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Governor

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Lt. Governor



JOHN H. WEST, III, ESQ.
Chair

LARRY E. EFFINGHAM
DEBORAH F. MOORE-CARTER
RENÉ C. SWAFFORD, ESQ.
DARREN S. WIGFIELD

STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

September 18, 2017

The Honorable Lawrence J. Hogan, Jr.
Governor
State House
Annapolis, Maryland 21401

The Honorable Thomas V. "Mike" Miller
President of the Senate
H-107 State House
Annapolis, Maryland 21401

The Honorable Michael E. Busch
Speaker of the House
101 State House
Annapolis, Maryland 21401

Gentlemen:

We are pleased to provide you with the Second Annual Report of the Public Information Act Compliance Board, submitted to you pursuant to § 4-1A-04(c) of the General Provisions Article of the Maryland Code. In it, we review the activities of the Board under the Maryland Public Information Act for the 2017 Fiscal Year, which ran from July 1, 2016 through June 30, 2017.

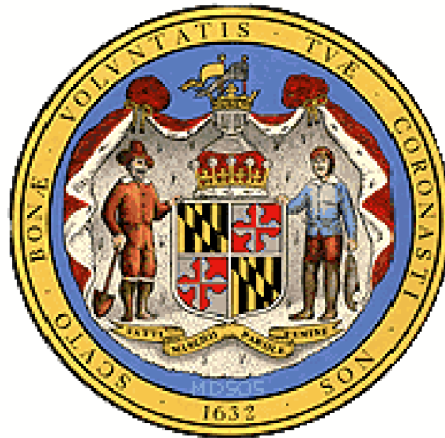
We are grateful for the opportunity to serve the people of the State.

Sincerely,

John H. West, Esq., Chair
Larry E. Eddings
Deborah F. Moore-Carter
René C. Swafford, Esq.
Darren S. Wigfield

Enclosure

SECOND ANNUAL REPORT
OF THE
STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD



BOARD MEMBERS

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

SEPTEMBER 2017

**SECOND ANNUAL REPORT
OF THE
STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD**

The Maryland Public Information Act promotes access to information about the affairs of government and the official acts of public officials and employees. The General Assembly created the State Public Information Act Compliance Board (Board) through a statute enacted during the 2015 legislative session to address complaints regarding whether a custodian has charged an unreasonable fee. Pursuant to § 4-1A-04(c) of the General Provisions Article of the Maryland Code, the Board submits this annual report for the period running from July 1, 2016, through June 30, 2017.

This report contains a description of the Board's activities during the past year, including summaries of the Board's opinions, the number and nature of complaints filed with the Board, and any recommended improvements to the statute. In addition, the Board understands that the law does not provide an opportunity for the Public Access Ombudsman to submit a similar report. For this reason, the Board has included a report from the Ombudsman as an Appendix to the Board's Report.

**I.
ACTIVITIES OF THE BOARD**

A. *Responsibilities of the Board*

On October 1, 2015, the law creating the Board went into effect, making FY2017 the Board's first full year of operation. The duties of the Board include:

- Receiving, reviewing, and resolving complaints that a custodian of public records charged an unreasonable fee that exceeds \$350;
- Issuing a written opinion regarding whether a violation has occurred relating to a fee, including the ability to direct a reduction of a fee or a refund of the portion of a fee that was unreasonable;
- Studying ongoing compliance with the imposition of fees by custodians of public records; and
- Making recommendations to the General Assembly for improvements in Title 4-1A of the General Provisions Article of the Maryland Code.

The members of the Board were commissioned on December 28, 2015, for terms that expire on staggered dates, as follows:

- John H. West, III, Esquire—Chair; citizen member
- Christopher A. Eddings—non-profit/open government/news media member
- Deborah F. Moore-Carter—knowledge/Maryland Association of Counties/Maryland Municipal League member
- René C. Swafford, Esquire—attorney member
- Darren S. Wigfield—citizen member

The first term to expire was held by Christopher A. Eddings, who joined the Board at its inception. During the months in which he served as a Board member, Mr. Eddings shared his wisdom and perspective in a way that strengthened the Board's decisions and discussions. He participated in the preparation of this report and the Board's Annual Meeting, both of which addressed activities occurring during FY2017. The Board thanks Mr. Eddings for his participation and contributions to the Board's work.

The continuing Board members look forward to working with the new non-profit/open government/media representative—Larry E. Effingham, who joined the Board in August 2017.

The Attorney General's Office provides the Board with the services of counsel and the administrator, posts the Board's opinions and other Public Information Act materials on its website, and bears the incidental costs of copying and mailing Board-related documents. The Board appreciates the excellent service it has received from the Attorney General's Office in the performance of its tasks.

The Board also extends its thanks to the Public Access Ombudsman, who handles many matters that then do not need the Board's attention. The Ombudsman's mediation efforts often lead to an outcome of compromise that can be more satisfying to the parties than would be the declaration by the Board of whether a fee is reasonable or unreasonable.

B. Processes and procedures

The Board adheres to the process for receiving and handling complaints established by the statute. A set of procedures appears on the website, which elaborates on the process by describing the type of information the Board finds useful for making its decision and encouraging a complainant and custodian to attempt to resolve an issue or concern before submitting a complaint to the Board.

Generally, complaints are received by the Office of the Attorney General and numbered based on the date received. An initial determination is made as to whether the complaint fits within the jurisdiction of the Board. If the complaint involves an assertion

of an unreasonable fee that exceeds \$350, the materials are sent to the custodian of the records for a response. Once all materials are compiled, the Board receives them and determines whether to schedule a conference with the parties or to decide the matter based on the materials. After the conference, if any, the Board makes its decision and its opinion is issued within 30 days.

When a complaint addresses only issues that are not within the jurisdiction of the Board, the matter will be dismissed. For example, if a complainant seeks review of a waiver request, but does not assert that the fee is unreasonable, the Board does not have the authority to consider the issue. Some complaints include an assertion of an unreasonable fee, as well as multiple issues that are within the authority of the Public Access Ombudsman to address. When a complaint presents issues that might benefit from mediation, the Board refers the complaint to the Ombudsman. The experience to date reflects the success of the Ombudsman’s efforts to mediate those issues, which often resolves all of the outstanding disputes between the parties so that even the fee dispute does not require consideration by the Board.

C. *Complaint and Opinion Activities for FY2017*

1. Statistics

- New complaints submitted to the Board: 18
- Complaints dismissed without opinion: 10
 - Not within Board’s limited jurisdiction: 9
 - Withdrawn after parties resolved dispute: 2
 - Referred to Ombudsman for mediation: 5
 - No issue for Ombudsman to mediate: 2
 - Premature: 1
- Opinions issued during FY2017: 4
- Complaints submitted in FY2017 and still pending on 7/1/17: 4

2. Complaints

The complaints received by the Board often include issues other than the reasonableness of a fee. Handling of the complaints may vary depending on the nature of the additional issues. During the reporting period, the Board received several complaints regarding denials of fee waiver requests, over which the Board has no jurisdiction. The

Public Access Ombudsman graciously accepted referrals of those complaints for mediation.

During the past year, the Board has found that the Public Access Ombudsman continued to provide essential service to the public. Not only did she handle more than 200 matters through individual requesters and agencies, but she accepted several referrals from the Board. From the Board's vantage point, it appears that many cases benefit from the assistance of the Ombudsman as a first step in the process. Because the Ombudsman can assist the parties in clarifying a request and discussing the reasonableness of the costs, her guidance often resolves all aspects of the dispute and eliminates the need for the Board's review. Facilitating this kind of compromise between the parties reflects the essence of the policy goals of the Public Information Act by ensuring that public records are provided without an undue burden on either the requester or the agency.

The following matters did not result in a formal opinion of the Board, because they were dismissed for lack of jurisdiction without a written opinion, referred to the Ombudsman for mediation, or withdrawn by the parties:

- PIACB-17-01 Maryland State Comptroller
Issues: estimated fee provided; requester wanted to have an expert witness review the calculation and submit an alternate fee
Process: the complaint was premature; once the expert weighed in, the custodian would have an opportunity to modify the estimate; the Board dismissed explaining that, once the information was more definite, a complaint could be resubmitted
- PIACB-17-02 Baltimore City Police Department
Issues: denial of fee waiver
Process: no jurisdiction with Board; referred to Ombudsman
- PIACB-17-03 Montgomery County Board of Elections
Issues: denial of waiver
Process: no jurisdiction with Board; withdrawn—requester resolved the issue with the custodian
- PIACB-17-05 Secretary of State/Maryland Courts
Issues: sought copy of judges' signatures; no cost issue presented; Courts offered inspection, but would not provide copy
Process: dismissed—Board has no jurisdiction to review denial of disclosure; no issue for Ombudsman to mediate

- PIACB-17-08 Western Correctional Institution
Issues: assertion of exemption by custodian
Process: no jurisdiction with Board; referred to Ombudsman
- PIACB-17-09 State's Attorney's Office for Prince George's County
Issues: no fee charged or disputed; failure to produce record; within mediation authority of Ombudsman
Process: no jurisdiction with Board; referred to Ombudsman
- PIACB-17-10 Md. State Board of Veterinary Medical Examiners
Issues: custodian denied request; exemption claimed and extensive redactions made; no fee issue presented
Process: no jurisdiction with Board
- PIACB-17-11 Baltimore County Police Department
Issues: request for advocate to help acquire records; fee waiver denial
Process: no jurisdiction with Board; referred to Ombudsman
- PIACB-17-13 Baltimore City State's Attorney's Office
Issues: delay in response; non-disclosure of records; unreasonable fee
Process: referred to Ombudsman; unreasonable fee derived from having made payment but not receiving the records; Ombudsman was in better position to mediate the release of the records, along with the exemption issues; held pending Ombudsman mediation; withdrawn by complainant after mediation
- PIACB-17-14 Western Correctional Institution
Issues: complaint filed with Ombudsman and Board challenging cost, redactions, exemptions
Process: deferred to Ombudsman process to address obtaining records in a cost-effective way; if not resolved, complaint may be resubmitted to the Board based on changes in costs that occur during mediation

3. Opinions

Based on the Board's FY2016 opinions, it has seen better explanations of costs from agencies during FY2017. In particular, during FY2017 agencies more often excluded benefits from the salary rate used to calculate employee time and costs, and also, agencies have not charged for duplicate reviews. The Board believes that this improved substantiation of costs resulted from an opinion that it issued in FY2016. Even when the

Board reviews a fee and does not order a reduction, the Board has seen a correlation between an agency explaining its fees and a reduction in the estimated costs. A significant example of this impact occurred in PIACB-17-07, described below. In that instance, a better understanding of the information requested and the options for compiling it led to a significantly reduced estimate.

The Board's opinions for FY2017 appear on the Attorney General's Office website at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/piaindex.aspx>. Summaries of the opinions appear in this report for ease of reference.

- **PIACB-17-04 Office of the Attorney General**

Complainant challenged estimated fee range for records; agency did not charge for the first 10 hours and the agency invited modification of the request to reduce the cost; preliminary calculation based on anticipated volume and time for review and redaction

Ruling: dismissed as premature—early-stage estimate of fees is not within the interpretation of “fee charged” by an agency

Opinion: November 22, 2016.

- **PIACB-17-06 Baltimore County Police Department**

Complainant requested review of a fee based on a blended per-page rate that incorporated copy costs, staff time for gathering, and attorney review and redaction

Ruling: based on details for the calculation, the fee was reasonable; agency must be prepared to show that the blended rate reflects the actual costs of producing the records

Opinion: November 28, 2016.

- **PIACB-17-07 Montgomery County Police Department-Automated Traffic Enforcement Unit**

Complainant challenged fee charged by agency based on his belief that the private vendor serving the agency likely maintained a database from which the information could be extracted with much less effort and cost; the agency estimated a cost of \$19,310 to gather and prepare the response to the request for information held by the agency; based on questions from the Board during two informal conferences, the vendor indicated that preparation of an appropriate query of the data it gathered and stored for the agency would cost an estimated \$1,980

Ruling: the vendor's estimated cost was much lower than the agency's initial estimate and served as a reasonable starting point for the potential actual cost to the agency, subject to final calculation based on the actual time expended; no conclusion regarding the eventual fee was made at this stage, but the Board's process yielded a significantly reduced estimate

Opinion: February 28, 2017.

- **PIACB-17-12 Baltimore County State's Attorney's Office**

Complainant requested a waiver of the fee based on indigence and, alternatively, complained that the fee was unreasonable because he could not afford to pay it

Ruling: the rates used to calculate the fee were reasonable, subject to adjustment based on the actual time expended to gather, prepare, and copy the records

Opinion: May 18, 2017.

II.

LEGISLATION—2017 SESSION AND BOARD RECOMMENDATIONS

A. *2017 Legislative session and follow up from 2016 Legislative session*

New laws. The General Assembly amended one section of the Public Information Act during the 2017 legislative session. SB 1057 adds a sentence to the explanation required of a custodian when denying a requested record. The existing provision requires a custodian to provide the reasons for the denial, along with an explanation of why the denial is necessary. The new language supplements these requirements by directing the custodian to include an explanation of why redaction of protected information would not address the reasons for the denial. *See* SB 1057, amending § 4-203(c) of the General Provisions Article.

In another bill, the General Assembly amended the State Government Article regarding records management and preservation. SB 44 requires State units and public officials to maintain inventories of records series that are accurate and complete. This requirement could facilitate better responsiveness to requests for public records, because agencies will have more accurate records of what information is in their custody.

Update from 2016. During the 2016 legislative session, the General Assembly amended Title 4-1A of the General Provisions Article to require the custodian of a public record for the Howard County Public School System to provide written notice to an applicant that the applicant may file a complaint with the Board to contest the fee. *See* HB

1105, 2016 Md. Laws ch. 132. The new requirement took effect on July 1, 2016, so the Board did not have any information regarding the impact of the requirement, if any, on the Board's activities. For the FY2017 reporting period, the Board has not received any complaints involving HCPSS. This leaves the Board unable to posit whether the provision has been effective or implemented.

B. Board recommendations for the 2018 Legislative Session

Based on the complaints reviewed by the Board during FY2017, several issues merit the Legislature's consideration for possible amendments to the Public Information Act. These suggestions are offered, not necessarily for the purpose of expanding the authority of the Board, but rather, to provide meaningful clarification to the members of the public who request information and to the custodians of records who respond to those requests. The Board asks that these recommendations be considered, along with the proposals that will accompany the Attorney General's Final Report at the end of this year.

Inmate requests for case files

During trial and post-conviction proceedings, inmates work through their attorneys for information, but after years of incarceration, the method of obtaining case files often occurs through the PIA. Under the PIA, the agencies charge fees for the costs associated with retrieving, copying, redacting, and reviewing the materials. Also, there may be exemptions that apply to the information and prevent disclosure. Although inmates usually ask for a waiver of the costs, those requests are routinely denied.

The Board notes this area of concern, but acknowledges that it does not have a proposed solution. While recognizing the inability of inmates to pay the costs, the Board also understands the significant impact that the requests can have on an agency's resources. The remedy could include an option under the PIA or an amendment to other provisions in the Maryland Code to enable inmates to obtain further information in an effort to exercise their ongoing due-process rights. The Ombudsman's report provides additional options regarding possible solutions.

Agency records storage and retention practices

The General Assembly took a positive step in enacting SB44, which established clear requirements for agencies to maintain accurate inventories of their records. The Board encourages additional provisions to ensure that agencies subject to the PIA adhere to consistent records management practices. Doing so allows agencies to locate and provide records more quickly and at lower cost. As agencies increase their use of contractors for these storage and maintenance needs (both for physical and digital records), the Board encourages extension of the same requirements to the vendors who perform those services. In this respect, we recommend that the PIA be amended to make the records of all third-party government contractors subject to the Act. This would not apply to the contractors' business operation records, but would cover the records held and created for the government agencies.

Composition of the Board membership

As government agencies rely on more software programs and electronically-stored information, the need for the Board to have technology knowledge within its membership becomes more crucial. At least one of the complaints reviewed by the Board during the past year benefitted from having this expertise on the Board. Without this specific area of knowledge, the Board could not have asked the necessary questions to yield the information it needed to decide the case. The Board recommends that its membership ensure inclusion of at least one individual who has a significant background in technology resources. This could be achieved through an amendment to the PIA or just through a conscious evaluation of applicants' backgrounds when vacancies occur.

Referral of matters to Ombudsman

To date, the Board and Ombudsman have worked cooperatively to address the matters before them. In many instances, a complainant raises issues other than the fees, or presents an issue that would benefit from the Ombudsman's efforts to resolve the dispute before the Board addresses the reasonableness of fees. Because there are time constraints on the Board's work, it would be helpful to have clear language in the statute that recognizes the Board's ability to refer appropriate matters to the Ombudsman and that shifts the deadlines for the Board to issue a decision accordingly. Although the current law allows the Board to extend the due date for its opinion up to 90 days after the complaint is filed, some mediations may require more time than the extension allows.

APPENDIX

REPORT OF THE PUBLIC ACCESS OMBUDSMAN

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

This report contains a description of the Ombudsman's activities during the past year and a half, including some patterns and frequent issues that appear from the mediations, and possible solutions.

ACTIVITIES OF THE OMBUDSMAN

The Office of the Public Access Ombudsman began operations on March 30, 2016. During the nearly 18 months since then, the Ombudsman's activities have included:

- performing tasks necessary to establish the Ombudsman program;
- handling PIA mediation matters and other information requests regarding the PIA;
- developing protocol for intake, case management, and reporting;
- participating in outreach and training activities at the invitation of agencies, municipal associations, press organizations, and non-profit advocacy groups; and
- performing tasks necessary to carry out the investigation and report required by H.B. 1105 pertaining to the Howard County Public School System (this report was published December 30, 2016).

Attached to this report is a summary of the volume and types of requests the Ombudsman has handled from inception through August 25, 2017.

PROGRAM EVALUATION

The Ombudsman receives requests for assistance from a wide variety of requestors, and less frequently, from agencies. The program is informal and voluntary, involves diverse participants, and covers a wide range of issues. The information needs, motivation, capacities, and resources of the requestors and agencies affect the mediation process and outcomes. All of these factors make it difficult to measure or evaluate the relative success of particular mediations or of the Ombudsman program generally by any uniform, objective set of criteria.

Nonetheless, several important factors appear to have an impact on the effectiveness of the program and mediation outcomes. The Ombudsman believes that the likelihood of a successful outcome in PIA mediations often is enhanced or diminished by several factors:

- ***Timing of a request for the Ombudsman's help:*** a greater likelihood of effective and constructive communication exists when assistance is sought soon after a dispute emerges concerning a particular PIA request, response, or non-response;
- ***The length of time to complete a mediation:*** the program consistently carries open mediation requests into the next month, and some matters remain open with varying degrees and levels of activity over a period of months; principal factors that may increase the time spent mediating a request include the availability of the parties, the cooperation of the parties, and the schedule of the Ombudsman; matters that are reached early (within a week or two) usually make better progress and achieve more positive results than those that take longer;
- ***The participants' capacity to engage in the mediation process:*** key factors to success are the participants' availability, understanding of the purpose of mediation, and willingness to engage in the process with the aim of constructive problem-solving, including the ability to appreciate another's point of view and to consider alternatives;
- ***The Ombudsman's knowledge of and experience working with participants:*** in general, the Ombudsman believes that her effectiveness in mediating PIA disputes is enhanced by knowledge of agency needs and processes, and the continued development of good working relationships with all participants.

SYSTEMIC ISSUES AND POTENTIAL IMPROVEMENTS

Among the patterns that have arisen from the Ombudsman's work, several systemic PIA problems appear to exist, which are described in this section, along with some suggested solutions or strategies for improvement. A few items overlap (e.g., fees assessed to inmates who establish indigence and the denial of fee waiver requests made by individuals generally). Moreover, some proposals may create incentives to improve PIA compliance or provide a remedy where currently there is none (e.g., if an agency cannot charge a fee for a late response, it might be motivated to improve its records management and PIA handling process in a manner that facilitates timely response).

- ***No response patterns, including response that records are "lost" or "presumed destroyed":*** approximately 20% of PIA matters brought to the Ombudsman for assistance involve instances in which *no response* has been received by the

requestor within the 30-day period required by the PIA; variations on this theme include the regular issuance by some agencies of “non-conforming” PIA responses to the effect that records are presumed to have been lost or destroyed because they cannot be located or otherwise accounted for; frequently, the problem is due at least in part to disorganized (or no) filing systems and poor records retention and management practices; no remedy exists to address this issue, nor can mediation resolve it.

Possible solution: this systemic issue will continue in those agencies unless they are required to address the problem through clear records retention practices and trained personnel; additional resources would provide much-needed assistance to these agencies by enabling them to bring their records management systems up to date and to provide training for their staff in records management.

- **PIA fees are cost-prohibitive to inmates and effectively deny them access to public records:** inmates often seek records from law-enforcement agencies (police departments and state’s attorney’s offices), and related agencies, regarding their conviction or conditions of confinement; the requests tend to be for specific records, making the strategy of reframing a broad request through mediation of little value to the requester; because agencies have discretion regarding fee waivers, they often deny inmates’ requests for fee waivers as a matter of practice, even when indigence is established; the net result is that inmates are frequently denied access to requested records due to their inability to pay fees.

Possible solutions: require a fee waiver when an inmate establishes indigence *and* makes the request as a “person in interest”; develop inter-agency agreements (particularly between state’s attorney’s offices and the Office of the Public Defender) to allocate costs and fees for the production of transcripts, case files, and investigative records, with no charge to inmates.

- **Compliance Monitoring/Reporting and Enforcement does not exist:** the PIA creates a framework for the information agencies must provide to the public and the time periods in which to do so; when an agency does not handle PIA requests properly, there are limited means of challenging the agency response or for compelling an agency to respond (in cases where none is provided); similarly, when a requester submits repeated requests, or requests that are abusive or unduly burdensome, there is often no practical or meaningful avenue for relief available to the agency; moreover, some frequent types of issues, such as delayed agency

response, non-response, or non-conforming response (e.g., that records are missing), cannot truly be remedied, but only prevented.

Possible solutions: implementing mechanisms for compliance monitoring would provide information regarding which agencies most need training and resources to improve their records management practices; information could be gathered through periodic PIA audits of agencies by an independent agency or office, or by requiring agencies to report or evaluate PIA compliance using internal logs and requestor surveys; further oversight could be established by expanding the jurisdiction of the PIACB to provide rulings and guidance regarding more PIA issues; the law also should provide an avenue for seeking relief when an agency receives unreasonable or abusive requests, other than resorting to the courts.

- **Denial of Fee Waiver Requests:** most agencies charge fees; costs for copies vary and hourly rates differ between agencies; many requestors have a perception that fees are imposed to avoid or restrict the requestor's access to records—a view that undermines the public confidence in state and local government—and whether intended or not, the assessment of fees often has this effect; for example, when agencies deny fee waiver requests based on indigence, the requestor usually is unable to obtain the requested records; at a minimum, the requester faces delayed or restricted access to records, a problem that is heightened with respect to inmate waiver requests, as discussed above.

Possible solutions: amend the PIA to preclude the assessment of fees when an agency fails to comply with the deadlines provided by the PIA (especially the 30-day response time); amend the PIA to provide mandatory waivers for certain types of requests and/or when indigence is established; identify objective criteria for waivers to enable meaningful evaluation of such requests; expand the jurisdiction of the PIACB to allow it to review these issues and provide enforcement.

- **Concurrent jurisdiction of the Ombudsman and the Board:** current law allows submission of a complaint to the Ombudsman and the Board simultaneously; the matters have been coordinated informally to avoid conflicting outcomes, but a clearer process would be helpful; the Board has limited jurisdiction to consider only the reasonableness of a fee; the Ombudsman can assist the parties in modifying the request to reduce the fees, but there is no next step to motivate them to do so.

Possible solutions: establish a chronology for matters to proceed through the Ombudsman and the Board, so that participants know where to start the process;

expand the Board's jurisdiction to include review of fee waiver denials and other compliance issues with clear criteria.

CONCLUSION

The Ombudsman wishes to thank the Attorney General for appointing her to this important position. In addition, the Ombudsman thanks the PIACB for providing this forum for sharing her experience and offering suggestions for improvement. Throughout the year, the Ombudsman posts statistical reports, helpful tips, and PIA-related news on the Ombudsman's website: (<http://news.maryland.gov/mpiaombuds/>) and on Twitter (@MPIA_Ombuds).

Respectfully submitted,

Lisa A. Kershner

Public Access Ombudsman

September 2017

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

Public Access Ombudsman

Since Inception (17 mo.)
 March 30, 2016 — August 25, 2017



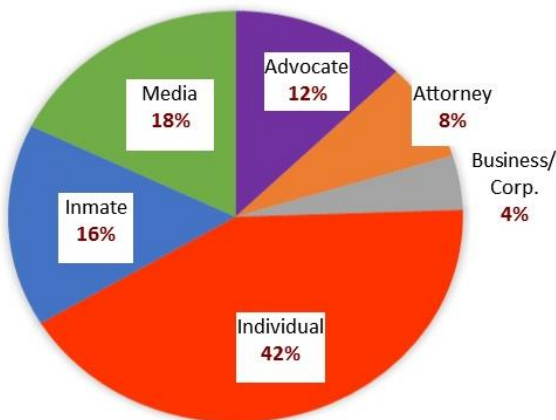
Since Inception;
17 Months

377 since April 1, 2016

- 327- Mediation requests
- 50+ - Other / "help-desk" inquiries

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

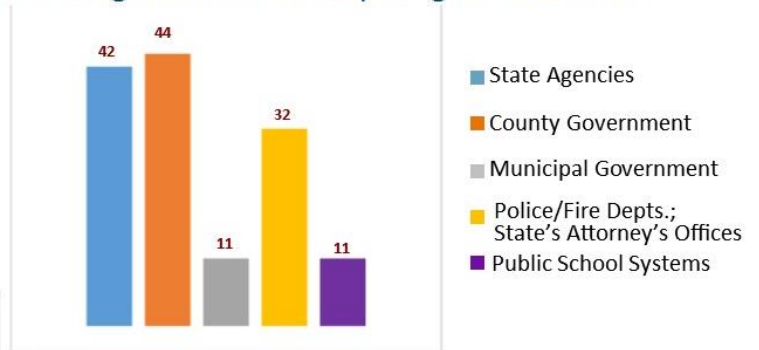
The Requestors



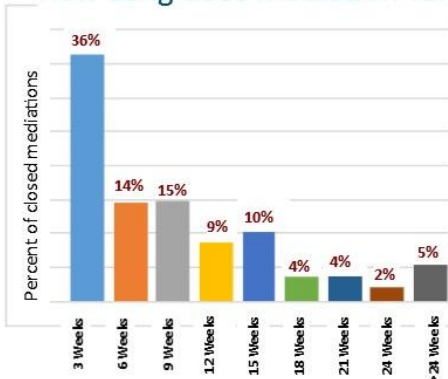
The Agencies

140 unique agencies participated in mediation matters with the PIA Ombudsman since the beginning of the program. Agency jurisdictions are state level, 19 different counties, 18 municipalities, and Baltimore City.

What Agencies are Participating in Mediation?

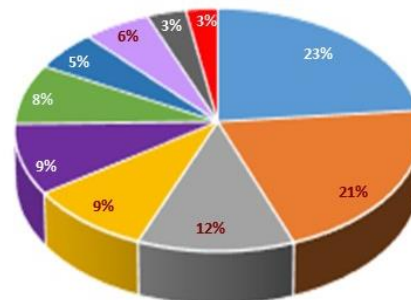


How Long does Mediation Take?



Range: 1 – 370 days.
 36% of the cases are resolved within 3 weeks and 50% by 6 weeks.

What are the PIA disputes?



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

| Mediation March '16 – August '17 | |
|--|-----|
| New/Incoming cases between 3/31/16 – 8/25/17 | 328 |
| Closed as of 8/25/17 | 277 |

- Misapplication of exemption
- MIA: No Response
- Partial, nonresponsive, or incomplete response
- Written Response, No Documents Produced
- Fees excessive
- Fee waiver request denied or ignored
- Does not believe response
- Asked for explanation of response
- Redaction inappropriate
- Other

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