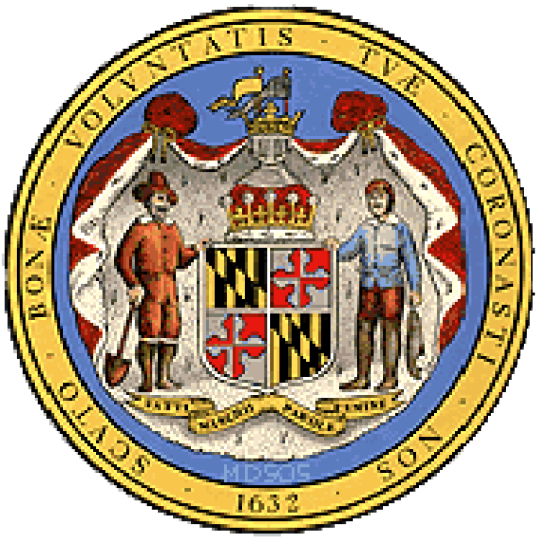
Maryland
Public Information Act
Manual



Office of the Attorney General

Brian E. Frosh
Attorney General

Fourteenth Edition
2015

MARYLAND PUBLIC INFORMATION ACT MANUAL

OFFICE OF THE

MARYLAND ATTORNEY GENERAL

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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.

As technology advances, expectations about the speed and scope of access to information evolve, and policy-makers grapple with how best to accommodate those expectations in a manner that is both efficient and workable. The Fourteenth Edition of this manual reflects extensive changes enacted during the 2015 session of the Maryland General Assembly to move the law forward, as well as noteworthy developments in the case law and the opinions of the Office of the Attorney General.

The 14th edition of this manual, like those that precede it, is the work of many talented and committed individuals. 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) who assumed responsibility for subsequent editions. The most recent editions have been produced under the direction of Adam D. Snyder, Chief Counsel, Opinions and Advice. Deborah P. Spence deserves thanks for preparing and finalizing the manuscript.

I also wish to thank the local government officials, 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
October 2015

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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 (1956); *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*, 359 Md. 653 (2000); *see also Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597-99 (1978); 76 C.J.S. *Records* § 63 (1994).

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 *Freedom of Information Act Guide & Privacy Act Overview*), available on-line as Freedom of Information Act Guide, www.justice.gov/oip/foi-act.htm. 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* Braverman and 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. On the local level, the PIA covers all counties, cities, towns, school districts, and special districts. *See* GP § 4-101(i), (j). 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(j); *see*, *e.g.*, *Moberly v. Herboldsheimer*, 276 Md. 211 (1975) (Memorial Hospital of Cumberland is an agency of the City of Cumberland). Even agencies that receive no public funds but are created by statute may be subject to the PIA. For example, the Court of Appeals, overruling a lower court, held that one such agency, the former Maryland Insurance Guaranty Association, was subject to the PIA. *A.S. Abell Publishing Co. v. Mezzanote*, 297 Md. 26 (1983). The Court considered 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* 86 *Opinions of the Attorney General* 94 (2001) (proposed citizen police review board, established by municipal ordinance and funded and staffed by municipality, and performing public function would be unit or instrumentality of municipal government for purposes of PIA).

A nonprofit entity incorporated under the State's general corporation law may also 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 (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 by-laws, and power to dissolve Commission); 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); 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 Maryland Medical System Corp.*, 417 Md. 724 (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 (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]." 360 Md. 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* p. 3-6 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* Annotated Code of Maryland, Real Property Article, § 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(j) 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, 28 (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 (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 (D.C. Cir. 1993) (electronic version of e-mail message is a "record" under the Federal Records Act). A private document that an agency has read and incorporated in its files is a "public record." *Artesian Ind. v. Department of HHS*, 646 F. Supp. 1004, 1007 n.6 (D.D.C. 1986).

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." For example, 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. The 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 (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 (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 (1991).

The term "public record" explicitly encompasses the salaries paid to public employees, including bonuses and performance awards. GP § 4-101(j)(2); *Moberly v. Herboldsheimer*, 276 Md. 211 (1975); Opinion of the Attorney General No. 81-034 (Nov. 23, 1981) (unpublished); 83 *Opinions of the Attorney General* 192 (1998). It also

includes an employment contract of a public employee because it evidences how a publicly-funded salary is earned. *University System of Maryland v. The 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 Dr. Kissinger had brought them with him to the State Department. *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136 (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." 445 U.S. 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. 360 Md. 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. 360 Md. 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 (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 (1980); *see also* 80 *Opinions of the Attorney General* 257 (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 records

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 (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). 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).

Although a PIA request directed to the "official custodian" of records will suffice under the Act, applicants 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). There is 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). At the same time, the official custodian is not obligated to gather records from disparate custodians to one location for inspection, especially if it would interfere with official business. 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 (1977). Nor is access restricted to citizens or residents of Maryland. *Cf. McBurney v. Young*, 133 S. Ct. 1709 (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: 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 (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 (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 (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 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. 3-28 and 7-3 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 Howard v. Alexanderson*, Nos. C-13-063914, C-13-063484 (Cir. Ct. Carroll Cty. Jan. 16, 2014); p. 3-43 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?

In the past, agencies sometimes declined to fulfill such requests on the basis of authority from other jurisdictions that public records acts do not require an agency to "reprogram" its computers to respond to a request. *See Yeager v. DEA*, 678 F.2d 315, 324 (D.C. Cir. 1982). In 2011, the General Assembly addressed this question in legislation concerning access to electronic records under the PIA. 2011 Md. Laws, ch. 536; *see* pp. 6-2 through 6-4 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)(i). The 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). So, an agency should comply with a request if it has staff available who routinely perform the type of data extraction requested, but need not do so if it

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 analyze or summarize data. 216 Md. App. at 271-72 (requiring Comptroller to extract data from database of unclaimed property).

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 no longer retained by an agency cannot be examined. *Prince George's County v. The 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 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 §§ 4-361 and 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 Human Relations*, 40 Md. App. 473, 485 (1978), *vacated on other grounds*, 285 Md. 205 (1979); 81 *Opinions of the Attorney General* 164 (1996); *see also* 86 *Opinions of the Attorney General* 94, 108-09 (2001). 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 (1991). If the other law limits access to records, the requesting agency has no greater access under the PIA, as the PIA always 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. In judging the adequacy of an agency's search for documents in response to a FOIA request, the court asks whether the agency has conducted a search reasonably calculated to uncover all relevant documents, not whether it has unearthed every single potentially responsive document. *Ethyl Corp. v. EPA*, 25 F.3d 1241 (4th Cir. 1994); *Neighborhood Alliance of Spokane County v. Spokane County*, 172 Wn.2d 702, 719-20 (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. Dept. of Justice*, 53 F.3d 4 (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, an agency would normally not be required to enlist specialized assistance to reconstitute discarded or deleted records. *Care To Live v. Food and Drug Administration*, 631 F.3d 336, 343-44 (6th Cir. 2011) (agency need not obtain assistance of information technology expert to recover deleted e-mails and electronic documents in order to conduct a reasonable search).

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, GP § 4-103(a), and the requirement that the PIA "be construed in favor of permitting inspection of a record," GP § 4-103(b), these exceptions should be construed narrowly. *See Office of the Governor v. Washington Post Co.*, 360 Md. 520 (2000).

The PIA exceptions fall into three basic categories. First, the exceptions in Subtitle 3, Part I authorize non-disclosure if a source of law outside the Public Information Act prevents disclosure. GP § 4-301. Second, the mandatory exceptions in Parts II and III impose an affirmative obligation on the custodian to deny inspection for specific classes of records and information. Third, the exceptions in Part IV allow 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 (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. The Baltimore Sun Co.*, 381 Md. 79, 95 (2004).

In addition, Part V 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 Security Systems v. Prince George's County*, 378 Md. 702, 716-17 (2003) (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.*, *Boyd v. Gullett*, 64 F.R.D. 169, 176 (D. Md. 1974); *Equitable Trust Co. v. State Comm'n on Human Relations*, 42 Md. App. 53 (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(1), inspection is to be denied where "by law, the public record is privileged or confidential." Furthermore, under GP § 4-301(2), the custodian must deny inspection if the inspection is contrary to:

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

1. State Statutes

Many State statutes bar disclosure of specified records. Examples include Criminal Procedure Article, § 10-219 (restrictions on dissemination of "criminal history record information"), *see* 92 *Opinions of the Attorney General* 26, 30–37 (2007); Courts and Judicial Proceedings Article, § 3-8A-27 (protection of police 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); Correctional Services Article, § 3-602 (inmates' case records), *see* 86 *Opinions of the Attorney General* 226 (2001) (protection does not extend to projected release date for mandatory supervision); and Transportation Article, § 16-118(d) (records of Medical Advisory Board are 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 Tax-General Article, § 13-202 and Tax-Property Article, § 1-301. *See MacPhail v. Comptroller*, 178 Md. App. 115 (2008); Letter of Assistant Attorney General Kathryn M. Rowe to Ms. Ann Marie Maloney (Dec. 15, 2004). Disclosure of "medical records" is restricted by the Maryland Confidentiality of Medical Records Act, § 4-301 *et seq*. of the Health-General Article. *See* 90 *Opinions of the Attorney General* 45, 48-52 (2005). Under GP § 10-615(2)(i), statutes of this kind bar disclosure despite the otherwise broad right of access given by the PIA. *See*, *e.g.*, 81 *Opinions of the Attorney General* 164 (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* 92 *Opinions of the Attorney General* 137 (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. §§ 133(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 (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 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 (1999) (discussing Rule 4-642). Similarly, the Maryland Rules require that a search warrant be issued "with all practicable secrecy." 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 public. For example, Rule 16-723(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 (1982).

The Court of Appeals has adopted rules governing access to various categories of court records. Md. Rule 16-1001 *et seq.* The rules define four classes of court records: administrative records, business license records, notice records, and case records. Rule 16-1001. 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 16-1004(a). Generally, access to administrative and business licensing records is governed by the provisions in the PIA itself. Rule 16-1004(b)(1). Access to case records is addressed in Rules 16-1005 through 16-1007. 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 16-1010(a). On request for inspection of a record, the custodian may seek a preliminary judicial determination on whether the record is subject to inspection. Rule 16-1011. A person who filed a case record before October 1, 2004 – the date the rules took effect – may advise the custodian whether any part of the record is not subject to inspection. Rule 16-1010(b)(2). For a reported decision applying the rules, *see State v. WBAL-TV*, 187 Md. App. 135 (2009).

The court rules generally allow access to electronic records to the same degree that the records are available in paper form. However, a statute enacted in 2010 prohibits the display of social security numbers or driver license numbers on court websites, even if those identifiers would be available for inspection in the paper records. Courts & Judicial Proceedings Article § 1-205.

4. Privileges

The "privileged or confidential by law" exception under GP § 4-301(1) refers to traditional privileges like the attorney-client privilege and the doctrine of grand jury secrecy. For example, the Court of Appeals held that a public defender who was the custodian of a public record consisting of client information must disclose the requested information unless, in doing so, the lawyer would violate Rule 1.6 of the Rules of Professional Conduct. That is, if the requested public record was "information relating to representation of a client" under Rule 1.6, and disclosure would place the attorney in violation of the rule, then the record would be considered confidential under GP § 4-301(1). *Harris v. Baltimore Sun Co.*, 330 Md. 595 (1993). While records subject to the attorney-client privilege must be protected under GP § 4-301(1), the privilege may be waived by the party entitled to assert it. *Caffrey v. Dep't. 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 (1979) (applying common law doctrine of grand jury secrecy).

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 (2000); *Hamilton v. Verdow*, 287 Md. 544 (1980); *Laws v. Thompson*, 78 Md. App. 665, 690-93 (1989); 66 *Opinions of the Attorney General* 98 (1981). The Court of Appeals has stated that the executive privilege encompassed within GP § 4-301(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*, 382 Md. at 161-63. The executive privilege encompassed within GP § 4-301(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 v. Verdow*, 287 Md. 544, 553-54 n.3 (1980). 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*, 382 Md. at 163-67; *see* Part D.1 of this Chapter below.

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 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 recognized that the passage of time might mitigate any harmful effect disclosure might have on the current deliberations of the executive. 360 Md. at 561-65.

The Speech and Debate Privilege provided to legislators by the Maryland Constitution may also prohibit disclosure of records of legislators and a legislative agency. *See* Maryland Constitution, Article III, § 18; Declaration of Rights, Article 10; Letter from Assistant Attorney General Richard E. Israel to William Ratchford (June 29, 1993). Although the constitutional protections applicable to State legislators do not extend to members of county or municipal governing bodies, those officials do possess a common law privilege when acting in a legislative capacity that is considered co-extensive in scope. *Montgomery County v. Schooley*, 97 Md. App. 107, 114-15 (1993); *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(1) and cannot by itself supply a basis for withholding a public record otherwise available under the PIA. *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). 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 (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 Security Systems*, 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 Security Systems*, 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) (municipal ordinance, if construed as a blanket prohibition on disclosure of certain records, would thwart the purpose of 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 (D.C. Cir. 1983) (for this reason, the court gave little weight to a 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 Comptroller of the Treasury v. Immanuel*, 216 Md. App. 259, 273 (2014) (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. 3-44 to 3-46 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(b)(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. The 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 (1992) (Family Educational Rights and Privacy Act 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).

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. § 1861 (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 Court of Appeals has 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. 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, 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. The 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). As to the specific type of records that are protected, *see* 420 Md. at 381 (records of police internal affairs unit related to alleged violations of administrative law were related to employee discipline and therefore personnel records not accessible by county inspector general under the PIA); *Baltimore City Police Dept v. State*, 158 Md. App. 274, 282-83 (2004) (investigation of employee misconduct is personnel record); 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) (information about a complaint filed against an employee is not disclosable); *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 (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).

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. The 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. The 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." *Prince George's County v. The Washington Post Company*, 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, 293 (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 Maryland Dep't of State Police v. Dashiell*, 443 Md. 435 (2015). 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*, Civil No. 13-0949 (D.D.C., May 12, 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, 68 (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 inspection of retirement files or records if a county by law requires an 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 pertaining to individual students 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. 3-42 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 (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 Warrants

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-conspirator have been served.

9. Motor Vehicle Administration Records

Under GP § 4-320(e), absent written consent of the person in interest, the Motor Vehicle Administration may not disclose "personal information" in response to a request for an individual record or as part of 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). 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 *et seq*. The Motor Vehicle Administration may not disclose personal information under any circumstances for purposes of "telephone solicitation," a term defined in the PIA. GP § 4-320(a).

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* Insurance Article, § 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;
- 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; and

- License plate numbers and other data collected by or derived from certain automatic license plate reader systems, GP § 4-326.

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 (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 (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. 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." 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," 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 requestor. *See Office of the Governor v. Washington Post Co.*, 360 Md. 520, 550 (2000). Public employee organizations are permitted greater access 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., 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. The Commission also believes that the public has a right to know the nature of non-pending complaints

> directed to boards against specific licensees. 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). The Department of Labor, Licensing, and Regulation has 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 09.01.04.13. As noted above, this exemption applies 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"). The geological or geophysical data provision obviously is limited in scope and in practice applies only to a few Maryland agencies.

Federal cases and FOIA legislative history are highly persuasive in interpreting what is now GP § 4-335. *See* 63 *Opinions of the Attorney General* 355 (1978). Sources on the scope and extent of the related FOIA exemption include: United States Department of Justice, *Freedom of Information Act Guide & Privacy Act Overview*, Exemption 4 (available on-line as *Freedom of Information Act Guide*, www.justice.gov/oip/foi-act.htm); O'Reilly, *Federal Information Disclosure*, Chapters 14 and 18 (3d ed. 2000); 139 A.L.R. Fed. 225; and 27 A.L.R. 4th 773. 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 the 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 GP § 4-335, the information must 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 (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 v. Washington Post Co.*,

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. 520, 549 (2000).

The problem of determining whether a document reflects confidential commercial or financial information frequently arises as a consequence of procurement bid protests. The following cases that apply FOIA Exemption 4 may be helpful in this context: *Canadian Commercial Corp. v. Department of the Air Force*, 514 F.3d 37 (D.C. Cir. 2008) (line item pricing exempt because disclosure could cause substantial harm to competitive position of contractor); *Worthington Compressors*, *Inc. v. Costle*, 662 F.2d 45 (D.C. Cir. 1981) (substantial cost savings to competitors through FOIA access to data may result in substantial competitive harm to data submitter); *Orion Research Inc. v. EPA*, 615 F.2d 551 (1st Cir. 1980) (disclosure of bid proposal would have chilling effect on willingness of potential bidders to submit future proposals); *Gulf & Western Industries*, *Inc. v. United States*, 615 F.2d 527 (D.C. Cir. 1980) (ability of competitors to calculate data submitter's future bids and pricing structure would cause substantial competitive harm); *Environmental Technology*, *Inc. v. EPA*, 822 F. Supp. 1226 (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 (D.D.C. 1992) (proprietary cost and engineering data voluntarily provided by switch vendors to telecommunications companies under nondisclosure agreements were confidential under FOIA); *Cohen*, *Dunn & Sinclair v. General Services Administration*, Civ. No. 92-57-A (E.D. Va. Sept. 10, 1992) (pricing information was exempt because of deterrent effect on future bids and because disclosure would result in severe economic harm to some bidders); *Audio Technical Services Ltd. v. Department of the Army*, 487 F. Supp. 779 (D.D.C. 1979) (successful bidder's customer list, design concepts and recommendations, and biographical data on key employees were exempt). For an overview of the law governing release of price information under FOIA, *see* McClure, *The Treatment of Contract Prices Under the Trade Secrets Act and Freedom of Information Act Exemption 4: Are Contract Prices Really Trade Secrets?*, 31 Public Contract Law Journal 185 (2002).

Financial or commercial information that persons are *required* to give the government should be considered confidential if disclosure of the information is likely:

> (1) to impair the government's ability to obtain the necessary information in the future; or
>
> (2) to cause substantial harm to the competitive position of the person from whom the information was obtained.

National Parks & Conservation Assoc. v. Morton, 498 F.2d 765, 770 (D.C. Cir. 1974) (footnote omitted). Commercial or financial information that is given to the government *voluntarily* should be considered confidential "if it is of the kind that the provider would not customarily release to the public." *Critical Mass Energy Project v. Nuclear Regulatory Commission*, 975 F.2d 871 (D.C. Cir. 1992), *cert. denied*, 507 U.S. 984 (1993). In general, the submitter of such material should be consulted *before* it is disclosed to a requester.

An opinion of the Attorney General concluded 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 release would impair the government's ability to obtain the necessary information in the future. The opinion suggested that release of such drawings should be examined on a case-by-case basis, however, to determine whether disclosure would give competitors a concrete advantage in obtaining future work on that or a similar project. 69 *Opinions of the Attorney General* 231 (1984); *see also Progressive Casualty v. MAIF*, No. 83/E/1074 (Cir. Ct. for Balt. Co., Feb. 15, 1984) (coverage and premium calculations of Maryland Automobile Insurance Fund's insureds held to be confidential commercial and financial data).

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. The Diamondback*, 352 Md. 74 (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 (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 (1986) (county ethics ordinance 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 Comptroller of the Treasury v. Immanuel*, 216 Md. App. 259, 274 (2014) (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. 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." 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 University College 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.

A "person in interest," generally the person who is the subject of the record, GP § 4-101(e), has a greater right of access to the information contained in investigation and testing records. GP §§ 4-351 (b) and 4-345(b); *see also* Chapter II.A, above.

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." GP § 4-203(c)(1)(i)1.

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 (1981) (executive agency budget recommendations requested by and submitted to the Governor in confidence are subject to executive privilege). This 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).

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* at 382 Md. 163-64; 58 *Opinions of the Attorney General* 53 (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 (3d ed. 2000); *see also Stromberg*, 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. Memoranda exchanged with federal agencies or agencies of other states as part of a deliberative process may 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. A document such as a telephone bill or a 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*, 382 Md. at 165; *City of Virginia Beach v. Department of Commerce*, 995 F.2d 1247 (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). Once an agency's decision has been made, the records embodying the 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 (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*, 382 Md. at 166-67; *EPA v. Mink*, 410 U.S. 73 (1973). Factual information is not disclosable, 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 (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 (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* 382 Md. at 166 (quoting *Hamilton v. Verdow*).

Both GP § 4-344 and the FOIA exemption have also been construed to temporarily protect some time-sensitive government-generated confidential commercial information. *Stromberg*, 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)).

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 (D.C. Cir. 1993). Unless specific reasons can be articulated, the agency decision to withhold documents may be overturned by the courts.

In *Cranford v. Montgomery County*, 300 Md. 759 (1984), 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. It recognized the value of what has come to be called a *Vaughn* index, after the leading federal case, *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). 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(f), which requires a party to "produce any written report made by the expert concerning those findings and opinion . . . ." 300 Md. at 775.

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 (3d ed. 2000); 168 A.L.R. Fed. 143; and United States Department of Justice, Freedom of Information Act Guide (www.justice.gov/oip/exemption5.htm).

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 (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 (2007) (mug shot considered an investigatory record).

Not every record in the possession of the law enforcement agency constitutes a record of an investigation. *See*, *e.g.*, 71 *Opinions of the Attorney General* 288 (1986) (recordings of 911 calls generally not investigatory records); 63 *Opinions of the Attorney General* 543 (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 need for an actual showing that the records were compiled for law enforcement or prosecution purposes. The Court of Appeals has 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 (1977); *see also Blythe v. State*, 161 Md. App. 492, 525-26 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. 118. 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. *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. Where files are prepared in connection with government litigation, and adjudicative proceedings are currently under way or contemplated, they are compiled for law enforcement purposes. *Equitable Trust Co. v. State Human Relations Comm'n*, 42 Md. App. 53 (1979), *rev'd on other grounds*, 287 Md. 80 (1980); *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, (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. *Fioretti*, 351 Md. at 86-91; *but see* 351 Md. at 91-95 (Raker, J., concurring) (characterizing latter holding as "dicta"); *see also Bowen v. Davison*, 135 Md. App. 152 (2000). For further discussion of satisfying the agency's burden when withholding investigatory records, *see* Chapter 5.A.3, below.

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 (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 (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 (9th Cir. 1995), *cert. dismissed*, 516 U.S. 1103 (1996) (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*

Committee Against the Gun Ban, 329 Md. 78 (1993); *see also* 77 *Opinions of the Attorney General* 183 (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 (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 public interest justification is obvious.

Under GP § 4-351(b), however, 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 Mayor and City Council of Baltimore v. Maryland Committee Against the Gun Ban, 329 Md. 78 (1993); *Briscoe v. Mayor and City Council of Baltimore*, 100 Md. App. 124 (1994); 82 *Opinions of the Attorney General* 111 (1997); 81 *Opinions of the Attorney General* 154 (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 v. State*, 161 Md. App. 492, 531 (2005).

The number and wide 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 "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 (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. Nat'l Sec. Agency*, 592 F.3d 60, 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 (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 (1979).

The focus of the provision that protects the identity of a confidential source is not on the motivation of the requestor 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 (1993). Thus, there must be an express or implied assurance of confidentiality to the informant. *Bowen v. Davison*, 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 (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 the experience 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* (Dec. 2008), available at http://www.oag.state.md.us/Opengov/PIA_public_security_exemption_report.pdf. The Attorney General recommended that the exception be maintained in the statute without amendment. *Id.*

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 – 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 would 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 College – Competitive Services

GP § 4-354 authorizes the withholding of certain public records relating to University of Maryland University College'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 University College (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 University College'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 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 by first class mail. GP § 4-355(b)(1).

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." 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* 97 (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 Circuit Court for Baltimore City 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). The same circuit court, citing public safety concerns, also upheld the continued withholding, by the 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. *Department of Health and Mental Hygiene v. Glenn*, No. 24-C-13-004661, Order (Cir. Ct. Balto. City May 8, 2014). 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. *City of Baltimore v. Burke*, 67 Md. App. 147 (1986). More recently, the Circuit Court of 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 circuit 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. Severability of Exempt From Non-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, *cert. granted*, 388 Md. 97 (2005). 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). The obligation to permit inspection is not necessarily limited to *information* that is exempt from disclosure under Part III; it also may apply to *records* that are exempt under Part II. To the extent the obligation may apply to a record under a Part II exemption, severance by way of redaction would be required only if the resulting disclosure of material "does not violate the substance of the exemption." *Maryland State Police v. NAACP*, 430 Md. 179, 195 (2013) (redaction of identifying information from personnel records renders the exemption for such records inapplicable because the remaining record does not constitute a "record of an individual" under what is now GP § 4-311).

FOIA cases establish that an agency may deny inspection if exempt portions of the document 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 (11th Cir. 1992) (factual material may be withheld when it is impossible to segregate it in a meaningful way from deliberative information); *see also Newfeld v. IRS*, 646 F.2d 661 (D.C. Cir. 1981). To the extent that an agency decides that non-exempt information is not segregable, it will have the burden of showing this in a non-conclusory affidavit upon judicial review. *See Wilkinson v. FBI*, 633 F. Supp. 336 (C.D. Cal. 1986).

The persuasive value of these federal cases is unclear in light of 2015 amendments that deleted from the PIA the provision that required agencies to redact exempt material only if it was "reasonably severable" from the rest of the record. *See* GP § 4-203(c)(1)(ii).

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* 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 somewhat inconsistent.

In *Boyd v. Gullett*, 64 F.R.D. 169 (D. Md. 1974), 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) (The PIA is not a privilege that bars discovery of otherwise-discoverable documents).

Although the PIA does not create discovery privileges, 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), 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. 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." *Fields*, 432 Md. 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. 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 pendency of criminal proceedings triggers the GP § 4-351 exemption, which shields investigatory records from disclosure to an accused. 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.

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 proceedings 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 (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 (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 decided to release the document, if that document may be covered under the exceptions in Parts II and III. *Cf. Reliance Elec. v. Consumer Product Comm'n*, 924 F.2d 274 (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 (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 identify categories of records that are available for immediate release under GP § 4-201(c) 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 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 State Government 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. at 227; 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. 7.3 below. 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. 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 (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 may appropriately assist an applicant to clarify a request when feasible.

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 (GP §§ 2-1217 to 2-1227) – 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 procedures of the PIA, including the requirement of a written application. 76 *Opinions of the Attorney General* 287 (1991).

B. Submitting the Request

Requests may be submitted to the agency's "official custodian" or to the person the agency designates as its PIA representative under GP § 4-503(a). That provision 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-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, the custodian must, within 10 working days, provide the applicant with a written statement of the reasons for 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 is 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 hear disputes involving "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-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 ACLU v. Leopold,* 223 Md. App. 97, 124 (2015) (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 (D.C. Cir. 1976) (court allowed 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 (9th Cir. 1976); *Hayden v. Department of Justice*, 413 F. Supp. 1285 (D.D.C. 1976). Other courts have resisted agency efforts to maintain a routine backlog of FOIA requests. *See Ray v. Department of Justice*, 770 F. Supp. 1544 (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. 1588 (N.D. Cal. 1989), *rev'd*, 938 F. 2d 1006 (9th Cir. 1990).

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.*

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, including, if an exemption in Part IV is invoked, a brief explanation why the denial is necessary; (2) the legal authority for the denial; (3) a brief description of the withheld record that will enable the applicant to assess the applicability of the legal authority for the denial; and (4) notice of the remedies for review of the denial. GP § 4-203(c); *City of Frederick v. Randall Family, LLC*, 154 Md. App. 543 (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 four 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.

Chapter 5:
Administrative and Judicial Review

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. The Court did not decide whether proceedings under what is now GP § 4-362 are subject to any other rules governing administrative appeals. *Kline v. Fuller*, 56 Md. App. 294 (1983). 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); s*ee* *Attorney Grievance Commission v. A.S. Abell*, 294 Md. 680 (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 business 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). If the custodian invokes the agency memoranda exception, however, 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 v. Montgomery County*, 300 Md. 759, 776 (1984). The PIA specifically provides that the defendant custodian may submit a memorandum to the court justifying the denial. GP § 4-362(b)(2)(ii). *Cranford* discusses the level of detail necessary to support a denial of access.

To satisfy the statutory burden, an entity or official withholding a record must put forth evidence sufficient to justify the decision. In some circumstances, a court may require the agency to file a *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 Blythe v. State*, 161 Md. App. 492, 521 (2005).

A regulatory agency that denies a person in interest access to an investigatory file under GP § 4-351 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 (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 v. State*, 161 Md. App. 492, 525-26 n.6 (2005). 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 (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 v. State*, 161 Md. App. 492, 527 (2005).

The court may examine the questioned records *in camera* to determine whether an exception applies. GP § 4-362(c)(2); *see Equitable Trust Co. v. State Comm'n on Human Relations*, 42 Md. App. 53 (1979), *rev'd on other grounds*, 287 Md. 80 (1980). GP § 4-362(c)(2) is discretionary, not mandatory. Whether an *in camera* inspection will be made ultimately depends on whether the trial judge believes that it is needed for a responsible determination on claims of exemption. *Cranford v. Montgomery County*, 300 Md. 759, 779 (1984); *see also Zaal v. State*, 326 Md. 54 (1992) (discussing alternative approaches to protecting sensitive records).

B. Administrative Review

In addition to judicial review, a PIA applicant has two options for less formal, administrative review of agency decisions: the Public Access Ombudsman and the State Public Information Act Compliance Board. Both were added to the statute during the 2015 session to give applicants a means of obtaining review of agency decisions without the delay and expense associated with formal administrative or judicial litigation.

1. Public Access Ombudsman

The Ombudsman is a State official charged with making reasonable attempts to resolve disputes between custodians and applicants. 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; and
- repetitive or redundant requests.

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(b)(1). 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 conclusion and the applicant. The ultimate decision whether to accept the Ombudsman's resolution lies with the parties.

The Act does not expressly require an applicant or custodian to bring a dispute before the Ombudsman 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, entirely voluntary means of resolving disputes. Although Ombudsman review is voluntary and 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).

2. State Public Information Act Compliance Board

The State Public Information Act Compliance Board is charged with resolving complaints that a custodian has charged an unreasonable fee of more than $350. For the Board to have jurisdiction, the fee charged must exceed $350; a smaller fee cannot form the basis of a complaint before the Board. GP §§ 4-1A-04(a)(1), 4-1A-05(a). In this respect, then, the Board's role is more limited than the Ombudsman's.

The Board, however, has greater powers than the Ombudsman. Where the Ombudsman plays the role of informal mediator, the Board is authorized to issue written decisions with binding effect. Specifically, the Board, if it determines that the custodian has charged an unreasonable fee of more than $350, has the power to order the custodian to reduce the fee to a reasonable amount determined by the Board and refund the difference. GP § 4-1A-04(a)(2), (3).

Proceedings before the Board are initiated by the filing of a complaint signed by the applicant or the applicant's designated representative. GP § 4-1A-05. The complaint, among other things, must identify the custodian and describe the fee that the custodian charged, the date it was charged, and the circumstances surrounding the imposition of the fee. GP § 4-1A-05(b). The complaint must be filed within 90 days after the date of the challenged action. *Id.*

After a complaint is filed, the Board must refer it to the custodian identified in the complaint. The custodian then has 15 days, from receipt of the complaint, in which to file a written response. If requested by the Board, the custodian must include in the response the basis for the fee that was charged. GP § 4-1A-06(b). If the custodian does not file a response within 45 days of the Board's notice, the Board must decide the case on the facts before it. GP § 1-4A-06(c). If the custodian files a response and the information in the complaint and response is sufficient for the Board to resolve the complaint, the Board may do so without further inquiry and issue a written opinion determining whether the fee violated the "reasonable fee" provisions of GP § 4-206. GP § 4-1A-07(a)(2).

If the Board is not able to resolve the complaint on the basis of the complaint and response, it may hold an informal conference to "hear from the complainant, the custodian, or any other person with relevant information about the subject of the complaint." GP § 4-1A-07(b). The Board may allow the parties to present testimony

in person, via teleconference, 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. *Id.* Although the conference apparently 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).

The Board must issue a written opinion within 30 days of receiving the custodian's response or, if it elects to hold an informal conference, within 30 days after the conference. If the Board is unable to render a decision within that time period, it must state the reasons for its inability and issue an opinion as soon as possible thereafter, but not later than 90 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 opinions are posted on the Attorney General's website.

The 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. GP § 4-1A-10(a). But if an applicant elects to file a complaint with the Board, 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). The filing of an appeal automatically stays the effect of the Board's decision for 30 days from the date on which the defendant serves an answer or otherwise pleads to the complaint, whichever is sooner. GP § 4-1A-10(b)(2). This limited stay appears to have been designed to allow the custodian a period of time in which to seek from the circuit court, under the provisions of Title 7 of the Maryland Rules, a more extended stay pending appeal.

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. A copy of a court judgment may not be provided, however, until the time for appeal has expired or until an appeal has been adjudicated or dismissed. GP § 4-205(e). This provision should be applied only to non-litigants, since the Maryland Rules of Procedure require copies to be furnished to litigants. *See* Memorandum from Assistant Attorney General Catherine M. Shultz to Clerks of the Circuit Courts (July 27, 1983). Another exception 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, State Gov't § 2-1249.) 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 (D.D.C. 1984); *Chapin v. Freedom of Info. Comm.*, 22 Conn. App. 316, 577 A.2d 300 (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 (1971); 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.

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); *see* O'Reilly, *Federal Information Disclosure* § 7:37 (3d ed. 2000). Until recently, 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 – generally, a rare possibility. 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. For example, it may record each time the record was opened or edited. 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(a)(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.

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."). The custodian may charge a "reasonable fee" to search for, prepare, and reproduce a record in a customized format selected by the applicant, and 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. 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.

The actual cost of a response must be calculated by prorating the salaries of the staff and attorneys involved in the response by the actual time they spent searching for and preparing the record for disclosure. GP § 4-206(b)(2).

On a rare occasion, a requester (or group of requesters) may attempt to artificially break a large request into a series of smaller requests to obtain two free hours searching

for each request in order to circumvent the assessment of fees. If the purpose is clear, it seems reasonable for the agency to aggregate those requests as a single request with the appropriate fee. 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 to discourage those requests.

Although the PIA does not address the issue of prepayment of fees, agency regulations may do so. The Court of Appeals has indicated that an agency may appropriately require prepayment of fees. *Ireland v. Shearin*, 417 Md. 401, 412 n.8 (2010) (agency may require inmate to prepay fees for copies when inmate is unable to inspect records personally due to incarceration). 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 09.01.04.14D (Department of Licensing and Regulation). 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. § 2.18 (Department of the Interior); *see also Pollack v. Department of Justice*, 49 F.3d 115 (4th Cir.), *cert. denied*, 516 U.S. 843 (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 (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 (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). Fees should not be set simply to deter requests to inspect records or get copies.

Many agencies have standard schedules of fees for copies. For example, the Department of Agriculture charges 15¢ per page for a copy of a record. COMAR 15.01.04.14. Agencies should adopt standard 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).

C. 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.

A requester 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 indigency affidavit is contained in Appendix D.

To determine whether a waiver is in the public interest, 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 a public purpose justifies 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. The Court suggested that relevant factors included the public benefit in making available information concerning one of the City's major financial undertakings and the danger that imposing a fee for information upon a newspaper publisher might have a chilling effect on the full exercise of freedom of the press. *City of Baltimore v. Burke*, 67 Md. App. 147 *cert. denied*, 306 Md. 118 (1986); *see also* 81 *Opinions of the Attorney General* 154 (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).

In deciding whether to waive a fee, an official custodian may find it helpful to look at case law interpreting the comparable FOIA provision, 5 U.S.C. § 552(a)(4)(A). In one useful case, *Project on Military Procurement v. Dept. of Navy*, 710 F. Supp. 362

(D.D.C. 1989), the federal court identified as material factors the potential that the requested disclosure would contribute to public understanding and the significance of that contribution. *See also Larson v. CIA*, 843 F.2d 1481 (D.C. Cir. 1988) (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); *National Treasury Employees Union v. Griffin*, 811 F.2d 644 (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 (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 (S.D.N.Y. 1982) (overturning agency's decision denying fee waiver when university professor sought materials for academic lectures and articles).

Chapter 8:
Remedies

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. Dep't of Liquor Control for Montgomery County*, 370 Md. 272, 299 (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.* (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. *Caffrey*, 370 Md. at 385 (citing *Kirwan v. The Diamondback*, 352 Md. 74, 95-96 (1998)); *see also Stromberg Metal Works, Inc. v. University of Maryland*, 395 Md. 120 (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 (1983). However, protection from damages does not equate to protection from liability and does not protect against the award of attorney fees under the PIA. *Caffrey v. Department of Liquor Control for Montgomery County*, 370 Md. 272, 296 (2002).

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 (2006) (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 "applicant." 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 (1976); 65 *Opinions of the Attorney General* 365 (1980). This section applies to any person, not just to custodians or agency employees.

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(f), 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 ACLU v. Leopold,* 223 Md. App. 97, 121 (2015) (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:

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 requestor 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(e).

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).

Chapter 11:
Restrictions on the Creation and Collection of Personal Records

Concerns about individual privacy prompted the General Assembly to prohibit a unit of the State or of a local government from creating "personal records" absent a clearly established need. GP § 4-501(b).[1] A "personal record" is defined as one that "names or, with reasonable certainty, otherwise identifies an individual by an identifying factor such as" an address, description, fingerprint, voice print, number, or picture. GP § 4-501(a).

The statute also mandates that State agencies collect personal information from the person in interest to the greatest extent practicable. GP § 4-501(c)(2). The person in interest is to be informed of: (1) the purpose for which the personal information is collected; (2) the consequences of refusing to provide the information; (3) the right to inspect, amend, or correct personal records; (4) whether personal information is generally available for public inspection; and (5) whether the information is shared with any other entity. GP § 4-501(c)(3).

The restrictions do not apply to certain personal records, including the collection of personal information related to the enforcement of criminal laws or the administration of the penal system, certain investigatory materials, records accepted by the State Archivist, information collected in conjunction with certain research projects, and personal records that the Secretary of Budget and Management exempts by regulation. GP § 4-501(c)(5). In addition, these provisions may not be construed to preempt or conflict with provisions concerning medical records under Title 4, Subtitle 3 of the Health-General Article. 2000 Md. Laws, ch. 4, § 2. Finally, each unit of State government is required to post its privacy policies concerning collection of personal information on its internet web site. GP § 4-501(c)(4).

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[1] A provision outside of the PIA itself calls for agencies to keep only the information about a person that is needed to accomplish a governmental purpose. GP § 4-102.

SAMPLE REQUEST LETTER

August 31, 2015

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)

September 17, 2015

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 September 2, 2015, 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 September 25. 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

September 25, 2015

Connie Have, Esquire
1000 Lawyer Building
Baltimore, Maryland 21200

Dear Ms. Have:

I have received your letter dated August 31, 2015, 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.

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, 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. Your client also has the option to file a complaint with the Public Information Act Compliance Board concerning the amount of the fee charged, *see* GP § 4-1A-01 *et seq.*, and may also refer any concerns about this decision to the Public Access Ombudsman pursuant to GP § 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 <u>not</u> 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 Article[1]

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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) "Political subdivision" means:

(1) a county;

(2) a municipal corporation;

(3) an unincorporated town;

(4) a school district; or

(5) a special district.

(j) (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 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.

§ 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.

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 an official 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 one member of the Board shall be an attorney admitted to the Maryland Bar.

(4) (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.

(5) Subject to paragraphs (2) and (3) 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 (4) 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) The Office of the Attorney General shall provide staff and office space for the Board.

§ 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 charged an unreasonable fee under § 4–206 of this title;

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

(3) if the Board finds that the custodian charged an unreasonable fee under § 4–206 of this title, order the custodian to reduce the fee to an amount determined by the Board to be reasonable and refund the difference.

(b) The Board shall:

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

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

(c) (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 opinions 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 or the applicant's designated representative may file a written complaint with the Board seeking a written opinion and order from the Board if:

(1) a custodian charged a fee under § 4–206 of this title of more than $350; and

(2) the complainant alleges in the complaint that the fee is unreasonable.

(b) The complaint shall:

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

(2) describe the action of the custodian, 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

(5) be filed within 90 days after the action that is the subject of the complaint occurred.

§ 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 identified in the complaint; and

(2) request that a response to the complaint be sent to the Board.

(b) (1) The custodian shall file a written response to the complaint within 15 days after the custodian receives the complaint.

(2) On request of the Board, the custodian shall include with its written response to the complaint the basis for the fee that was charged.

(c) If a written response is not received within 45 days after the notice 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) If the information in the complaint and response is sufficient for making a determination based on the Board's own interpretation of the evidence, within 30 days after receiving the response, the Board shall issue a written opinion as to whether a violation of this title has occurred or will occur.

(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 custodian, 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 custodian.

(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 opinion within 30 days after the informal conference.

(c) (1) If the Board is unable to issue an opinion 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 an opinion; and

(ii) issue an opinion as soon as possible but not later than 90 days after the filing of the complaint.

(2) An opinion of the Board may state that the Board is unable to resolve the complaint.

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

§ 4–1A–08.

(a) The Board may send to any custodian in the State any written opinion 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 opinions 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) 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 or no more than 30 days after the date on which the defendant serves an answer or otherwise pleads to the complaint, whichever is sooner.

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) 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 (b) 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.

(b) (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 paragraph (2) of this subsection, disclose information received from an applicant or custodian without written consent from the applicant and custodian.

(2) The Ombudsman may disclose information received from an applicant or custodian to the assistant Attorney General assigned to the Office of the Ombudsman.

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) The custodian shall grant or deny the application promptly, but not more than 30 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 and, if inspection is denied under § 4–343 of this title, a brief explanation of why the denial is necessary;

2. the legal authority for the denial;

3. 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

4. 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 seeks resolution of a dispute under § 4–1B–04 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.

(e) An applicant may not have a copy of a judgment until:

(1) the time for appeal expires; or

§ 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. (2) if an appeal is noted, the appeal is dismissed or adjudicated.

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; or

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

§ 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.

§ 4-315. 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, not-for-profit 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, 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 (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.

§ 4-321. 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. Reserved.

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 home address of the notary public;

(3) the home and business telephone numbers of the notary public;

(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 Number.

(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. Reserved.

§ 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 subsection (b) 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; or

(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.

(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.

§ 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 University College Records.

(a) A custodian may deny inspection of any part of a public record that:

(1) relates to the University of Maryland University College's competitive position 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 University College, 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 University College, 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 University College 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 University College;

(2) the University of Maryland University College 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 University College;

(ii) the record relates to a matter that is the subject of collective bargaining negotiations between the exclusive representative and the University of Maryland University College; and

(iii) the exclusive representative has entered into a nondisclosure agreement with the University of Maryland University College 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 electronic 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. RESERVED.

§ 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) 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.

(6) If the Secretary of Budget and Management adopts regulations under paragraph (5)(v) of this subsection, the Secretary shall report, in accordance with § 2-1246 of the State

Government Article, to the General Assembly on the personal records exempted from the requirements of this subsection.

(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 electronic 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 to 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, when 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 to 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, to resolve disputes under the Act.

(12) "Public record" has the meaning stated in General Provisions Article, § 4-101(j), 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 Saturday, Sunday, or a State holiday.

.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 prevent 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 one or more copies 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 name and address;

B. Be signed by the applicant; and

C. 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. If the custodian is unknown, the request may be addressed to the Secretary or the PIA Coordinator.

.09 Response to Request.

A. (1) If the custodian decides to grant a request for inspection, the custodian shall produce the public record for inspection:

(a) Immediately; or

(b) Within a reasonable time period, not to exceed 30 days after the date of the request, if that period is needed to retrieve the public record and conduct any necessary review.

(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:

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

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

(c) The reason why it will take more than 10 working days to produce the records.

B. (1) If the custodian decides to deny a request for inspection, the custodian shall:

(a) Deny the request within 30 days after the request; and

(b) Immediately notify the applicant of the denial.

(2) 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:

(a) The reasons for the denial;

(b) The legal authority for the denial; and

(c) Notice of the remedies available for review of the denial.

C. 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 for the denial, including, for records denied under § 4-343 of the General Provisions Article, a brief explanation of:

(a) Why denial is necessary; and

(b) Why the harm from disclosure of the public record would be greater than the public interest in providing access to the information in the public record such that disclosure of the public record would be contrary to the public interest;

(2) The legal authority for the denial;

(3) Without disclosing the protected information, a brief description of the undisclosed records 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.

D. 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.

E. Any time limit imposed by paragraphs A through 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 initiated by the applicant is pending before the Public Access Ombudsman.

.10 Notice to and Consideration of Views of Person Potentially 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 that public record.

B. The custodian may consider the views of the potentially affected person before deciding whether to disclose the public record to an applicant.

.11 Electronic Records.

A. Except as provided in Sections 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.

D. The custodian may remove metadata from an electronic document before providing the electronic record to an applicant by:

(a) Using a software program or function; or

(b) Converting the electronic record into a different searchable and analyzable format.

.12 Public Record Destroyed or Lost.

If the custodian knows that a requested public record of the Department has been destroyed or lost, the custodian 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 Review of Denial.

A. 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, Annotated Code of Maryland, without pursuing the remedies set forth in §§ B and C of this regulation.

B. If the custodian charges a fee of more than $350 under Regulation .15 of this chapter, the applicant may, within 90 days after the date the fee is imposed, file a written complaint with the Board under General Provisions Article, § 4-1A-05(a), Annotated Code of Maryland.

C. The applicant and the custodian each may contact the Public Access Ombudsman to resolve, under General Provisions Article, Title 4, Subtitle 1B, Annotated Code of Maryland, a dispute relating to requests for public records.

.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. The fee schedule for copying and certifying copies of public records of the Department is as follows:

(1) Copies.

(a) The fee for each copy made by a standard printer or photocopying or scanning machine within the Department is 25 cents per page.

(b) The fee for each copy made otherwise shall be based on the actual cost of reproduction.

(2) Certification of Copies. If a person requests that a copy of a public record be certified as a true copy, an additional fee of $1 per page (or if appropriate, per item) shall be charged.

(3) Minimum Fee. No charge will be made if the total fee is $10 or less.

B. Notwithstanding paragraph A of this regulation, 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.

C. 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.

D. Before copying a public record of the Department, the custodian shall estimate the cost of reproduction and either:

(1) Obtain the agreement of the applicant to pay the cost; or

(2) Require prepayment of all or a portion of the cost.

E. Search and Preparation Fee.

(1) Except as provided in paragraph of this regulation, the custodian may charge a reasonable fee for time that an official or employee of the Department spends:

(a) To search for requested public records;

(b) Review requested public records for potential disclosure; and

(c) To prepare public records for inspection and copying.

(2) The custodian shall determine the fee under Subsection (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.

F. The custodian may not charge a fee under § E of this regulation for the first 2 hours spent searching for and preparing a public records for inspection.

G. Waiver or Reduction of Fee.

(1) The official custodian may waive or reduce any fee set under this regulation if:

(a) The applicant requests a waiver; and

(b) (i) The custodian determines that 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 is in the public interest, the custodian shall consider, among other relevant factors, the ability of the applicant to pay the fee.

H. 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.

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 to 4-601, Annotated Code of Maryland.

(2) "Applicant" has the meaning stated in General Provisions Article, § 4-101(b), Annotated Code of Maryland.

(3) "Custodian" has the meaning stated in General Provisions Article, § 4-101(d), Annotated Code of Maryland.

(4) "Department" means the Department of _____.

(5) "Person in interest" has the meaning stated in General Provisions Article, § 4-101(g), Annotated Code of Maryland.

(6) "Public record" has the meaning stated in General Provisions Article, § 4-101(j), Annotated Code of Maryland.

(14) "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 requestor is not authorized to inspect the record; or

(c) Of any other reason authorized by law.

.08 Refusal of Request.

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 shall:

A. Be on pages no larger than 8½ x 11 inches in size;

B. Use only one side of each page; and

C. Consist of no more than five pages.

.10 Providing 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

OFFICE OF THE ATTORNEY GENERAL

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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: http://www.oag.state.md.us/opengov/pia.htm

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 applies to all three branches of Maryland state government as well as local government entities. 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, firms, 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 to 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) If the agency has charged you more than $350 and you believe that fee to be unreasonable, you can file a complaint with the Public Information Act Compliance Board; and (3) You can initiate informal mediation of the dispute through the Public Access Ombudsman within the Office of the Attorney General.

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	Nadine Maeser, Public Information Officer	580 Taylor Ave., Annapolis, MD 21401	(410) 260-1486	Nadine.maeser@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	Barbara Bond	200 St. Paul Place, Baltimore, MD 21202	(410) 576-6405	bbond@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	Christopher Kelter, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4723	christopher.kelter@maryland.gov
Board of Chiropractic and Massage Therapy	Laurie Sheffield-James, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4726	laurie.sheffield-james@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
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

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Board of Morticians and Funeral Directors	Ruth Ann Arty, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4792	ruthann.arty@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 Honeycutt	Spring Grove Hospital Center, 55 Wade Avenue, 4th Fl., Baltimore, MD 21228	(410) 402-8560	lauren.honeycutt@maryland.gov
Board of Optometry	Kecia Dunham	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4710	kecia.dunham@maryland.gov
Board of Pharmacy	Brian Logan	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-5924	briank.logan@maryland.gov
Board of Physical Therapy	Carlton Curry, Executive Director	4201 Patterson Avenue, Baltimore, MD 21215	(410) 764-4752	carlton.curry@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
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	Mattew Fraling		(410) 951-3845	mfraling@coppin.edu
Court of Appeals of Maryland	Bessie M. Decker, Clerk	361 Rowe Boulevard, Annapolis, MD 21401	(410) 260-1500	Bessie.decker@mdcourts.gov; www.mdcourts.gov/coappeals

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Department of Aging	Jeffrey H. Myers	301 W. Preston Street, Rm. 1007, Baltimore, MD 21201	(410) 767-1110	Jeffrey.myers@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 Pepersack	45 Calvert Street, Annapolis, MD 21401	(410) 260-6261	Nick.pepersack@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	Michael Swygert, Records Management Center	7275 Waterloo Road, PO Box 275, Jessup, MD 20794	(410) 799-1930	Dgs.piarequest@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, Licensing and Regulation	Fallon Pearre	500 N. Calvert Street, 4th Fl., Baltimore, MD 21202	(410) 230-6241	fallon.pearre1@maryland.gov
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	Eugene Deems, PIA Coordinator	Office of Communications, 580 Taylor Avenue, D4, Annapolis, MD 21401	(410) 260-8014	PIA.DNR@Maryland.gov
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

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Department of the Environment	Amanda R. Degen Interdepartmental Information Liaison	1800 Washington Blvd, Baltimore, MD 21230	(410) 537-4120	amanda.degen@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.	21 State 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	Cathy Barba		(410) 697-9262	Cathy.barba@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	Robyne McCullough	100 Community Place, 1st Floor Crownsville, MD 21032	(667) 967-9022	Robyne.mccullough@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
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

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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)	Chris Lokey	707 North Calvert Street. Baltimore, MD 21202	(410) 545-0405	clokey@sha.state.md.us
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
Maryland Energy Administration	Ralph Scherini, Director of Fin. & Admin.	60 West Street, Ste. 300, Annapolis, MD 21401	(410) 260-7184	ralph.scherini@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

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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
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

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Maryland State Dept. of Education	Samantha Foley Public Affairs Officer	200 W. Baltimore St., Baltimore, MD 21201	(410) 767-0482	samantha.foley1@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 State Law Library	Steve Anderson, Director	Robert C. Murphy Courts of Appeal Building, 361 Rowe Boulevard, Annapolis, MD 21401-1697	(410) 260-1432	lawlibrary@mdcourts.gov; http://www.lawlib.state.md.us/
Maryland State Police	Rhea Harris, Office of the Superintendent	1201 Reisterstown Road, Pikesville, MD 21208	(410)653-4314	msp.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	Anna Marie Smith	6 Saint Paul Street, Ste. 200, Baltimore, MD 21202	(410) 767-8731	annamarie.smith@maryland.gov; www.MSRP.maryland.gov
Maryland Transportation Authority (MDTA)	Christopher Imms	2310 Broening Highway, 2nd Fl, Baltimore, MD 21224	(410) 537-1019	cimms@mdta.state.md.us; www.mdta.maryland.gov
Maryland-National Capital Park & Planning Commission	Anju A. Bennett Acting 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; *Please cc Authority's general e-mail address* 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
Open Meetings Compliance Board	Janice Clark	200 St. Paul Pl., Baltimore, MD 21202	(410) 576-7033	OpenGov@oag.state.md.us

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Public Information Act Compliance Board	Janice Clark	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	Janice Clark	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	Michael Bruckler	47645 College Drive, St. Mary's City, MD 20686	(240) 895-2045	mlbruckler@smcm.edu www.smcm.edu
State Department of Assessments & Taxation	Jason Davidson	300 W. Preston Street, Room 511, Baltimore, MD 21201	410-767-5754	Jason.davidson2@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	Charles Blomquist	300 East Joppa Road, Suite #410 Towson, Maryland 21286	410-321-4067	charles.blomquist@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
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

STATE GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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 21502-2882	(301) 777-2526 ext. 124	breinhard@alleganygov.org 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 – 1st Floor Cumberland, MD 21502	(301) 724-3760	mpirolozzi@registers.maryland.gov
Anne Arundel County, Administrative Hearing Officer	Tammy Norman	44 Calvert Street, Annapolis, MD 21401	(410) 222-1266	zhnorm50@aacounty.org
Anne Arundel County, Aging & Disabilities	Brandi Dicke	2666 Riva Road, 4th Floor, Annapolis MD 21401	(410) 222-4464	agdick56@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	Susan Smith	44 Calvert Street, Annapolis, MD 21401	(410) 222-1138	Ausmit88@aacounty.org
Anne Arundel County Board of Elections	Joe Torre Election Director	P.O. Box 490 7320 Ritchie Highway, Ste. 200 Glen Burnie, MD 21060-0490	(410) 222-6601 ext. 3011	joseph.torre@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	Janae Henson	44 Calvert Street, Annapolis, MD 21401	(410) 222-1222	bumoul22@aacounty.org
Anne Arundel County Central Services	Roz Hamlett	44 Calvert Street, Annapolis, MD 21401	(410) 222-1390	exhaml00@aacounty.org
Anne Arundel County, Public Information	Roz Hamlett	44 Calvert Street, Annapolis, MD 21401	(410) 222-1390	exhaml00@aacounty.org
Anne Arundel Community College	Melissa Beardmore	101 College Parkway Arnold, MD 21012	(410)777-2411	mabeardmore@aacc.edu

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Anne Arundel County, Controller/Finance	Roz Hamlett	44 Calvert Street, Annapolis, MD 21401	(410) 222-1390	exhaml00@aacounty.org
Anne Arundel County, County Council	Joanne Gray	44 Calvert Street, Annapolis, MD 21401	(410) 222-1401	ccgray00@aacounty.org
Anne Arundel 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
Anne Arundel County, Detention	Terry Kokolis	131 Jennifer Road, Annapolis, MD 21401	(410) 222-7374	dckoko00@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	Roz Hamlett	44 Calvert Street, Annapolis, MD 21401	(410) 222-1390	exhaml00@aacounty.org
Anne Arundel County Fire Department	Capt. Russ Davies	8501 Veterans Highway, Millersville, MD	(410) 222-8305	fddavies@aacounty.org
Anne Arundel County, Government Relations	Roz Hamlett	44 Calvert Street, Annapolis, MD 21401	(410) 222-1390	exhaml00@aacounty.org
Anne Arundel County Health Department	Elin Jones	3 Harry Truman Parkway, Annapolis, MD 21401	(410) 222-7095	hdjones@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	Roz Hamlett	44 Calvert Street, Annapolis, MD 21401	(410) 222-1390	exhaml00@aacounty.org
Anne Arundel County, Personnel	Roz Hamlett	44 Calvert Street, Annapolis, MD 21401	(410) 222-1390	exhaml00@aacounty.org
Anne Arundel County, Planning & Zoning	Tracie Reynolds	2664 Riva Road, Annapolis, MD 21401	(410) 222-7502	ipreyn26@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	Rick Anthony, Director	1 Harry S. Truman Pkwy Annapolis, MD 21401	(410) 222-7867	rpanth49@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
Baltimore County, Board of Elections	Katie A. Brown Director	11112 Gilroy Road, Ste. 104 Hunt Valley, MD 2103	(410) 887-0902	kabrown@baltimorecountymd.gov www.baltimorecountymd.gov/agencies/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/countycouncil/index
Baltimore County, County Executive/Administration	James R. Benjamin, Jr. County Attorney	400 Washington Ave., Ste. 219 Towson, MD 21204	(410) 887-4420	jrbenjamin@baltimorecountymd.gov www.baltimorecountymd.gov/agencies/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/Agencies/aging/index
Baltimore County, Department of Corrections	Whitney Evans Personnel Manager	720 Bosley Avenue Towson, MD 21204	(410) 512-3417	wmevans@baltimorecountymd.gov www.baltimorecountymd.gov/agencies/corrections
Baltimore County, Dept. of Economic and Workforce Development	Will Anderson, Director	400 Washington Ave., Ste. 100 Towson, MD 21204	(410) 887-8000	dewdpia@baltimorecountymd.gov www.baltimorecountymd.gov/Agencies/economicdev/baltimorecountybusiness

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Baltimore County, Dept. of Environmental Protection and Sustainability	David V. Lykens Acting Director	111 West Chesapeake Avenue, Ste. 319 Towson, MD 21204	(410) 887-8028	dlykens@baltimorecountymd.gov www.baltimorecountymd.gov/agencies/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/Agencies/hhs
Baltimore County Dept. of Permits, Approvals and Inspections	Marissa Merrick, Assistant County Attorney	111 W. Chesapeake Ave., Ste. 105 Towson, MD 21204	(410) 887-3353	mmerrick@baltimorecountymd.gov www.baltimorecountymd.gov/Agencies/permits
Baltimore County, Department of Planning	C. Pete Gutwald, Director	105 W. Chesapeake Ave., Ste. 101 Towson, MD 21204	(410) 887-3211	cpgutwald@baltimorecountymd.gov www.baltimorecountymd.gov/agencies/planning
Baltimore County Department of Public Works	Thomas Kiefer Acting Director	111 W. Chesapeake Ave., Ste. 307 Towson, MD 21204	(410) 887-3300	tkiefer@baltimorecountymd.gov www.baltimorecountymd.gov/agencies/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/Agencies/recreation
Baltimore 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
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/Agencies/fire
Baltimore County, 911 Communications Center	Tammy Price, Chief	401 Bosley Avenue Towson, MD 21204	(410) 307-2000	tmprice@baltimorecountymd.gov www.baltimorecountymd.gov/Agencies/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/agencies/budfin
Baltimore County, Office of Human Resources	Julie Guilbault Deputy Director	308 Allegheny Avenue Towson, MD 21204	(410) 887-3122	jguilbault@baltimorecountymd.gov www.baltimorecountymd.gov/Agencies/humanresources
Baltimore County, Office of Ethics and Accountability	Kelly Madigan Executive Director	Historic Courthouse 400 Washington Avenue Towson, Maryland 21204	410-887-6500	kmadigan@baltimorecountymd.gov

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Baltimore County, Office of Information Technology	Pam Platt Deputy Director	400 Washington Avenue, Rm. 33 Towson, MD 21204	(410) 887-2441	OITPIAREQ@Baltimorecountymd.gov www.baltimorecountymd.gov/agencies/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/Agencies/law *Includes a list of County PIA contacts at*: www.baltimorecountymd.gov/agencies/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)	Miriam Levy	700 Joppa Road Towson, MD 21286	(410) 887-2210	policepia@baltimorecountymd.gov www.baltimorecountymd.gov/Agencies/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/Agencies/police
Baltimore County Public Library	James C. Cooke Assistant Director, Support Services	320 York Road Towson, MD 21204	(410) 887-6122	jccooke@bcpl.net www.bcpl.info
Baltimore County Public Schools	Margaret-Ann F. Howie General Counsel	6901 Charles St. Towson, MD 21204	(410) 887-4060	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. Ruby Hernandez	401 Bosley Avenue, Ground Fl. Towson, MD 21204	(410) 887-3151	rhernandez@baltimorecountymd.gov www.baltimorecountymd.gov/agencies/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/agencies/statesattorney
Baltimore County, Soil Conservation District	James B. Ensor District Manager	1114 Shawan Road Cockeysville, MD 21030	(410) 527-5920 x3	jbensor@baltimorecountymd.gov

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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	mphipps@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
Carroll County Board of Elections	Katherine Berry		(410) 386-2958	Katherine.Berry@maryland.gov

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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.catoctinfredericksscd.com
Cecil College	Richard Haubert	One Seahawk Drive North East, MD 21901	(410) 287-1054	rhaubert@cecil.edu www.cecil.edu
Cecil County	Alfred C. Wein, Jr. Dir. of Administration	200 Chesapeake Blvd., Ste. 2100 Elkton, MD 21921	(410) 996-8300	awein@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
Cecil County, Register of Wills	Michael W. Dawson	Circuit Courthouse 129 East Main Street, Suite 102	(410) 996-5330	mdawson@registers.maryland.gov

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
		Elkton, MD 21921		
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, 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.ccso.us
Charles Soil Conservation District	Luis Dieguez District Manager	4200 Gardiner Road Waldorf, MD 20601-2086	(301) 638-3028	Luis.dieguez@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
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 Svs	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

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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 Svs	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	Monique Wilson	191 South East Street Frederick, MD 21701-5918	(301) 696-6859	monique.wilson@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
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@garrettcounty.org www.garrettcounty.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
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	James Richardson	220 S Main Street Bel Air, MD 21014	410-638-3201	jcrichardson@harfordcountymd.gov http://www.harfordcountymd.gov/296/Human-Resources

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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	kdmyers@harfordcountymd.gov http://www.harfordcountymd.gov/158/Procurement
Harford County, Dept. of Public Works	Ruby Comer	212 S. Bond Street, 3rd Fl. Bel Air, MD 21014	410-638-3285	racomer@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	Steven Overbay	2021-D Pulaski Hwy. Havre de Grace, MD 21078	410-638-4735	ssoverbay@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
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

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Harford County Council	Charles E. Kearney, Jr. Council Attorney Mylia 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/
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	6751 Columbia Gateway Dr., Ste. 400 Columbia, MD 21046	(410) 313-6000	mhogg@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
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/

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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 Chesterstown, 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 County Attorney's Office	Edward B. Lattner, Chief	101 Monroe Street, Third Floor Rockville, MD 20850	(240) 777-6700	Edward.Lattner@MontgomeryCountyMD.gov www.montgomerycountymd.gov/cat/index.html
Montgomery County Board of Appeals	Barbara Jay	100 Maryland Avenue, Room 271 Rockville, MD 20850	(240) 777-6600	barbara.jay@montgomerycountymd.gov www.montgomerycountymd.gov/boa/
Montgomery County Community Use of Public Facilities	Blaise DeFazio	255 Rockville Pike, Suite 201 Rockville, MD 20850	(240) 777-2703	blaise.defazio@montgomerycountymd.gov www.montgomerycountymd.gov/pol
Montgomery County Council	Amanda Mihill	100 Maryland Avenue, 5th floor Rockville, MD 20850	(240) 777-7815	amanda.mihill@montgomerycountymd.gov www.montgomerycountymd.gov/council/
Montgomery County Department of Corrections and Rehabilitation	Kaye Beckley	22880 Whelan Lane Boyds, 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	Kim Morris Administrative Assistant	255 Rockville Pike, Suite 120 Rockville, MD 20874	(240) 777-7730	kimberly.morris@montgomerycountymd.gov www.montgomerycountymd.gov/dep
Montgomery County Ethics Commission	Erin Chu	100 Maryland Avenue, Room 204 Rockville, MD 20850	(240) 777-6676	Erin.Chu@montgomerycountymd.gov www.montgomerycountymd.gov/ethics

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Montgomery County Department of Finance	Dennis Hetman Contracts & Special Projects Manager	Department of Finance Montgomery County, MD	(240) 777-8861	dennis.hetman@montgomerycountymd.gov
Montgomery County Fire and Rescue Service (MCFRS)	Pete Piringer Public Information Officer	100 Edison Park Drive, 2nd Floor Gaithersburg, MD 20878	(240) 777-2427	Peter.Piringer@ montgomerycountymd.gov www.montgomerycountymd.gov/mcfs
Montgomery County Department of General Services	Lisa Alderson	101 Monroe Street, 11th Floor Rockville, MD 20850	(240) 777-6026	Lisa.alderson@montgomerycountymd.gov www.montgomerycountymd.gov/council/
Montgomery County Department of Housing & Community Affairs	Dan McHugh Manager	100 Maryland Avenue, Room 260 Rockville, MD 20850	(240) 777-3735	dan.mchugh@montgomerycountymd.gov www.montgomerycountymd.gov/dhca
Montgomery County Dept of Technology Svs	Helen Ni	101 Monroe Street, EOB 13th floor Rockville, MD 20850	(240) 777-2807	Helen.ni@montgomerycountymd.gov
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 Office of Consumer Protection	Tracy D. Rezvani	1451 Seven Locks Road, 1st Floor Rockville, MD 20854	(240) 777-3636	Tracy.rezvani@montgomerycountymd.gov www.montgomerycountymd.gov/consumer
Montgomery County Office of the County Executive	Sonetta Neufville	101 Monroe Street, 2nd Floor Rockville, MD 20850	(240) 777-2516	Sonetta.Neufville@montgomerycountymd.gov www.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	Phillip M. Daniels Compensation Analyst	101 Monroe Street Rockville, MD 20850	(301) 777-5051	phillip.Daniels@montgomerycountymd.gov www.montgomerycountymd.gov/ohr

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Montgomery County Office of Intergovernmental Relations	Kathleen Boucher	101 Monroe Street, 4th floor Rockville, MD 20850	(240) 777-6554	kathleen.Boucher@montgomerycountymd.gov www.montgomerycountymd.gov/ojr
Montgomery County Office of Inspector General	Mollie Habermeier	51 Monroe Street, Suite 802 Rockville, MD 20850	(240) 777-8245	Mollie.Habermeier@montgomerycountymd.gov www.montgomerycountymd.gov/oig
Montgomery County Office of Legislative Oversight	Chris Cihlar	100 Maryland Avenue, 5th Floor	(240) 777-7996	chris.cihlar@montgomerycountymd.gov www.montgomerycountymd.gov/OLO/index.html
Montgomery County Department of Recreation	Susan Hoffmann Community Outreach & Public Relations	4010 Randolph Road Silver Spring, MD 20902	(240) 777-6962	Susan.hoffmann@montgomerycountymd.gov www.montgomerycountymd.gov/rec/
Montgomery County Office of Procurement	Mary Ellen Davis	255 Rockville Pike, Suite 180 Rockville, MD 20850	(240) 777-9900	MaryEllen.Davis-Martin@montgomerycountymd.gov
Montgomery County Office of Public Information	Ohene Gyapong	101 Monroe Street, Fourth Floor Rockville, MD 20850	(240) 777-6507	Ohene.gyanpong@montgomerycountymd.gov https://www.montgomerycountymd.gov/opi/site/home.html
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 College	Tim Dietz, General Counsel	9221 Corporate Drive, Rockville, MD 20850	(240) 567-4384	PublicInformationAct@montgomerycollege.edu www.montgomerycollege.edu
Montgomery County Dept. of Transportation	Tony Alexiou	101 Monroe Street, Tenth Floor Rockville, MD 20850	(240) 777-7198	Nectarios.Alexiou@montgomerycountymd.gov www.montgomerycountymd.gov/dot/index.html
Montgomery County Office of Zoning and Administrative Hearings	Sara Behanna-Moseley	100 Maryland Avenue, Suite 200 Rockville, MD 20850	(240) 777-6660	sara.behanna-moseley@montgomerycountymd.gov www.montgomerycountymd.gov/ozahl/
Montgomery County Police Department	Mary Davison	100 Edison Park Drive Gaithersburg, MD 20878	(240) 773-5221	mary.davison@montgomerycountymd.gov www.montgomerycountymd.gov/pol
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

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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
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	jkdowd@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

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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
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.pgcmls.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

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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. Shawn Davenport	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. Lisa Arscott; Mary A. Randall	4923 43rd Avenue, 3rd Fl. Hyattsville, MD 20781	(301) 985-3638	llmarscott@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
Prince George's County, Public Safety Communications	Charlynn Flaherty	17321 Melford Boulevard Upper Marlboro MD 20772	301-352-1490	cfflaherty@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 Lipscomp/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

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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 Svs	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
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	Baldridge 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 Svs	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	Lt. Michael Gardiner	23150 Leonard Hall Drive Leonardtown, MD 20650	(301) 475-4200 ext. 1966	Michael.Gardiner@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

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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
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@wicomicocounty.org www.wicomicocounty.org/125/County-Executive

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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
Wicomico County, Legislative Branch	Laura Hurley Council Administrator	125 N. Division Street, Room 301 Salisbury, MD 21801	(410) 548-4696	lhurley@wicomicocounty.org www.wicomicocounty.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	klemon@registers.maryland.gov www.registers.maryland.gov
Wicomico County Sheriff's Office	1st Sgt. Jessica Murphy Sgt. Tony Glenn (Alternate)	401 Naylor Mill Road Salisbury, MD 21801	(410) 548-4891	jmurphy@wicomicocounty.org tglenn@wicomicocounty.org www.wicomicosheriff.com
Wicomico County State's Attorney's Office	Carsten Wendlandt Special Investigator Public Information Officer	309 East Main Street Salisbury, MD 21803	(410) 548-4880	cwendlandt@wicomicocounty.org
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

COUNTY GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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	60 North Parke Street Aberdeen, MD 21001	(410) 272-1600	mcorrell@aberdeenmd.gov www.aberdeenmd.gov
Aberdeen Personnel Department	Theresa Hartman	60 North Parke Street Aberdeen, MD 21001	(410) 272-1600	thartman@aberdeenmd.gov www.aberdeenmd.gov
Aberdeen Police Department	Lt. C. William Reiber	60 North Parke Street Aberdeen, MD 21001	(410) 272-2121	wreiber@aberdeenmd.gov www.aberdeenmd.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 bcyfund.org/2020-bcyf-board-of-directors-meetings/
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	James Knighton	100 N. Holliday Street, Room 204 Baltimore, MD 21202	(410) 396-0927	James.Knighton@baltimorecity.gov comptroller.baltimorecity.gov/communications
Baltimore City, Board of Finance	Henry Raymond	100 N. Holliday Street, Rm 454 Baltimore, MD 21202	(410) 396-4940	henry.raymond@baltimorecity.gov https://board-of-finance.baltimorecity.gov/
Baltimore City, City Council	Michael Huber	100 N. Holliday Street, Ste. 400 Baltimore, MD 21202	(410) 396-4699	Michael.huber@baltimorecity.gov www.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
Baltimore City, Comptroller's Office	James Knighton	100 N. Holliday Street, Room 204 Baltimore, MD 21202	(410) 396-0927	James.Knighton@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

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Baltimore City, Employees and Elected Officials Retirement Sys	Aja Jackson	7 East Redwood Street, 13th 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) 545-3115	Public.info.request@prattlibrary.org www.prattlibrary.org/contact-us
Baltimore City, Environmental Control Board	Rebecca Woods	100 N. Charles Street, 13th Floor Baltimore, MD 21202	(410) 396-6909	environmentalcontrolboard@baltimorecity.gov https://ecb.baltimorecity.gov
Baltimore City, Ethics Board	Anita Evans	626 City Hall Baltimore, MD 21202	(410) 396-4730	Anita.evans@baltimorecity.gov https://ethics.baltimorecity.gov
Baltimore City, Fire Department	Ahleah Knapp	401 E. Fayette Street Baltimore, MD 21202	(410) 545-0113	bcfdmpia@baltimorecity.gov https://fire.baltimorecity.gov/fire-public-information/requsts
Baltimore City, Fire and Police Employees Retirement Sys	Amy Baskerville	7 East Redwood Street, 18th Fl. Baltimore, MD 21202	(410) 497-7929, opt.3	pia@BCFPERS.org bcfpers.org/contact/public-information-requests/
Baltimore City, General Services	Chichi Nyagah-Nash	200 Holliday Street Baltimore, MD 21202	(410) 396-3704	chichi.nyagah-nash@baltimorecity.gov https://generalservices.baltimorecity.gov
Baltimore City, Health Department	Adam Abadir	1001 E. Fayette Street Baltimore, MD 21202	(443) 9842623	Adam.abadir@baltimorecity.gov https://health.baltimorecity.gov/newsroom/media-contact-information
Baltimore City, Housing and Community Development	Kevin Nash	417 E Fayette St., 3rd 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	201 East Baltimore St., Ste. 300 Baltimore, MD 21202	(410) 396-3851	lauren.walker@baltimorecity.gov https://humanresources.baltimorecity.gov
Baltimore City, Labor Commissioner	Deborah Moore-Carter	417 East Fayette St., Ste. 1405 Baltimore, MD 21202	(410) 396-4365	Deborah.moore@baltimorecity.gov https://labor-commissioner.baltimorecity.gov
Baltimore City, Law Department	D'ereka Bolden	100 N. Holliday Street, Rm 454 Baltimore, MD 21202	410-396-3209	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://legislativereference.baltimorecity.gov
Baltimore City, Mayor's Office	James Bentley	250 City Hall Baltimore, MD 21202	(410) 396-3406	james.bentley2@baltimorecity.gov https://mayor.baltimorecity.gov/public-information-act-requests-1

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Baltimore City, Municipal and Zoning Appeals	Livhu Ndou	417 E Fayette St., #922 Baltimore, MD 21202	(410) 396-4301	livhu.ndou@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	Laurie Feinberg	417 E. Fayette Street, 8th Fl. Baltimore, MD 21202	(410) 396-7526	Laurie.Feinberg@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	domini.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, 3rd FL	(410) 752-5131	bconaway@registers.maryland.gov
Baltimore City State's Attorney Office	Michael Leedy	120 E Baltimore St, Baltimore, MD 21202	(443) 984-6223	MLeedy@StAttorney.org
Baltimore City State's Attorney Office (Media)	Michael Schatzow	120 E Baltimore St, Baltimore, MD 21202	(443) 984-6011	MSchatzow@stattorney.org
Baltimore City, Transportation	Kathy Dominick German Virgil	417 E. Fayette Street, 5th Fl. Baltimore, MD 21202	(410) 361-9297	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) 361-9296 (410) 649-9297	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)	Tracy Baskerville	10 E. Baltimore Street, 10th Fl. Baltimore, MD 21202	(410) 752-8632	tbaskerville@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

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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	Patricia McAuley	4229 Edmonston Road Bladensburg, MD 20710	(301) 927-7048	pmcauley@bladensburg.net www.townofbladensburg.com
Bowie, City of	Awilda Hernandez City Clerk	15901 Excalibur Road Bowie, MD 20716	(301) 809-3029	ahernandez@cityofbowie.org
Bowie Police Department	Captain Richard Wohkittel	15901 Excalibur Road Bowie, MD 20716	(301) 575-2019	rwohkittel@cityofbowie.org
Brentwood, Town of	Rocio Treminio-Lopez Mayor C. Reginald Bagley Town Administrator	4300 39th 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 4009 Wallace Road	(301) 699-9699	cityclerk@northbrentwood.com www.northbrentwood.com
Brentwood Police Department	Robert Altoff Chief of Police	4300 39th 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@choosecambridge.com www.choosecambridge.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

Municipal Governmental Unit	PIA Representative	Mailing Address	Phone	Email & Internet Address
Centreville Police Department	Kenneth Rhodes	420 N. Commerce Street Centreville, MD 21617	(410) 758-8437	Krhodes.cpd@qac.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
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
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

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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
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 52nd 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

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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	Patti Mullins PIA Coordinator	101 North Court Street Frederick, MD 21701	(301) 600-1385	pmullins@cityoffrederick.com 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
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	Mayor Beers	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

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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
Have de Grace, City of	Patrick Sypolt	711 Pennington Avenue Have de Grace, MD 21078	(410) 939-1800, ext. 1131	patricks@havedegracemd.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
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, 3rd Floor Hyattsville, MD 20781	(301) 985-5009	lreams@hyattsville.org www.hyattsville.org
Indian Head, Town of	Ryan Hicks	4195 Indian Head Highway Indian Head, MD 20640	(301) 743-5511 ext. 104	ryan@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
Kitzmiller, Town of	Angela Guthrie	115 West Center Street Kitzmiller, 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

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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
Leonardtown, 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
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

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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.middletown.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	mlpclerk@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
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	Maria Dalton	P.O. Box 27; 39 West Main Street New Market, MD 21774-0027	(301) 865-5544	mariatownofnewmarket@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.northchevychase.org

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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	townofoak@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	Michelle Monico Records Manager	6501 Coastal Highway Ocean City, MD 21842	(410) 723-6631	mmonico@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
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

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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
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

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
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	Lindsay A. Boedecker Donna West	800 East Main Street Thurmont, MD 21788	(301) 271-0905 ext. 102	lboedecker@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
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 washintgongrovemd.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

MUNICIPAL GOVERNMENTAL UNIT	PIA REPRESENTATIVE	MAILING ADDRESS	PHONE	EMAIL & INTERNET ADDRESS
Willards, Town of	Steven E. Warren Council President	7344 Main St. Willards, MD 21874	(410) 835-8192	townofwillards@wicomico.org