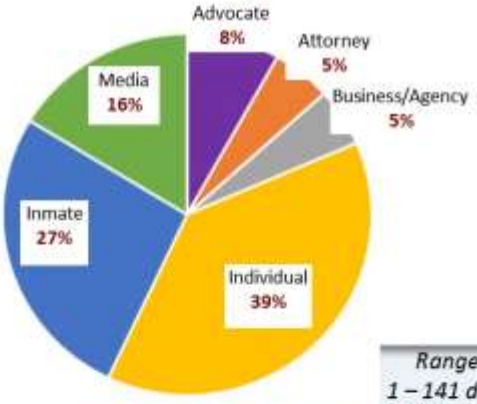
The Big Picture: Mediation saves money
Early resolution of disputes saves time and resources and increases public knowledge and awareness of the PIA process. For example, mediation is entirely voluntary, confidential, and in many cases doesn't require an attorney.

Total Mediation Cases 2019	
Carry over from prior years	20
New/Incoming cases in 2019	200
Total Number of Mediation cases	220
Mediation cases currently open	39
Total Mediation cases Closed	181

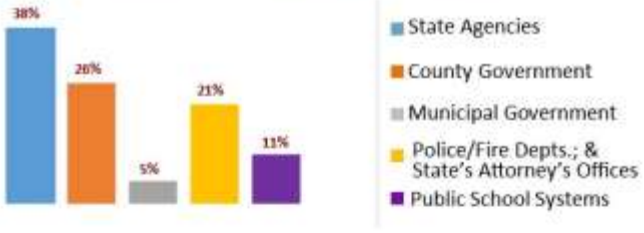
The Agencies

101 unique agencies participated in mediation matters with the PIA Ombudsman in the first eight months of 2019. Agency jurisdictions include state level, **15** different counties and Baltimore City, and **7** municipalities.

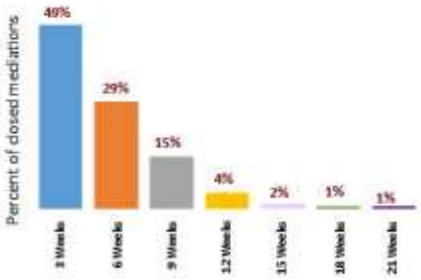
The Requestors



What Agencies are Participating in Mediation?

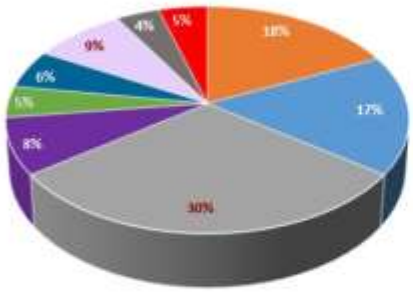


How Long does Mediation Take?



Range: 1 – 141 days. **49%** *of the cases are resolved within 3 weeks and* **78%** *by 6 weeks.*

What are the PIA disputes?



- MIA: No Response –18%
- Misapplication of exemption –17%
- Partial, nonresponsive, or incomplete response –30%
- Fees excessive - 8%
- Fee waiver request denied or ignored – 5%
- Does not believe response – 6%
- Asked for explanation of response – 9%
- Redaction inappropriate – 4%
- Other - 5%

Disputes are presented as framed by the requestor. Characterizations are based on how the requestors describe the issues. These are not findings.

Lisa Kershner 200 St. Paul Place, 25th Floor, Baltimore, MD 21202
Phone: 410-576-6560
Email: pia.ombuds@oag.state.md.us
Twitter: @MPIA_Ombuds

Ombudsman's Website:
http://piaombuds.maryland.gov

MPIA Ombudsman on Twitter
@MPIA_Ombuds

Public Access Ombudsman *Annual Report 2019 - 1st 8 Months*

Legislation & Court Opinions

- ***SB 5*** (2019) requires notification to "person-in-interest" when certain 911 records requested.

Ombudsman's Blog — *Open Matters*

- ***Highlights From The PIA Compliance Board's Opinions. 8/14/19***
- ***Ombudsman and PIACB Seeking Comments on Research Project.*** 8/1/19
- ***Where Are My Records?*** 7/12/19
- ***Assessing Fees for PIA Requests,*** 7/03/19
- ***Public Access Ombudsman Adopts Regulations,*** 6/18/19
- ***Tips for Agency Transparency in the PIA Process,*** 4/15/19
- ***Proposed Regulations Noticed – Ombudsman Operations,*** 3/29/19
- ***Let the Sun Shine In: Maryland Public Access Ombudsman Program,*** 3/15/19
- ***Proactive Disclosure Saves Time and Money, and It's the Law,*** 1/28/19

Ombudsman's Selected Tweets — 2019

- **Check out the Agenda For Rules Committee Meeting on Sept. 5th** –Item 5 on agenda is consideration of proposed changes to rules governing access to Judicial Records. 08/30/19
- Did you miss the PIACB Annual Meeting. No worries. Here is a link to the audio. It's like you were there. 08/29/19
- Also a link to the Open Meetings Compliance Board Annual Meeting. Just in case you are interested. 08/29/19
- **Transparency In the News.** Maryland judges aren't always named in court records, Baltimoresun.com. 8/21/19

Outreach 2019 & 18

Presentations, Workshops, Trainings, and Other Outreach

2019 (January 1, to August 31, 2019)

- PIACB Annual Meeting Presentation on PIA Research Report, August 19
- Maryland Association of Counties, August 14
- Veterans of Jessup Correctional Institution, July 10
- Bowie Police Department, June 11
- Harford Co. State's Attorney's Office, June 7
- MDDC Press Association, May 10
- Prince George's County Law Office. April 25
- Wicomico County State's Attorney's Office, April 5
- Conducted Stakeholder Survey Online and via Post, February –March 2019
- Town of Boonsboro. February 7

2018—4th Quarter

- Maryland Association of Counties, November 14
- Office Of the Public Defender, Nov. 8
- Goucher College, October 23
- MDDC Press Assoc., *Public records requests in the current political climate,* October 23, hosted by Morgan State University, Global School of Journalism
- Maryland General Assembly, Joint Committee on Legislation, Information Technology & Open Government, October 3

Publications

- ***Where Are My Records?*** Office of the Public Defender, Post Conviction Newsletter, Summer 2019
- **Public Access Ombudsman's Interpretive Regulations: https://tinyurl.com/y2cuqp55**, June 2019
- **Ombudsman Program - Summary Report, Program Operations** Since Inception, March 30, 2016 - March 31, 2019
- ***Fee Estimates, Flat Fees and Waiver of Fees.*** Office of the Public Defender, Post Conviction Newsletter, Spring 2018
- **Ombudsman comments to the Office of the Attorney General for its Report of the Office of the Attorney General on the Implementation of the Public Information Act.** September 22, 2017
- **HB 1105 Report**: *Ombudsman's Report Concerning the Howard County Public School System's Handling of Requests Under the Public Information Act.* December 30, 2016

PIA "Help Desk"

- The office of the Ombudsman receives daily requests regarding a number of PIA matters.

RESOURCES/LINKS

- **PIA Manual** *14th Edition*: http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printable.pdf. Including: List of Public Record Custodians: Appendix "I"; and Overview of the Public Information Act: Appendix "I"
- MD State Archives: **http://msa.maryland.gov** is a resource for custodians' record management and retention practices.
- Records Management Guide: **http://msa.maryland.gov/msa/intromsa/html/record_mgmt/pdf/nagara/making_mgmtsuccess.pdf**
- Federal FOIA (Freedom of Information Act): **https://www.foia.gov/**
- **PUBLIC ACCESS OMBUDSMAN**
  * Request for Mediation Form: **https://news.maryland.gov/mpiaombuds/request-mediation**
  * Interpretive Regulations: **https://tinyurl.com/y2cuqp55**

MARYLAND PUBLIC INFORMATION ACT (PIA)
The public's right to information about government activities lies at the heart of democracy.

Public Access Ombudsman

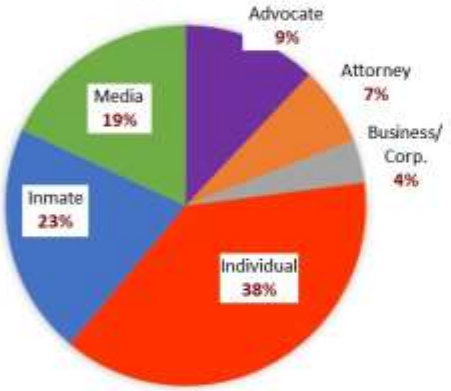
Since Inception (34 mo.)
March 30, 2016 — August 31, 2019

Since Inception - 41 Months

1254 since March 30, 2016
- 825 - Mediation requests
- 429+ - Other /"help-desk" inquiries

The Big Picture: Mediation Matters!
Early resolution of disputes saves time and resources and increases public knowledge and awareness of the PIA process. Mediation is entirely voluntary, confidential, and in many cases doesn't require an attorney.

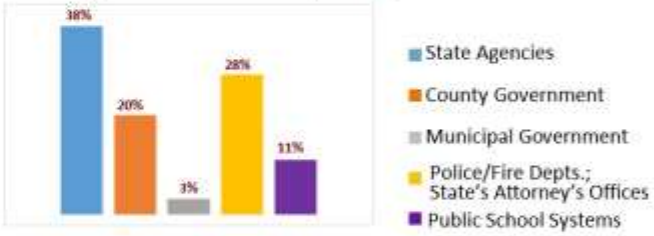
The Requestors



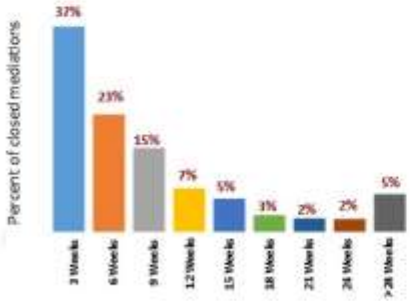
The Agencies

233 unique agencies participated in mediation matters with the PIA Ombudsman since the beginning of the program. Agency jurisdictions are state level, **20** different counties, **21** municipalities, and Baltimore City.

What Agencies are Participating in Mediation?

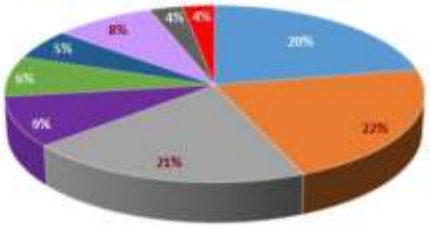


How Long does Mediation Take?



Range: 1 – 519 days. 37% of the cases are resolved within 3 weeks and 60% by 6 weeks.

What are the PIA disputes?



Disputes are presented as framed by the requestor. Characterizations are based on how the requestors describe the issues. These are not findings.

- Misapplication of exemption 20%
- MIA: No Response 22%
- Partial, nonresponsive, or incomplete response 21%
- Fees excessive 9%
- Fee waiver denied or ignored 6%
- Does not believe response 5%
- Asked for explanation of response 8%
- Redaction inappropriate 4%
- Other 4%

Mediation March '16 –August 2019	
New/Incoming cases *between 3/31/16– 8/31/19*	825
Closed *as of 8/31/19*	795

Lisa Kershner 200 St. Paul Place, 25th Floor Baltimore, MD 21202
Phone: 410-576-6560
Email: pia.ombuds@oag.state.md.us
Twitter: @MPIA_Ombuds

Ombudsman's Website:
http://piaombuds.maryland.gov

Public Access Ombudsman *Since Inception, March 30, 2016—August 31, 2019*

MPIA Ombudsman on Twitter
@MPIA_Ombuds

2019 Legislation & Court Opinions

- ***SB 5** (2019) requires notification to "person-in-interest" when certain 911 records requested. Awaiting*

Ombudsman's Blog — *Open Matters*

- ***Highlights From The PIA Compliance Board's Opinions. 8/14/19***
- ***Ombudsman and PIACB Seeking Comments on Research Project.*** 8/1/19
- ***Where Are My Records?*** 7/12/19
- ***Assessing Fees for PIA Requests***, 7/03/19
- ***Public Access Ombudsman Adopts Regulations,*** 6/18/19
- ***Tips for Agency Transparency in the PIA Process,* 04/15/19**
- ***Proposed Regulations Noticed – Ombudsman Operations,*** 03/29/19
- ***Proposed Regulations Noticed – Ombudsman Operations,*** 03/29/19
- ***Let the Sun Shine In: Maryland Public Access Ombudsman Program,*** 03/15/19
- ***Proactive Disclosure Saves Time and Money, and It's the Law***, 1/28/19
- ***PIA TECHNOLOGY SOLUTIONS: Maryland Insurance Administration's PIA Web-Portal,*** 11/20/18

Outreach 2019 & 2018

Presentations, Workshops, Trainings, and Other Outreach

2019

- PIACB Annual Meeting Presentation on PIA Research Report, August 19
- Maryland Association of Counties, August 14
- Veterans of Jessup Correctional Institution, July 10
- Bowie Police Department, June 11
- Harford Co. State's Attorney's Office, June 7
- MDDC Press Association, May 10
- Prince George's County Law Office. April 25
- Wicomico County State's Attorney's Office, April 5
- Town of Boonsboro. February 7

2018—4th Quarter

- Maryland Association of Counties, November 14
- Office Of the Public Defender, Nov. 8
- Goucher College, October 23
- MDDC Press Assoc., *Public records requests in the current political climate,* October 23, hosted by Morgan State University, Global School of Journalism
- Oregon Public Records Advocate, October 22
- City of Greenbelt, October 18
- Maryland General Assembly, Joint Committee on Legislation, Information Technology & Open Government, October 3

Publications

- **Ombudsman Program - Summary Report, Program Operations** *Since Inception, March 30, 2016 - March 31, 2019*
- ***Fee Estimates, Flat Fees and Waiver of Fees.*** Office of the Public Defender, Post Conviction Newsletter, Spring 2018
- **Ombudsman comments to the Office of the Attorney General for its Report of the Office of the Attorney General on the Implementation of the Public Information Act.** September 22, 2017
- **HB 1105 Report**: *Ombudsman's Report Concerning the Howard County Public School System's Handling of Requests Under the Public Information Act*. December 30, 2016

PIA "Help Desk"

The office of the Ombudsman receives daily requests regarding a number of PIA matters, including:

- Questions about PIA process;
- Misdirected requests to Ombudsman are referred to the correct custodian; and
- Referrals to other resources, e.g., PIA Compliance Board Fee Issues.

Resources/Links

- MD Office of the Attorney General—PIA Manual *14th Edition:* http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printable.pdf
  All of the resources below can be found in the PIA Manual.
  - List of Public Record Custodians: Appendix "J"
  - Overview of the Public Information Act: Appendix "I"
- MD State Archives: **http://msa.maryland.gov** is a resource for custodians' record management and retention practices.
- Records Management Guide: **http://msa.maryland.gov/msa/intromsa/html/record_mgmt/pdf/nagara/making_mgmtsuccess.pdf**
- Office of Government Information Services *(OGIS – FOIA)* **https://www.archives.gov/ogis**
- Federal FOIA (Freedom of Information Act) : **https://www.foia.gov/**
- Public Access Ombudsman - Request for Mediation Form: **http://news.maryland.gov/mpiaombuds/request-mediation/**
- DC Office of Open Government: **https://www.open-dc.gov/office-open-government**

Ombudsman