

APPENDIX C
REPORT OF THE PUBLIC ACCESS OMBUDSMAN
FY 2021

The General Assembly created the Office of the Public Access Ombudsman (“Ombudsman”) in 2015 through the same law that created the Public Information Act Compliance Board (“Board” or “PIACB”). *See* 2015 Md. Laws, ch. 135.

The Ombudsman’s primary duties involve making reasonable attempts to resolve disputes between records custodians and applicants seeking public records under the Maryland Public Information Act (“PIA” or “Act”). The Ombudsman’s process is voluntary, non-binding and confidential. The Ombudsman has jurisdiction to mediate any dispute under the PIA, such as those involving exemptions, the failure of a custodian to respond timely, fee waivers, and repetitive or overly broad requests. *See* § 4-1B-04 of the General Provisions Article of the Maryland Annotated Code and Title 14, Subtitle 37 of the Code of Maryland Regulations.

In addition to mediating PIA disputes, the Ombudsman also regularly provides informal assistance, resource material, and PIA trainings on request. These and other activities are published in summary reports posted to the Ombudsman’s website, <http://piaombuds.maryland.gov>, on a semi-annual, annual, and “since inception” basis.

This report describes the Ombudsman’s activities from July 1, 2020 through June 30, 2021 (“FY 2021”). For additional context, comparative data concerning prior periods is provided in the tables below. Additional information about Ombudsman program activities during FY 2021, is included in the summary statistical report for FY 2021 at App. C-10 - C-11.

ACTIVITIES OF THE OMBUDSMAN

The Attorney General appointed Lisa Kershner as the first Public Access Ombudsman in March 2016 and reappointed her to a second four-year term effective March 30, 2020. The Ombudsman is housed within the Office of the Attorney General (“OAG”) and is supported by the same staff that support the PIACB. Janice Clark serves as program Administrator, and Assistant Attorney General Sara Klemm, serves as program counsel. The Ombudsman thanks the OAG and staff for their exceptional support, skill and professionalism; the Ombudsman could not operate effectively without their support.

Impact of Covid-19 and Mediation Metrics: In March 2020, the Governor declared a state of emergency in Maryland due to the Covid pandemic, and it remained in effect throughout FY 2021. During this time, the Ombudsman program has operated almost entirely remotely, as have many of the state and local government offices with which the Ombudsman works to resolve PIA problems and disputes. The Ombudsman’s data demonstrates that while there have been a number of shifts in the mediation caseload and length of time required to conclude mediations, the overall need for access to public records during the pandemic did not diminish.

Figure 1 below shows that the overall volume of the Ombudsman’s caseload, consisting of requests for mediation and informal requests for assistance (referred to as “Help Desk” or “HD” matters), remained substantially the same in FY 2021 as compared to earlier periods.

Time Period	Carry over from prior year	New Mediation Matters	New HD Matters	Total New Matters	Mediations Closed*
FY 2021	46 carried over from 2020	280	212	492	272 or 83%
FY 2020	19 carried over from 2019	262	235	495	235 or 84%
CY 2019	19 carried over from 2018	279	226	505	252 or 85%
CY 2018	25 carried over from 2017	210	171	406	215 or 91%
CY 2017	63 carried over from 2016	242	68	310	274 or 90%
2016 (9 mos)	N/A	178	32	210	115 or 65%
Since Inception	N/A	1308	839	2147	1254 or 96%

**Closure rate reflected in the “Mediations Closed” column is obtained by dividing the number of mediation matters closed by the total number of open mediations during the period, which includes both “New Mediations” and those carried over from the prior year.*

While the overall volume of incoming requests for mediation is largely unchanged from prior periods, the Ombudsman’s caseload reflects other shifts that are believed to be related to the pandemic. **Figure 2** below reflects a substantial increase in requests for mediation from professional and occupational users of the PIA, a group which includes press and media outlets, non-profit organizations, private attorneys and businesses, among others. As shown below, occupational program users comprised the majority (51%) of all incoming requests for PIA mediation during FY 2021 for the first time in the program’s history. By contrast, individuals using the PIA for purposes unrelated to their business or occupation comprised a substantial majority of the requests for mediation in all prior years.

Time Period	Individual	Professional Occupational User
FY 2021	49%	51%
FY 2020	72%	28%
CY 2019	69%	31%
CY 2018	66%	34%
CY 2017	64%	36%
CY 2016 (9 months)	55%	45%
Since Inception	60%	40%

¹ The Ombudsman does not track the length of time required to close “help desk” matters, which are requests for informal assistance or guidance that do not involve the actual mediation of a dispute. Most often, these requests are made in an effort to prevent a problem from arising and are typically addressed by the Ombudsman and staff very quickly.

Figure 3 reflects that there was also a shift in FY 2021 in the types of agencies participating in mediations. In prior years, both state and local agencies have tended to be more or less equally well-represented in the Ombudsman’s caseload; in FY 2021, however, there was a greater percentage of mediation requests involving state agencies (45%), and a corresponding reduction in matters involving local government (17%). The Ombudsman believes this shift may reflect a greater need for records from the state agencies leading the state’s response to the pandemic. Mediations involving PIA requests to other types of government bodies such as school districts, state’s attorneys’ offices, and other law enforcement agencies, which are captured as “Other” in **Figure 3**, remained substantial (37%), but largely comparable to the volume received in prior years.

Time Period	State	Local	Other*
FY 2021	45%	17%	37%
FY 2020	32%	31%	37%
CY 2019	35%	30%	35%
CY 2018	43%	31%	27%
CY 2017	31%	36%	33%
CY 2016 (9 months)	29%	28%	42%
Since Inception	38%	23%	29%

*Other = public school districts & law enforcement agencies

Figures 4 and 5 below document a shift in the type of issues submitted to the Ombudsman during FY 2021 and the substantial increase in the length of time required to conclude mediations.

Time Period	No/Incomplete Response	Other
FY 2021	65%	35%
FY 2020	54%	46%
CY 2019	51%	49%
CY 2018	35%	65%
CY 2017	37%	63%
CY 2016 (9 months)	53%	47%
Since Inception	50%	50%

Time Period	3 Weeks	6 Weeks	9 Weeks	12 Weeks	12+ Weeks
FY 2021	19%	13%	11%	9%	48%
FY 2020	29%	22%	18%	11%	20%
CY 2019	44%	29%	16%	7%	4%
CY 2018	35%	25%	19%	8%	13%
CY 2017	31%	15%	12%	9%	33%
CY 2016 (9 months)	40%	23%	14%	9%	14%
Since Inception	33%	20%	14%	9%	24%

The Ombudsman’s data suggests that while most agencies attempted to respond to PIA requests during the state of emergency, many were unable to do so within the deadlines provided by the PIA, and they often required significant extensions of time to provide a complete or final substantive response. This is reflected in the substantial increase in the overall percentage of matters in which the presenting issue was the lack of any response to a PIA request and/or the failure of an agency to issue a complete or final substantive response that included, where applicable, the actual production of disclosable public records.

Unlike prior periods, during FY 2021, the problem of a missing or incomplete PIA response was the presenting issue in a substantial majority - nearly two thirds - of all matters submitted to the Ombudsman for mediation. In prior years, these types of problems have tended to be readily resolved once brought to the attention of a person with authority to address the matter; this often was not the case in FY 2021. Rather, during the state of emergency, these types of presenting

problems tended to drag on, sometimes over very protracted periods, thereby contributing to an even greater backlog for responding agencies and for the Ombudsman.

The reasons for these problems appear to vary. Many IT departments have been heavily taxed by the necessity of supporting a remote workforce and the need to provide new services related to the pandemic or to retool existing services so that they could be safely provided. Agencies with limited electronic record management and retrieval capacities at the outset of the pandemic were at a particular disadvantage since, during the state of emergency, they had greater difficulty searching and accessing many of their hard-copy records. Some agencies had to re-deploy personnel to meet shifting needs or lost staff during the pandemic. It also appears likely that some agencies, particularly those at the heart of the state's response to the pandemic, may also have received a heavy volume of requests that exceeded their capacity to respond.²

Other Takeaways from the Pandemic: Some other trends drawn from the Ombudsman's caseload and experience over FY 2021 include:

- Those agencies with efficient electronic records management systems, trained staff, and established procedures for handling PIA requests fared better than those that did not have these resources or processes in place at the start of the pandemic. The Ombudsman's data suggests that many agencies were ill-equipped to respond to PIA requests during the pandemic.
- Expanded "proactive disclosure" practices, together with the maintenance of accurate and up-to-date lists of readily available records that can be produced immediately and without the necessity of a written PIA request or response would have mitigated some of the problems experienced by agencies and requestors alike.³
- While many requestors with whom the Ombudsman worked during the pandemic appreciated the difficulties facing agencies and patiently awaited a response for periods well beyond regular PIA deadlines, requestors who experienced very lengthy delays or who received no response at all eventually grew disheartened and less sympathetic to

² An emergency Order issued by the Governor on March 12, 2020, entitled *Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations*, allowed agencies to reset deadlines the agency administered provided the agency followed certain procedures, including submitting the proposed extension to the Governor's office, which then had 24 hours to object to the proposed extension. Absent objection from the Governor's Office, the agency was then required to publish a notice of the extended deadline. This emergency measure was construed by the Governor's Office of Legal Counsel to be applicable to PIA deadlines, among others. The Order is no longer in effect. The Ombudsman is aware of a number of instances in which a state agency or political subdivision followed the requisite process in order to extend otherwise applicable PIA deadlines.

³ Section 4-202(b) of the Public Information Act provides that an applicant need not submit a written application to the records custodian to inspect public records that are listed by the custodian as available immediately on request. Section 4-201(c) requires official custodians to "designate types of public records . . . that are to be made available to any applicant upon request," and to "maintain a current list of the types of public records that have been designated as available to any applicant immediately upon request." Additionally, H.B. 183 includes a provision that directs agencies to develop policies of "proactive disclosure" regarding the types of records that can be made available "proactively," that is, in advance of the receipt of any written request for a public record. H.B. 183 goes into effect on July 1, 2022.

the reasons cited for protracted delay. In short, requestors expected adaptation and improvement, particularly as it became apparent that the pandemic was not going to “go away” quickly.

- During the pandemic, the Ombudsman began to use remote meeting platforms such as “Teams” and “Zoom” in conducting mediations. The ability to bring parties together “face-to-face,” albeit remotely, was particularly useful for matters involving numerous or complex issues, a difficult history between the parties, and/or multiple PIA requests and responses between the same parties. In some instances, the ability to bring parties together in this fashion aided the process and facilitated a mutually satisfactory resolution. Even when the use of remote meeting(s) that included both parties did not lead to a mutually satisfactory resolution, it enabled the Ombudsman to bring these matters to closure more efficiently. For these reasons, the Ombudsman plans to continue to use remote meeting tools together with individual consultations by phone, email and regular mail, as needed.

Outreach and Training: The Ombudsman has seen a steady increase in requests for trainings and “help-desk” assistance since the inception of the program in 2016. Until the onset of the Covid crisis in March 2020, the Ombudsman regularly conducted one to two in-person trainings per month. Since March 2020, however, in-person trainings have been deferred indefinitely. The Office has published guidance on the handling of PIA requests during the pandemic through its blog (“Open Matters”), Twitter account (@MPIA_Ombuds), and website (<http://piaombuds.maryland.gov>) and has conducted PIA trainings remotely on request. The Ombudsman expects that trainings will continue to be conducted on a remote basis for the foreseeable future.

2021 Legislative Session - Impact of House Bill 183: The Ombudsman worked extensively with the PIACB toward passage of H.B. 183 during the 2021 session. As detailed in the Board’s Sixth Annual Report, (see discussion at pgs. 7-9), the bill’s passage this year was the culmination of joint efforts by the Board and Ombudsman beginning in 2019 with the study and publication of their joint report on the PIA, as requested by the Chairmen of the Senate Budget and Taxation and House Appropriations Committees.⁴

H.B. 183 is based on the recommendations in this joint report, and most importantly, provides a mechanism by which requestors and custodians can bring a greater range of issues to the Board for decision if their PIA dispute is not first resolved by mediation with the Ombudsman. The bill, which becomes effective July 1, 2022, thus provides an accessible extra-judicial decisional remedy for most types of PIA disputes where none currently exists.

The bill also for the first time directs agencies to develop policies of “proactive disclosure” of their public records. The policy may take into account the types of records maintained by the agency as well as the staff and budgetary resources of the unit and may include, for example, posting certain records on an agency website. The more fully these policies are embraced and implemented by agencies, the greater their impact will be in reducing staff time and the burden

⁴ *The Final Report on the Public Information Act*, published jointly by the PIACB and the Ombudsman on December 27, 2019, can be found here: <https://news.maryland.gov/mpiaombuds/wp-content/uploads/sites/20/2019/12/Final-Report-on-the-PIA-12.27.19.pdf>.

experienced by agencies in responding to PIA requests, and the delays and frustrations experienced by requestors seeking access to public records.

In February 2021, the Ombudsman testified together with Board member, Darren Wigfield, before the House Government Operations (“HGO”) and Senate Education, Health, and Environmental Affairs (“EHEA”) Committees in support of this important legislation. A copy of the Ombudsman’s written testimony before the HGO committee, which includes projected caseloads for the Board under H.B. 183, is included at App. C-7.⁵

The primary impact of H.B. 183 on the Ombudsman program will include the following.

- For the first time in the program’s history, and effective July 1, 2022, mediation matters will have to be brought to closure within 90 days unless the parties agree to an extension.
- The Ombudsman will be required to issue a “final determination” at the conclusion of each mediation stating the outcome of the mediation, identifying any PIA issues that were not resolved in the mediation, and advising the parties whether further review by the Board is available (applicable to most PIA issues other than a dispute over the denial of a fee waiver).
- Mediations through the Ombudsman program are expected to be more efficient and effective as a result of these changes.

The Ombudsman expects to produce educational materials that can be used by requestors and agencies that will assist in the orderly implementation of H.B. 183. The Ombudsman looks forward to continuing her work with the Board and all stakeholders in order to implement H.B. 183.

CONCLUSION

The Ombudsman wishes to thank the Attorney General for appointing her to this important position. In addition, the Ombudsman extends her thanks to the Board for providing this forum for sharing information about the Ombudsman program. Finally, the Ombudsman wishes to again thank the dedicated staff of the Office of the Attorney General - Janice Clark and Sara Klemm – who tirelessly support the Office of the Public Access Ombudsman, as well as OAG intern, Dennis Blumenfeld, who contributed to this report.

Additional program information, including statistical reports, helpful tips, and PIA-related news and developments, are regularly posted throughout the year to the Ombudsman’s website <http://piaombuds.maryland.gov>, and on Twitter @MPIA_Ombuds.

Respectfully submitted,
Lisa Kershner
Public Access Ombudsman
September 2021

⁵ The Ombudsman submitted the same written testimony to the Senate EHEA Committee concerning the cross-filed S.B. 449.

LAWRENCE J. HOGAN, JR.
Governor



BOYD K. RUTHERFORD
Lt. Governor

LISA A. KERSHNER
Public Access Ombudsman

STATE OF MARYLAND
OFFICE OF THE
PUBLIC ACCESS OMBUDSMAN

Testimony of Lisa Kershner, Public Access Ombudsman, in support of H.B. 183
Submitted to
Health and Government Operations Committee
February 9, 2021

Dear Chair Pendergrass, Vice Chair Pena-Melnyk, and Members of the Committee:

I serve as Maryland's Public Access Ombudsman, a position I have held since the program began in 2016. I submit this testimony in support of H.B. 183, which strengthens the Maryland Public Information Act ("PIA") and enhances transparency and good government by providing:

1. an accessible administrative remedy, where none currently exists, that will be available to both requestors and agencies to decide PIA disputes that cannot be resolved through mediation alone;
2. for the development by agencies of policies of proactive disclosure of their public records, a measure that will greatly increase public access and at the same time reduce agency workload in responding separately to routine PIA requests; and
3. for the annual reporting by an agency subject to the Act of certain data regarding the PIA requests it receives and the disposition of those requests, thereby increasing transparency regarding actual PIA performance and providing reliable data that can inform future resource allocations and other improvements to the law.

A. *Need for Administrative Remedy for Disputes that Cannot be Resolved by Mediation Alone*

The purpose of the PIA is to make public records broadly available upon request with the least cost and delay possible unless an exemption from disclosure provided by the Act applies. The animating premise of the Act is that transparency is essential to build trust in government and to the functioning of a healthy democratic system of governance—principles which have never been more important—or more in jeopardy—than they are today. The legislature recognized in 2015, when it created the Office of the Public Access Ombudsman and the PIA Compliance Board, that in order to fulfill the purpose of the PIA, it was necessary to establish readily accessible dispute resolution mechanisms that would be broadly available to and accessible by the many diverse requestors who seek access to public records as well as to state and local agencies that are subject to the Act.

To achieve these goals, the Office of the Public Access Ombudsman was created and given a broad mandate to try to resolve a wide range of disputes regarding access to public records under the PIA, but only on a purely voluntary basis. At the same time, the legislature also created a separate program to provide an administrative remedy for PIA disputes via the PIA Compliance Board ("Board"), a five-member volunteer Board whose members are nominated by stakeholder organizations, such as the press, open government advocacy communities, MACO and MML.

Unlike the Ombudsman program, the Board was given decisional authority, but ultimately under 2015's H.B. 755/S.B. 695 as enacted, its jurisdiction was limited to a tiny fraction of actual PIA disputes, namely, PIA fee disputes over \$350.¹ This configuration of the two existing extra-judicial PIA dispute resolution programs has resulted in a Board that is severely under-utilized and of no value in resolving more difficult and protracted disputes such as those involving denials of access to public records, denials of fee waiver requests, and other disputes that are central to the proper implementation of the PIA. While the Ombudsman has broad authority to try to mediate all of these types of disputes, she has no ability to decide or compel any action, and in too many cases, simply is unable to even induce parties to engage with the mediation process in a meaningful way.

H.B. 183 addresses these defects by restoring to the Board the full plenary jurisdiction that was envisioned when it was originally proposed in 2015. One difference is that, under H.B. 183, in order to proceed to Board review, the complaining party must first attempt to mediate the dispute through the Ombudsman, who must then certify that following good faith efforts to mediate, specific issues remain unresolved.

In 2019 and again in 2020, the Office of the Ombudsman performed a detailed review of the Ombudsman's caseload in order to determine the number of disputes, and their level of complexity, that are likely to be in need of a Board remedy.² The data is highly consistent: whether examined on an annual or "since inception" basis, approximately a quarter of the Ombudsman's caseload—or some 50 new matters—are likely to go to the Board for review and decision each year. Additionally, based on our knowledge of the issues present in these matters, we believe that about half of the new matters going to the Board will be subject to summary disposition, with the other half likely to involve some additional work such as research and/or review of additional documentation, for example, record indices or descriptions of privileged records. Based on this evaluation, we believe that the full Board remedy provided by H.B. 183 can be implemented with the addition of two new staff, one of whom would be an attorney and the other, an administrator or paralegal.³

¹ Prior to the changes enacted in 2015, requestors denied access to records by certain State agencies had the ability to challenge those denials administratively through the Office of Administrative Hearings ("OAH"). While H.B. 755 / S.B. 695 originally provided the Board with plenary jurisdiction to decide PIA disputes, the bill was amended to limit the Board's jurisdiction to fee disputes over \$350. Consistent with the original proposed full Board jurisdiction, the bill also eliminated the jurisdiction of OAH to decide PIA disputes. When the bill was amended to provide for the Board's current very limited jurisdiction, the authority of OAH was not reinstated. This history and its impact on dispute resolution under the PIA is described in a 2019 report jointly authored by the Board and Ombudsman. See *Final Report on the Public Information Act* at 9-17 (Dec. 27, 2019), <https://news.maryland.gov/mpiaombuds/wp-content/uploads/sites/20/2019/12/Final-Report-on-the-PIA-12.27.19.pdf>.

² For more details about the case review conducted for all matters handled by the Ombudsman from the start of the program in March 2016 through September 30, 2019 (42 months), please see *Final Report on the Public Information Act* at 13-17. In preparation for submitting this testimony concerning H.B. 183, a similar case review was performed for all matters handled by the Ombudsman from September 30, 2019 through December 31, 2020 (15 months). Thus, our caseload projections and staffing needs assessment are based on a detailed review of specific matters handled by the Ombudsman over 57 months. As further background for the Committee, the Ombudsman's statistical report for 2020, as well as since the start of the program in 2016 are attached to this testimony.

³ The Board and Ombudsman currently are supported by two staff of the Office of Attorney General ("OAG"), an Administrator and Assistant Attorney General. Thus, the provision in H.B. 183—§ 4-1A-03(d)(2)—that calls

If H.B. 183 is enacted, the full Board remedy it provides will maximize the efficiency and effectiveness of the current Ombudsman program and significantly reduce the number of unresolved public record disputes and the resulting frustrations, suspicions and other negative fallout of unresolved, protracted and proliferating disputes with agencies that erode trust in government and sap the productivity and morale of agency staff.

B. Need for Proactive Disclosure of Public Records

H.B. 183 directs agencies to develop practical policies that they can implement to proactively disclose—for example, via a website or other media—their public records in advance of receiving an actual PIA request. Many agencies do this to some degree already. The bill directs that policies be developed at the agency level to implement proactive disclosure to the extent practicable, taking into account the type of records maintained by the agency. Doing so will reduce agency workload by relieving staff of the need to separately answer many routine record requests and will afford requestors greater ease of access to many important agency records.

C. Need for Agency Tracking and Self-Reporting of PIA Data

H.B. 183 also calls for agencies to track and report annually certain basic data about PIA requests and the dispositions of those requests. This tracking and reporting can be done via something as simple as an Excel spreadsheet and/or by maintaining the data and report in any manner that is convenient to the agency and also ensures that the tracking data is either proactively disclosed or readily available on request. Most agencies with any sizeable caseload already do some PIA tracking, and those with a *de minimis* caseload can readily implement such tracking on a going forward basis.⁴ Tracking and annual reporting of PIA data will have several important benefits that cannot be reliably achieved by any other means: 1) it will provide data on agency PIA performance and compliance on a regular and systematic basis; 2) it will assist agencies in spotting areas for improvement and staff training; and 3) it will allow agencies to make a data-based case for the provision of more resources that might be needed to adequately and timely respond to PIA requests.

Conclusion

Right now, there is a pressing need to restore peoples’ trust and faith in their government. Allowing people to see and better understand what their government is doing will go a long way toward restoration of trust and faith. The provisions of H.B. 183 will play a critical and much needed role in insuring that the promise of the PIA is actually fulfilled and functions properly. I thank the Committee for its consideration of this testimony in support of H.B. 183 and look forward to addressing any questions Committee members may have. For all of the reasons discussed above, I ask that the Committee issue a favorable report on H.B. 183.

Respectfully Submitted,



Public Access Ombudsman

footnote continued. for the Board and Ombudsman to be supported by a total of four staff of the OAG, actually provides for the hiring of only two new additional staff.

⁴ *Final Report on the Public Information Act* at 32-33.



Mediation Metric Report of the Public Access Ombudsman

FY 2021 - Annual Report
July 1, 2020 to June 30, 2021

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

492 FY 2021

- ◆ 280 -Mediation requests
- ◆ 212 -Other/"help-desk" inquiries

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

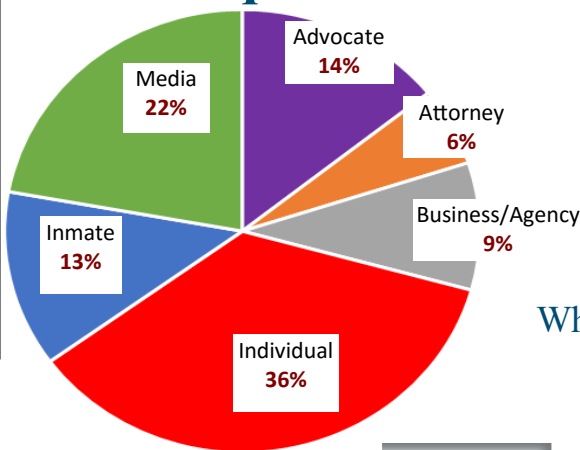
Carry over from FY 2020	46
New/Incoming cases in FY2021	280
Total Number of Mediation cases	326
Total Mediation cases Closed FY 2021	272
Mediation cases carried over to FY 2022	54

The Agencies

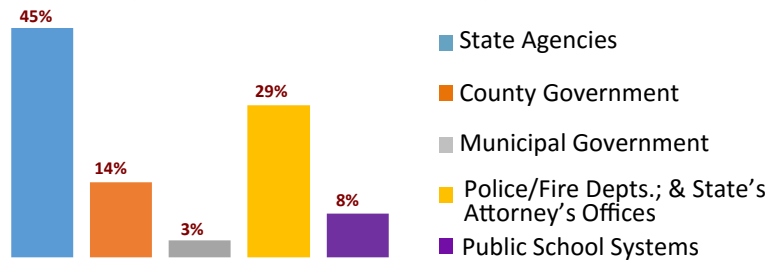
120 unique agencies participated in mediation matters with the PIA Ombudsman in Fiscal Year 2021, including agencies at the state, county, and municipal levels.

The Requestors

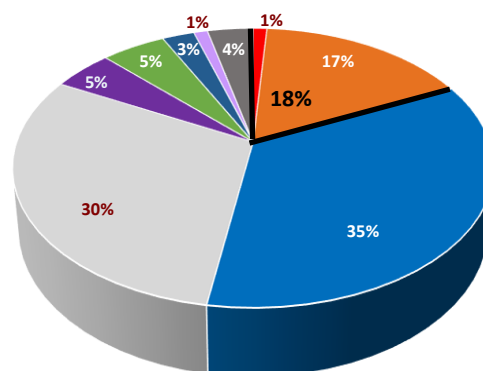
Requestors:
Professional/Occupational requestors make up **51%** of requests for assistance, and all individuals make up **49%**.



What Agencies are Participating in Mediation?

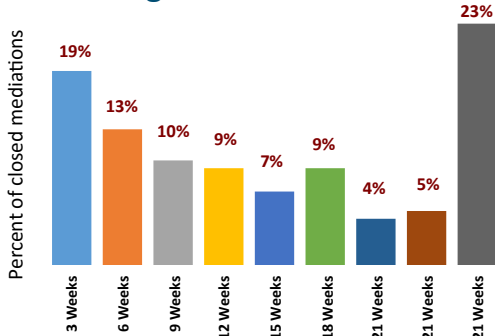


What are the PIA disputes?



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

How Long does Mediation Take?



Range: 1 – 508 days.
19% of the cases are closed within 3 weeks and **43%** by 90 days.

**MPIA Ombudsman
on Twitter**
@MPIA_Ombuds

2021 Legislative Session

House Bill 183 and Senate Bill 449 were introduced early in the 2021 legislative session. These bills were based on recommendations contained in the *Final Report on the Public Information Act* (Dec. 27, 2019), which was published jointly with the PIA Compliance Board. Broadly speaking, the bills provide for a more integrated extra-judicial dispute resolution process and expand the jurisdiction of the Board to resolve a wider variety of disputes. Both bills passed their respective chambers with unanimous support and HB 183 was enacted on May 30, thus becoming law. It takes effect on July 1, 2022.

Several other PIA-related bills were also introduced during the 2021 session, but only one passed and became law. **Senate Bill 178**, which will take effect on October 1, 2021, removes records related to administrative and criminal investigations of alleged police misconduct from the ambit of GP § 4-311's mandatory exemption for personnel records.

Additional analysis of 2021 Legislative Changes to the PIA can be found on the Ombudsman's Blog, *Open Matters* at news.maryland.gov/mpiaombuds/blog.

FY 2021 Open Matters: Blog of the Public Access Ombudsman

- **2021 Legislative Changes to the PIA (Pt. 2)– H.B. 183.** Open Matters Blog, posted 06/21/21
- **2021 Legislative Changes to the PIA – Two Part Series.** Open Matters Blog, posted 06/07/21
- **Ombudsman and members of the PIA Compliance Board unanimously support HB 183.** Open Matters Blog, posted 02/12/21
- **Discretionary Exemptions Series: Investigative Records.** Open Matters Blog, posted 12/28/20
- **New Court Rules Govern Access to Judicial Records .** Open Matters Blog, posted 7/30/20
- **What Criminal Records Can I Get Under the PIA?** Open Matters Blog, posted 07/09/20

RESOURCES/LINKS

- ◆ **MD Office of the Attorney General—PIA Manual 15th Edition:** http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printable.pdf. The PIA Manual includes Appendix J a List of Public Record Custodians.
- ◆ **MD State Archives:** <http://msa.maryland.gov> is a resource for custodians' record management and retention practices.
- ◆ **Office of Government Information Services (OGIS – FOIA)** <https://www.archives.gov/ogis>
- ◆ **Federal FOIA (Freedom of Information Act) :** <https://www.foia.gov/>
- ◆ **PUBLIC ACCESS OMBUDSMAN**
 - * **Request for Mediation Form:** <https://news.maryland.gov/mpiaombuds/request-mediation>
 - * **Interpretive Regulations:** <https://tinyurl.com/y2cuqp55>
- ◆ **Virginia Freedom of Information Advisory Council:** <http://foiacouncil.dls.virginia.gov/foiacouncil.htm>

Outreach FY 2021

July 1, 2020 – June 30, 2021

Presentations, Workshops, Trainings, and Other Outreach

Due to the COVID-19 state of emergency, in effect throughout the entire FY21, the Public Access Ombudsman's Office conducted all trainings and presentations by remote means.

- Maryland Municipal Attorneys Association, *Legislative changes to the MPIA*, virtual briefing, May 6, 2021
- Senate Education, Health, and Environmental Affairs (EHEA) Committee, Testimony SB 449. February 23, 2021.
- House Health and Government Operations (HGO) Committee , Testimony HB183. February, 11, 2021
- Equitable Access to Government Information Panel, MDCC Press Association Podcast. February 3, 2021
- Maryland Association of Counties, Winter Conference, December 16, 2020.
- Carroll County Sheriff's Office, PIA 101 for Law Enforcement, November 17, 2020.
- Gov't Ops and Health Facilities Subcommittee of the House HGO Committee, Open Government Briefing, October 28, 2020.
- Maryland Municipal League, Academy for Excellence in Local Government, October 9, 2020.
- PIACB Annual Meeting Presentation, Ombudsman's Report, July 29, 2020.

Select Publications

Publications can be found on the Ombudsman's Website at <https://news.maryland.gov/mpiaombuds/paoresources/>.

- **Ombudsman comments**, included as an Appendix to the 2020 Annual Report of the PIA Compliance Board. September 2020
- **Testimony of the Ombudsman** submitted to the House HGO and Senate EHEA Committees concerning HB 183/SB 449. February 2021
- **Final Report on the Public Information Act.** Submitted by the PIA Compliance Board and the Public Access Ombudsman and pursuant to Committee Narrative in the Report on the Fiscal 2020 State Operating Budget and the State Capital Budget. December 27, 2019
- **Public Access Ombudsman's Interpretive Regulations:** <https://tinyurl.com/y2cuqp55>, June 2019
- **HB 1105 Report:** *Ombudsman's Report Concerning the Howard County Public School System's Handling of Requests Under the Public Information Act.* December 30, 2016

