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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 22-06

January 18, 2022

Harford County Sheriff's Office, Custodian
Steve Thompson, Complainant

The Harford County Sheriff's Office ("HCSO") estimated that it would cost \$9,205.34 to respond to the complainant's request for internal affairs data that had been previously provided, but without the names of the officers redacted. The complainant has alleged that the estimated fee is unreasonable for several reasons, discussed in more detail below. The HCSO responds that its cost estimate is a "fair and good faith estimate" that reflects a "dramatically increased need for oversight" in light of recent changes to the law governing disclosure of police misconduct records. As we explain further, we agree with the complainant that the fee estimate is unreasonable, and order that it be reduced by \$6,587.39 to \$2,617.95.

Background

In July of 2021, the complainant sent a Public Information Act ("PIA") request to the HCSO seeking "a copy of IAPro or similar data maintained by" the HCSO, including "basic fields" related to internal affairs records such as the date of incident, rank of respondent, race of respondent, the nature of contact, the nature of allegations, and so on. The complainant indicated that he was *not* seeking officer names, badge numbers, or other identifying information. The complainant also asked that the information be provided in "an electronic, structured-data, machine-readable format," and that it be limited to allegations received since January 1, 2015. In response, the HCSO provided Excel spreadsheets containing some of the requested data for the years 2015, 2019, 2020, and 2021, and, regarding the missing years, indicated that the records did not exist (presumably in Excel format) and that its system did not allow the information to be "readily available and put in the requested format." From the information available to us, it does not appear that the HCSO charged a fee for its response.

Then, on October 7, 2021, the complainant submitted the PIA request at issue in this complaint. He requested "the same data the [HCSO] provided last month . . . but with respondent

officer names attached.”¹ On October 11, 2021, the HCSO acknowledged receipt of the complainant’s request and advised that it may take longer than 10 business days to respond. On November 4, 2021, the HCSO provided the \$9,205.34 fee estimate that the complainant now challenges. The complainant asked for more information about the estimate, which the HCSO provided. It explained that each of the 265 cases involving complaints against HCSO officers and personnel needed to be reviewed so that records of technical infractions² or records involving civilian or corrections personnel,³ are not disclosed. The HCSO estimated that this review would take 66.25 hours. The HCSO also indicated that, after the initial review was complete, a second review would take place to ensure that the cases selected for disclosure complied with the law. This review, the HCSO estimated, would take ten hours. The HCSO also provided the complainant with the range of hourly rates of the employees it anticipated would perform the work of responding to the PIA request.⁴ The HCSO advised that the \$9,205.34 fee estimate must be paid before it would process the complainant’s request.

The complainant sent his complaint to the Board on November 29, 2021. In his view, “the total scope” of the work of responding to his PIA request “appears to be determining which of the[] 265 rows [of data previously provided to him] must be redacted from the data should respondent names be unredacted.” With that understanding, the complainant makes several arguments as to why the \$9,205.34 fee is unreasonable. First, he argues that the HCSO does not need to spend time removing cases for which the respondent was a civilian employee or correctional officer because the data previously provided to him already makes those distinctions and thus, presumably, it should not take much time or effort for the HCSO to exclude those from its response to this PIA request.⁵ Second, the complainant takes issue with the HCSO’s estimate of the amount of time it will take to review all 265 records to remove records of technical

¹ Senate Bill 178, which amended the personnel and investigatory records exemptions so that records of police misconduct are no longer automatically withheld as personnel records, went into effect on October 1, 2021. *See* 2021 Md. Laws, ch. 62.

² Under the new law, a record of a technical infraction is still considered a personnel record and must be withheld. *See* Md. Code Ann., Gen. Provisions §§ 4-311 (custodian “shall deny inspection of a personnel record of an individual,” which includes a record of a technical infraction); 4-351(a)(4) (record of a technical infraction not subject to discretionary disclosure).

³ Only records “relating to an administrative or criminal investigation of misconduct by a *police officer*” are disclosable pursuant to the discretionary exemption for investigatory records. *See* Md. Code Ann., Gen. Provisions § 4-351(a)(4) (emphasis added). “Police officer” is specifically defined in the PIA, and the definition does not include correctional officers. *See id.* § 4-101(i) (“‘Police officer’ has the meaning stated in § 3-201 of the Public Safety Article,” which does not include correctional officers.).

⁴ The HCSO also denied the complainant’s request for a fee waiver. The complainant does not challenge this denial, which we lack authority to review in any event. *See* Md. Code Ann., Gen. Provisions §§ 4-1A-04(a), 4-1A-05(a), 4-206; PIACB 16-08 at 1-2 (May 19, 2016).

⁵ The complainant attached to his complaint the data related to the year 2020 (in the form of an Excel spreadsheet) that the HCSO provided on August 20, 2021, in response to the complainant’s first PIA request.

infractions. He points out that the data already disclosed provides information about the nature of the complaint that generated the records. He argues that, for many of the records, the information already provided by the HCSO makes it clear that the records do not relate to technical infractions—for example, those involving allegations of unreasonable searches, discourtesy to the public, unnecessary use of force, or brutality.⁶ Third, the complainant argues that the PIA does not support the HCSO’s decision to charge all hourly labor at overtime rates. Finally, the complainant asserts that the HCSO should not be permitted to charge for a “higher-level review[]” of work already completed (and charged) in order to ensure compliance with the law and HCSO policy.

In its response, the HCSO disputes the complainant’s assertion that his most recent request is similar to the one he made in July, and indicates that, due to the change to the law, the HCSO staff must now review each of the 265 case records to “[d]etermine and remove any technical infractions,” remove any records that relate to complaints against corrections and/or civilian staff, and “[e]nsure any other redactions of information still required by the MPIA are completed.” To accomplish this, the HCSO explains that each paper case file must be manually reviewed to ensure compliance with the PIA. Then, the HCSO explains, there is a “supervisory and command review to determine if information redacted or withheld” should be so redacted or withheld, and a “final review” to make sure that “no privileged information remains before dissemination.” The HCSO further advises that, for security reasons, misconduct records may be accessed and reviewed only by the HCSO’s Office of Professional Standards (“OPS”). Therefore, the HCSO explains, the hourly fee will be higher than that charged for routine records requests handled by civilian staff.

The HCSO estimates that it will take 15 minutes per case to review each of the 265 cases to remove technical infractions and investigations that relate to “non-law enforcement” employees, which amounts to 66.25 hours. The HCSO indicates that that time will be charged at a rate of \$112 per hour, which represents the overtime rate, with FICA and 25% “indirect costs,” for IA/OPS Sergeants. The HCSO estimates that it will take approximately ten hours for Executive Command Staff to review the “remaining fully vetted cases” to “ensure that they each comply with the law and HCSO policy.” These ten hours will be charged at an average per hour rate of \$167, which represents the overtime rate, with FICA and 25% “indirect costs” of that command staff. The HCSO maintains that it must charge overtime rates because “this request is beyond the regularly assigned daily duties and functions of [its] IA/OPS and Executive Command personnel.”

Analysis

We are authorized to review and resolve complaints that allege that a records custodian has charged an unreasonable fee higher than \$350 to respond to a request for public records. § 4-1A-

⁶ The PIA defines a “technical infraction” as a “minor rule violation by an individual solely related to the enforcement of administrative rules that: (1) does not involve an interaction between a member of the public and the individual; (2) does not relate to the individual’s investigative, enforcement, training, supervision, or reporting responsibilities; and (3) is not otherwise a matter of public concern.” Md. Code Ann., Gen. Provisions § 4-101(l).

05(a).⁷ A reasonable fee is “a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit” when it responds to a PIA request, § 4-206(a)(3), and should not exceed “the actual costs of the search for, preparation of, and reproduction of a public record,” § 4-206(b)(1). “Actual costs” may include media and copying costs, as well as the cost of staff and attorney review, which must be “prorated for each individual’s salary and actual time attributable to the search for and preparation of a public record.” § 4-206(b). A custodian may not charge fees for the first two hours spent searching for and preparing a public record for production, § 4-206(c), and generally should not charge for duplication of effort—e.g., for multiple reviews of the same record. *See* PIACB 21-13 at 5 (June 3, 2021); PIACB 16-05 at 3 (June 1, 2016); *see also* § 4-103(b) (PIA to generally be construed to “allow[] inspection of a public record, with the least cost and least delay to the person or governmental unit that requests the inspection”). If we conclude that a custodian has charged an unreasonable fee as the PIA defines it, we are to “order the custodian to reduce the fee to an amount determined by the Board to be reasonable and refund the difference.” § 4-1A-04(a)(3).

The PIA’s fee provisions refer to the “actual costs” of and “actual time attributable” to responding to a PIA request. *See, e.g.*, § 4-206(b)(ii), (c). Such language suggests that, ordinarily, the PIA might assume that fees are calculated after the work of responding is complete and the records are ready to be furnished to the requester upon payment of the fee. However, this is not always the case. *See Glass v. Anne Arundel County*, 212-13 (“[A]gencies sometimes require prepayment of fees or a commitment to pay fees when the cost of processing a PIA request is likely to be substantial.”). Indeed, many of the complaints to this Board involve fee estimates assessed for work not yet done. *See, e.g.*, PIACB 21-14 (July 23, 2021); PIACB 21-01 (Oct. 5, 2020); PIACB 20-13 (June 22, 2020). In those cases where a custodian has required prepayment of an estimated fee that is based on a detailed breakdown of anticipated actual costs, we will evaluate the estimate’s reasonableness because, in a practical sense, the agency has “‘charged a fee’ within the meaning of GP § 4-206.” PIACB 19-01 at 3 (Sept. 24, 2018); *see also* PIACB 17-04 at 3 n.3 (Nov. 22, 2016) (“[W]hen a governmental unit requires payment of the estimated fee prior to providing the records, this Board could consider the matter under the auspices of the governmental unit having charged a fee.”). Under these circumstances, a requester who is unable or unwilling to pay a fee estimate would have no other opportunity to challenge that fee—no records would be produced and no actual costs would be assessed. Here, the HCSO has explicitly required that the complainant pay the \$9,205.34 estimated fee before it will begin processing his PIA request. We will, therefore, review the submissions and information before us and determine whether the estimated fee is reasonable as the PIA defines the term.

A. Hourly Rates

Before we turn to the allegations related to the amount of time that the HCSO estimates it will take to respond to the complainant’s PIA request, we will address the issue of the hourly rates the HCSO seeks to charge. Although the complainant only explicitly challenges the HCSO’s use of overtime rates, we nevertheless observe that there is another more fundamental problem with the HCSO’s calculation. In its response, the HCSO provides two hourly rates: one, \$112 per hour,

⁷ Unless otherwise indicated, citations are to the General Provisions Article of Maryland’s Annotated Code.

relates to the time for the IA/OPS Sergeants tasked with the initial review of the paper files; the second, \$167 per hour, relates to the time for Executive Command staff who will review the “remaining fully vetted cases.” Both calculations, the HCSO indicates, include the overtime rate, with FICA and 25% “indirect costs.” In our view, neither of these rates are permissible under § 4-206(b)(2), which requires that staff and attorney review costs be “prorated for each individual’s *salary* and actual time” spent responding to the PIA request. (Emphasis added). The term “salary” means “[a]n agreed compensation for services” that is usually “paid at regular intervals on a yearly basis, as distinguished from an hourly basis.” Black’s Law Dictionary 1364 (8th ed. 2004). That the General Assembly used this specific term—as opposed to, for example, “total compensation”—suggests that it did not intend for an agency to recoup any “indirect costs” of an employee’s time via the hourly rates charged. *Cf.* PIACB 16-05 at 2-3 (June 1, 2016) (“What is clear to us is that we should apply the word ‘salary’ in the ordinary sense when considering ‘staff and attorney review costs’. And, ordinarily, the word ‘salary’ does not include ‘benefits.’”); *cf. also* PIACB 19-01 at 4 (Sept. 24, 2018) (finding certain “miscellaneous” or “overhead” costs included in fee estimate unreasonable). Thus, to the extent that the \$112 and \$167 hourly rates charged by the HCSO include these “indirect costs,” we find them unreasonable.

Next, we consider the complainant’s assertion that the HCSO’s decision to charge all of its hourly labor at the overtime rates is not supported by the PIA. In response, the HCSO maintains both that misconduct records may only be accessed by certain select members of the office—namely, those in the Office of Professional Standards—and that, because the PIA request is “beyond the regularly assigned daily duties and functions” of these personnel, it must charge overtime rates. We note, as we have in the past, that though the PIA does not explicitly address the use of overtime rates in order to calculate the costs of responding to a PIA request, we are hesitant to “condone the automatic use of [an] overtime rate before the work has been performed, especially where the agency has demanded prepayment of the higher amount.” PIACB 17-17 at 4 (Aug. 8, 2017). With this in mind, we question the HCSO’s somewhat conflicting assertions that it must both assign the work of responding to the complainant’s PIA request (and, presumably, other similar requests for police misconduct-related records) to a small subset of its office, and charge overtime rates because that subset is not normally tasked with responding to such PIA requests. It seems to us that, by amending the law, the Legislature has made the work of discretionary disclosure of police misconduct records part of the “duties and functions” of law enforcement agencies. In this way, the HCSO’s “automatic use” of overtime rates for purposes of providing its fee estimate in this case does not seem to comport with the PIA’s general mandate that its provisions “be construed in favor of allowing inspection of a public record, with the least cost and least delay[.]” § 4-103(b). While it may be the case that the use of *some* overtime might be necessary in order to respond to the complainant’s PIA request, we do not think it appropriate to charge that time before the work has even begun.⁸

Having concluded that the \$112 and \$167 per hour rates included in the HCSO’s fee estimate are unreasonable, we must determine, as best we can, reasonable rates. § 4-1A-04(a)(3).

⁸ We further note that it may be appropriate for the HCSO and the complainant to negotiate an extension of time for the HCSO to respond to his request in order to avoid the use of overtime rates altogether. *See* § 4-203(d) (providing for extension of time by consent); PIACB 17-17 at 4 (Aug. 8, 2017).

We have requested, and the HCSO has provided, the annual base salaries of the IA/OPS personnel involved in responding to the complainant's PIA request: Sergeants, \$117,104; Major, \$169,000; and Colonel, \$176,592. Based on those salaries, we determine that a reasonable rate for the Sergeants tasked with responding to the request is \$56.30 per hour.⁹ Likewise, reasonable rates for work performed by a Major and Colonel are \$81.25 and \$84.90 per hour, respectively.

B. Estimated Time Expenditures

To orient our review and discussion of the complainant's remaining allegations, all of which relate to the amount of time that the HCSO has estimated it will take to respond to his PIA request, we will first provide our understanding of what records the complainant is seeking—and, perhaps more importantly, what records he is *not* seeking. The complainant requested “the same data the [HCSO] provided last month . . . but with respondent officer names attached.” The data provided previously to the complainant consisted not of copies of the actual paper file records themselves, but of certain metrics and information presumably pulled and collected in some fashion from those paper files. The HCSO responded to the complainant's prior request by providing data in Excel spreadsheets, not paper or electronic copies of the records from the internal affairs files themselves. Thus, to respond to the PIA request at issue here, the HCSO must refer to the actual paper files and determine whether or not the name of the respondent officers redacted from its previous disclosure may be released. This is, in our view, substantively different from a request that seeks the actual documents and other material from an internal affairs file itself.

Both the complainant and the HCSO agree that the data and information previously provided relate to 265 individual HCSO employee misconduct investigation files,¹⁰ which the HCSO advises are kept in paper form. The HCSO estimates that it will take 15 minutes to review each of those paper files for three distinct purposes:

1. Determine and remove technical infractions;
2. Remove any corrections and/or civilian complaints; and
3. Ensure any other redactions of information still required by the MPIA are completed.

The complainant first argues that time need not be spent reviewing all 265 files in order to remove those cases pertaining to civilians and corrections officers, which are still considered personnel records (meaning that release of the names of those HCSO employees is precluded). In general, we agree. From our review of the data previously provided to the complainant, it appears that the

⁹ We arrive at this rate by dividing the annual salary by 52 weeks, and then dividing the resulting figure by 40 hours.

¹⁰ As noted above, the complainant attached a portion of the HCSO's prior response—the data for the year 2020—to his complaint. To further aid our review, we requested the complete response, i.e., the data for the years 2015, 2019, 2020, and 2021. Based on our review of that data, it appears to us that there are 269 cases in total. However, given the redactions to the spreadsheets and the manner in which the information is displayed, we are far from certain and recognize that the HCSO is most familiar with its own investigatory files. Thus, we will take the agreed-upon number—265 cases—as our starting point.

HCSO has already largely distinguished between those investigatory files related to “law enforcement” personnel and those related to civilian or corrections personnel—at least for the years 2019, 2020, and 2021. Given that records of alleged misconduct by correctional officers or civilian employees of the HCSO are still subject to § 4-311’s mandatory exemption for personnel records, the names related to those files cannot be disclosed. No review of paper files is needed to make that determination. By our count, then, exclusion of the records related to civilian and corrections employees leaves 48 files related to law enforcement for the year 2019, 50 such files for the year 2020, and 35 for 2021. For the year 2015, we do not see any indication as to what type of employee the information relates to; it appears, therefore, that review of all 61 files indicated on that spreadsheet would need review.¹¹ Accordingly, it seems that there are approximately 194 investigative files related to alleged law enforcement officer misconduct that the HCSO must review in order to determine whether the names of the officers may be disclosed via the Excel spreadsheets.

Next, we must determine whether the HCSO’s estimate that it will take 15 minutes per file to review each of those 194 paper files to decide whether the names of the officers may be released pursuant to §§ 4-343, 4-351(a)(4) is a reasonable estimate. The complainant contends that it is not, and points to the fact that, for at least a portion of the data previously disclosed, the information already provided is sufficient to conclude that the misconduct file does not relate to a technical infraction—e.g., those files for which the complaint contained allegations of an unreasonable search, discourtesy toward the public, unnecessary use of force, or brutality. While the complainant might be correct that, from the data previously provided, it appears that at least some of the internal affairs records clearly do not relate to technical infractions—meaning that the names of the officer are not automatically withheld under the exemption for personnel records—we are mindful that a custodian still retains discretion to deny inspection of police misconduct records when disclosure would be contrary to the public interest. *See* § 4-343 (“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[.]”); § 4-351(a)(4) (discretionary exemption for police misconduct records); *see also* Office of the Attorney General, Maryland Public Information Act Manual at 3-43 – 3-45 (16th ed. Sept. 2021) (discussing what “contrary to the public interest” means in the context of § 4-351’s exemption for investigatory records). In order for the HCSO to properly exercise its discretion as to which officer’s names may be disclosed on the Excel spreadsheets, it must review the actual paper files of the misconduct investigations, including those that obviously do not relate to technical infractions.

We give due regard to the fact that the HCSO is far more familiar with the volume and content of the files it maintains for internal investigations of allegations of police officer misconduct than we are. And, as we have recognized in the past, it is not our role to second-guess how an agency maintains its records, or to “micromanage” its search and retrieval process. *See* PIACB 21-16 at 5 (July 30, 2021). While we cannot, based on the information before us, conclusively dismiss as unreasonable the amount of time the HCSO anticipates it will take to review an individual paper file in order to determine whether the officer’s name may be disclosed,

¹¹ There are 62 files referenced on the Excel spreadsheet for the year 2015. However, one of those file numbers—15-14—was voided and presumably does not need review.

we do have some concerns that 15 minutes might be excessive and urge the HCSO to revisit its estimate. To explain, we refer again to the nature of the complainant's request. He is not seeking the actual records from the files themselves; rather, he requests only the name of the officer that is the subject of the file. While it is true that § 4-351 requires a custodian to redact certain information from the police misconduct records that are disclosed, that redaction is unnecessary here because the complainant is not seeking any records that would contain that information. *See* § 4-351(d) (requiring custodian to redact, e.g., medical information or information related to the family of the person in interest). The HCSO has indicated that it anticipates that part of the paper file review will include time to "[e]nsure any other redactions of information still required by the MPIA are completed." To the extent that the redactions the HCSO refers to are redactions of the records contained in the file, and not simply the names of the officer from the Excel spreadsheets, that time is unnecessary and should not be included in its time expenditure estimate. However, for purposes of our review here, we cannot conclude that an anticipated time expenditure of 15 minutes per individual file is unreasonable. Having found that the HCSO would need to review approximately 194 individual paper files to determine what officer names may be disclosed, we reduce the amount of anticipated review time from 66.25 hours to 48.5 hours. Subtracting the two free hours of labor that the HCSO must provide under the PIA, § 4-206(c), 46.5 hours of chargeable time remain. This figure is subject to further revision by the HCSO if it determines, in light of our guidance above, that it will take less than 15 minutes to review each file. Regardless of whether the estimate is revised, the HCSO must carefully track the *actual* amount of time spent reviewing each file, § 4-206(b)(2), and refund the complainant any amount due should that amount of time fall short of its estimate.

In addition to charging for the review time discussed above, the HCSO also seeks to charge the complainant ten hours of Executive Command Staff time to review the "remaining fully vetted cases" to "ensure they each comply with the law and HCSO policy." Keeping in mind the PIA's general requirement that public records be provided with the "least cost and least delay," § 4-103(b), we have in previous cases concluded that it was not reasonable for a custodian to charge a requester for a "second layer of review" of records that had already undergone a full review. *See* PIACB 21-13 at 5 (June 3, 2021) (second review by General Counsel more akin to employee supervision or training, and not solely related to responding to a PIA request). We see no reason to depart from that conclusion here. The second (and possibly third) tier reviews that the HCSO describes appear to us more a function of supervision and oversight, as opposed to performing the work of searching and preparing the records for production. (And, again, here, the records the complainant seeks are only the names of the police officers subject to complaint, and not the records from the files themselves.) In its response, the HCSO refers to the records as having been "fully vetted" after the first review. To us, this suggests that the actual work of responding to the complainant's PIA request has been completed. We therefore find it unreasonable for the HCSO to charge the complainant for further review.

As a final note, we stress that the PIA is grounded in the premise 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." § 4-103(a). This broad right of access is, of course, subject to a custodian's ability to charge a "reasonable fee for . . . the search for, preparation of, and reproduction of a public record." § 4-206(b). With the recent changes to the exemptions that affect internal affairs and other records related to alleged police officer misconduct, the General

Assembly has made clear its intent that these records be included among the records that the public is generally entitled to see. *See, e.g.*, Senate Floor Debate, S.B. 178, 2021 Leg., Reg. Sess. (Mar. 2, 2021) (bill sponsor Sen. Jill P. Carter stating that S.B. 178 “removes a veil of secrecy that police disciplinary records have been shrouded in for a long time”). We recognize that custodians must thoughtfully and carefully exercise the discretion vested in them, and that thought and care often take time. At the same time, we also recognize that high fees—especially when charged at the estimate stage—can frustrate the PIA’s promise of transparency and general good government. With this tension in mind, we encourage all requesters and custodians to work together with the twin goals of reducing both the burden on agencies and the fees assessed for production of the public records they possess.

Conclusion

We find that the hourly rates the HCSO seeks to charge are unreasonable to the extent that they reflect costs other than the prorated salary of the employees tasked with responding to the complainant’s PIA request. We further find that, for purposes of charging a fee estimate, it is not appropriate for the HCSO to charge the complainant at the overtime rates. We encourage the HCSO and the complainant to work together to avoid the use of overtime rates when the HCSO begins the actual work of responding to the PIA request. Having been provided the relevant salary information, we have determined reasonable rates as follows: for Sergeants tasked with responding to the request, \$56.30 per hour; for a Major, \$81.25 per hour; and for a Colonel, \$84.90.

We also find that it is unreasonable for the HCSO to include 66.25 hours of review time in its estimate in light of the fact that it will not need to review all 265 paper files of its internal investigations into allegations of employee misconduct. Rather, because approximately 194 of those files appear to relate to police officers—thus rendering information from the file potentially disclosable—46.5 hours of chargeable time may be included in the HCSO’s fee estimate, with the caveat that the HCSO reconsider, in light of this opinion, whether 15 minutes per file will really be necessary. Because the HCSO has advised that the IA/OPS Sergeants will be tasked with reviewing the paper files to determine which officers’ names may be released, this time must be charged at the \$56.30 rate. Finally, we conclude that the HCSO may not charge for the subsequent duplicative reviews it describes in its response.

In sum, the HCSO’s \$9,205.34 fee estimate is unreasonable. Based on the submissions, we have determined that \$2,617.95 represents a reasonable fee as the PIA defines the term. Of course, in the event the *actual* costs of responding to the complainant’s request are lower than the *anticipated* costs, the HCSO must refund the complainant the difference.

Public Information Act Compliance Board

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