

Appendix A.
REPORT FROM THE
PUBLIC ACCESS
OMBUDSMAN

APPENDIX A
REPORT OF THE PUBLIC ACCESS OMBUDSMAN
FY 2023

The General Assembly created the Office of the Public Access Ombudsman (“Office” or “Ombudsman”) in 2015 in the same law that created the Public Information Act Compliance Board (“Board” or “PIACB”). *See* 2015 Md. Laws, ch. 135. The Ombudsman’s primary duty is to make reasonable attempts to resolve disputes between records custodians and applicants seeking public records under the Maryland Public Information Act (“PIA” or “Act”). Typically, the Ombudsman accomplishes this through voluntary, non-binding, and confidential mediation. The Ombudsman has broad authority to try to resolve a wide variety of PIA disputes such as disputes involving exemptions; the failure of a custodian to issue a timely response; fee disputes; and repetitive, overly broad, and alleged vexatious requests. *See* Md. Code Ann., Gen. Prov. (“GP”) § 4-1B-04; COMAR 14.37.02.

In addition to mediating PIA disputes, the Ombudsman also regularly provides informal assistance, resource material, and PIA training on request. These and other activities are published in summary reports that are periodically posted to the Ombudsman’s website, <https://piaombuds.maryland.gov>. This report describes the Ombudsman’s activities from July 1, 2022, through June 30, 2023 (“FY 2023”). For context, comparative data concerning prior periods is provided in the tables below. Additional information about Ombudsman program activities is provided in the attachments to this report at Appendix A, page 27 through 30.

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 OAG staff that support the PIACB. S. Spencer Dove serves as the program’s Administrative Officer and Assistant Attorney General Sara Klemm serves as legal counsel. The Ombudsman thanks the OAG and staff for their exceptional support, skill, and professionalism throughout the year. The Ombudsman could not operate effectively without their support.

Program Operations

Since inception, the Ombudsman has tracked certain information about the program’s caseload and program users, including caseload volume, time required to bring mediations to closure, types of disputes submitted for mediation, and types of requesters and agencies participating in mediation. In FY 2022 we reported that the impact of the COVID pandemic, particularly on the length of time required to conclude mediations and the number of matters involving an agency’s failure to respond to a PIA request (also referred to as MIAs), was slowly abating. This trend continued in FY 2023 with aspects of the Ombudsman’s caseload trending toward pre-pandemic norms.

FY 2023 is the first full year in which the Ombudsman and PIACB operated under changes made by Chapter 658 of the 2021 Acts of the Maryland General Assembly (referred to as “H.B.

183” or the “Equitable Access to Records Act”). Thus, the Ombudsman can now report on the implementation and impact of these changes, including, for the first time, mediation outcomes, which are now systematically tracked.¹

Overall, while the types of disputes and participants in mediation are consistent with prior years, the number of new mediations and other requests for assistance has increased significantly. We believe this increase is likely the result of public perception that the two-tiered integrated PIA dispute resolution process involving the Ombudsman and Board instituted by H.B. 183 is more effective than mediation alone. Likewise, the new requirement that mediations generally must be concluded within 90 days is enhancing the Ombudsman’s ability to move mediations forward in a timely fashion. These and other trends are elaborated in our discussion of program metrics below.

Program Metrics

Figure 1: Ombudsman Caseload & Closure Rate					
Time Period	Carry-Over from Prior Year	New Mediation Matters	New HD Matters	Total New Matters	Mediations Closed²
FY 2023	28	275	251	526	250 or 76%
FY 2022	52	215	168	383	239 or 90%
FY 2021	49	235	212	447	232 or 82%
Since Inception	N/A	1756	1255	3011	1703 or 97%

Figure 1 shows 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). The relatively small number of open mediations that were carried over into FY 2023 (28), was key to the successful implementation of H.B. 183 and resulted from several convergent factors, including:

- the receding effects of the COVID-19 pandemic which allowed agencies to catch up on a backlog of PIA requests and reduce the length of time PIA requests remained unanswered;
- the program’s success in bringing protracted mediations to closure and promptly resolving MIAs; and

¹ Effective July 1, 2022, Chapter 658 expanded the jurisdiction of the PIACB and instituted an integrated dispute resolution process that includes the Ombudsman. These changes include requirements that mediation through the Ombudsman be attempted before a party can file a complaint with the PIACB; that mediations be concluded within 90 days unless the parties and Ombudsman agree to an extension; and that at the conclusion of each mediation, the Ombudsman issue a Final Determination reflecting the disputes presented and outcome of the mediation. Depending on the outcome of the mediation and nature of the dispute, a party may be eligible to file a complaint with the PIACB.

² 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. “Help Desk” matters are not reflected in this statistic because they are generally closed quickly, usually within 24 to 48 hours.

- the development and integration of new protocols that enable the Ombudsman to handle mediations more efficiently and to seamlessly implement the new requirements of H.B. 183.

The small number of open matters that were carried over into FY 2023 was also important to the program’s ability to effectively manage its increased caseload throughout the year, which was higher for both new mediations and Help Desk matters than in any previous year. Specifically, the program received 275 new requests for mediation and 251 new Help Desk requests in FY 2023. In other words, in FY 2023 our program received 60 more new mediations and 83 more new Help Desk requests compared to FY 2022. Had the number of carry over matters going into FY 2023 been higher, there likely would have been longer waiting periods for program users, lengthier periods to bring open matters to closure, and a diminished capacity to bring mediations to successful resolution. In this respect, the fact that there were 53 open mediations carried over into FY 2024 on July 1, 2023 – almost double the number of open mediations carried over into FY 2023 – signals the need for more resources in order to prevent lengthy queues and waiting periods from compounding over time³.

Figure 2: Program Use - Individual & Occupational Users		
Time Period	Individual	Professional Occupational User
FY 2023	64%	36%
FY 2022	81%	19%
FY 2021	49%	51%
Since Inception	64%	36%
<i>For a full breakdown of program users, please see the Ombudsman’s Annual and “Since Inception” Statistical Reports included as a supplement to this report.</i>		

Figure 2 reflects the types of requesters using the Ombudsman’s program. Most requesters this year, as in all previous years except for FY 2021, were individuals seeking assistance for purposes unrelated to their business or occupation. At the same time, the Ombudsman continued to work with a diverse group of professional and occupational users, including press and media outlets, non-profit organizations, private attorneys, businesses, and others. As shown above, the percentage of occupational program users was higher in FY 2023 (36%) than in FY 2022 (19%), and was largely consistent with all other prior years since inception.

Figure 3: Program Use – Agency Make-Up			
Time Period	State	Local*	Other**
FY 2023	27%	27%	45%
FY 2022	30%	24%	46%
FY 2021	45%	17%	37%
Since Inception	35%	25%	40%
<i>*Includes regional, county, and municipal agencies.</i>			
<i>**Includes public school districts, higher education institutions, and law enforcement agencies (police, fire, and state’s attorneys’ offices)</i>			

Figure 3 reflects the type of agencies participating in mediation during FY 2023. Overall, there was a very high rate of agency consent to mediation (92%) with 109 unique agencies participating in mediations.⁴ In all previous years, with the exception of FY 2021, state and local agencies have been approximately equally represented in the

³ There were between 40-60 mediations carried over month-to-month during most of FY 2023.

⁴ In most instances in which mediation was declined (7%), a mandatory exemption or other dispute in which the agency felt it had no flexibility was involved. In the remaining 1% of matters, our

Ombudsman’s caseload.⁵ FY 2023 was consistent with prior years as reflected by the equal participation by state (27%) and local (27%) agencies. PIA requests made to public school districts, higher education institutions, and law enforcement agencies (*i.e.*, police, fire and state’s attorneys’ offices), which are captured as “Other” in **Figure 3**, comprised a combined 45% of all agencies participating in mediation, reflecting the continued strong public interest in educational affairs (particularly K-12 public schools) and law enforcement agencies.

Figure 4 shows the relative percentage of disputes submitted for mediation involving either “no response” to a PIA request, or a partial, incomplete, or non-responsive agency response – collectively referred to as “MIA/PIN” matters – as compared to other types of disputes that are regularly submitted, including the application of exemptions resulting in a denial or partial denial of a request (37%), excessive fees (8%) or the denial or failure to respond to a fee waiver request (3%). See Appendix A, page 27.

During the State of Emergency, which began in March 2020 and remained in effect until mid-August 2021, the number of disputes submitted for mediation in the “MIA/PIN” category surged with nearly two thirds of all matters presenting with these disputes in FY 2021 and a little more than half of all matters involving these disputes in FY 2022. In FY 2023, these types of disputes continued to decrease as a percentage of the Ombudsman’s caseload so that we are now able to resolve some MIAs as HD matters. The Office will continue its efforts to further reduce the level of “MIA/PINs” through training and outreach activities.

Figure 4: Disputes Presented for Mediation		
Time Period	MIA/PIN	Other
FY 2023	44%	56%
FY 2022	52%	48%
FY 2021	65%	35%
Since Inception	46%	54%
<i>For a full breakdown of each PIA dispute, please see the Ombudsman’s Annual and “Since Inception” Statistical Reports included as a supplement to this report.</i>		

Figure 5: Length of Time to Conclude Mediations					
Time Period	3 Weeks	6 Weeks	9 Weeks	12 Weeks	12+ Weeks
FY 2023	27%	21%	23%	16%	18%
FY 2022	18%	16%	17%	11%	38%
FY 2021	19%	13%	11%	9%	48%
Since Inception	30%	18%	15%	10%	26%

Figure 5 illustrates another positive trend continuing in FY 2023 – the number of mediations reaching conclusion in fewer than 12 weeks (84 days) has increased. This is due to many factors, but there are two key factors that deserve mention:

office did not obtain an agency response to a request to mediate a PIA dispute because the dispute presented for mediation became moot due to outside factors or the mediation request was withdrawn.

⁵ In FY 2021, there was a greater percentage of mediations involving state agencies (45%) and a corresponding reduction in matters involving local government (17%), which may have reflected a predominant interest in the activities of state agencies leading the response to the pandemic.

- the new requirement that the Ombudsman bring mediations to closure within 90-days, with extensions granted only with the consent of the parties and in circumstances in which the Ombudsman believes that an extension will facilitate a resolution of the dispute, and
- the development of Office protocols and timelines that enable the Ombudsman to set clear standards and expectations for participants while attempting to resolve PIA disputes efficiently and within the statutory deadline.

While the program generally succeeded in moving mediations forward in a timely fashion during FY 2023, this success will not be sustainable without additional staff if the increased caseload reflected in **Figure 1** continues as expected. Because the effectiveness and utility of PIA mediation is closely tied to the Ombudsman’s ability to address disputes sooner rather than later, the program’s overall success depends upon the Ombudsman’s ability to bring parties together in a constructive conversation promptly.

Figure 6: Outcome of Mediations					
Time Period	Resolved	Unresolved	Partially Resolved	Did Not Pursue	Terminated
FY 2023	67%	19%	3%	8%	3%

Figure 6 captures the outcome of PIA mediations as recorded in the “Final Determination” that now must be issued at the conclusion of each mediation. Typically, the Final Determination reflects one of the following dispute outcomes:

1. “Resolved” (*i.e.*, matter is fully resolved);
2. “Unresolved” (*i.e.*, matter is entirely unresolved);
3. “Partially Resolved” (*i.e.*, one or more but not all discrete issues presented within a dispute are resolved);
4. “Did Not Pursue” (*i.e.*, the request for mediation was withdrawn or abandoned by the party initiating the mediation); or
5. “Terminated” (*i.e.*, by the Ombudsman in circumstances where one or both parties fail to engage with the process or fail to abide by the written standards of conduct applicable to the mediation).

Figure 6 reflects that FY 2023 mediation outcomes are within the parameters initially projected by the Ombudsman and the Board in their joint report “Final Report on the Public Information Act” issued on December 27, 2019. Specifically, the Board and Ombudsman projected that if the Board’s jurisdiction was expanded to allow it to hear a greater range of PIA disputes, approximately 25% of PIA mediations (between 50 and 60 per year) would be closed as “unresolved” or “partially resolved” and likely would proceed to Board review. The percentage of matters closed by the Ombudsman as “unresolved” and “partially resolved” in FY 2023 comes close to these projections, totaling 22%. However, only 26 of the 54 potentially Board-eligible matters that closed as “unresolved” or “partially resolved” in FY 2023 resulted in the filing of a complaint with the PIACB. Of these 26 complaints, 11 (42%) were filed in the last quarter of the fiscal year. This metric will be closely monitored going forward. It remains to be seen whether the last quarter metrics and mediation caseload remains at or above FY 2023 levels. If so, the projected Ombudsman and Board caseloads reported in 2019 may well be exceeded.

Outreach & Training

The Ombudsman regularly receives requests for PIA training and other assistance from both requesters and custodial agencies. During FY 2023, the Office conducted 12 PIA trainings and presentations, which are listed in the statistical report included at Appendix A, pages 27 through 30. Since March 2020, the Ombudsman has conducted most trainings remotely, which has enabled the Office to expand its offerings and make these trainings and presentations accessible to a broader range of interested organizations and persons.

In FY 2023, the Office launched a new training program referred to as “Brown Bag Lunch Trainings.” These trainings are held online during the lunch hour on a quarterly basis. Each Brown Bag training focuses on select PIA topics of interest allowing the participants to take a deeper dive into topics that present recurring issues or problems. Each session is open to both requesters and custodians, and thus provides an informal and convenient forum for them to hear and learn from each other’s experience and concerns. The trainings conducted in this format to date have covered:

1. “PIA 101” – November 16, 2022 (189 attendees).
2. “Deliberative Process & Discretionary Exemptions” – April 20, 2023 (138 attendees).
3. “Making an Effective PIA Request” – July 19, 2023 (73 attendees).
4. “Protecting Personal Information & Anonymizing Data” – to be scheduled in Nov. 2023.

To maximize the reach of each “Brown Bag” session, the Ombudsman records and posts each video on the Office’s [YouTube Channel](#). In addition to the “Brown Bag” series, the Office continues to conduct trainings upon request by specific agencies or groups. These trainings are also recorded, but the recordings are circulated only to the individual attendees together with the written material used for that training. This approach has enabled the Office to give the public more engaging and in-depth information about the PIA while providing trainings focused on the needs, experiences, and interests of particular agencies and groups.

In addition to PIA training and presentations, the Ombudsman also posts a variety of PIA-related resources and news to the program’s website and via its Twitter account. The Office continues to work with the Maryland Department of Information Technology to overhaul the Ombudsman’s website to make it more accessible and user friendly.

Looking Forward: FY 2024

The changes made by H.B. 183 created additional tasks and program issues for the Ombudsman, its Administrative Officer, and program counsel in opening, managing, and closing mediations, including:

- the need to define disputes with precision at the outset of each mediation (relevant to potential Board jurisdiction);
- the need to obtain express written consent or a declination to mediate a specific PIA dispute (relevant to potential Board jurisdiction);
- the need to track and close each mediation within 90 days or, when appropriate, to obtain the parties’ consent to an extension of the deadline (necessary to ensure compliance with statutory deadline);

- the need after all actions discussed during mediation have been taken to obtain the parties' input as to whether the disputes presented are "resolved," "partially resolved," or "unresolved" (relevant to the "Final Determination"); and
- the need to issue a "Final Determination" as required to close each mediation (necessary to determine Board jurisdiction).

To fulfill these new requirements, the Office adjusted its intake, case management, and closure protocols, and updated the Ombudsman's interpretive regulations to reflect these changes. The updated regulations were finalized in August 2023 and became effective September 18, 2023⁶.

Even with these adjustments, the demands of an increased caseload combined with a more compressed period for handling each matter have resulted in a larger number of open mediations. If this trend continues, there will be increasingly lengthy queues and wait times for program users, diminishing the program's capacity to deliver services aimed at preventing and resolving PIA disputes on a timely basis. To sustain current service levels and improvements, we are seeking:

- The creation of a Deputy Ombudsman who will be able to handle mediations and perform all duties of the Ombudsman as needed. This will require legislative action amending Subtitle 1B of the PIA, § 4-1B-03 in particular.
- The addition of two staff – one additional administrative staff and one additional counsel – that will be able to support both the Ombudsman's program and the Board. This need is consistent with the projections contained in the 2019 "Final Report on the Public Information Act." This action does not require amendment to the PIA.

The Ombudsman looks forward to working with all stakeholders in FY 2024 to obtain the resources and staff needed to operate continuously at current levels for the benefit of the public and custodial agencies.

CONCLUSION

The Ombudsman wishes to thank the Attorney General for his support of the Ombudsman program and the consistently outstanding staff support the OAG has provided to the Ombudsman program. 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 OAG – Spencer Dove and Sara Klemm – who tirelessly support the Office of the Public Access Ombudsman, as well as OAG law clerk, Julia Byrne, who provided valuable assistance to the Ombudsman during the Summer of 2023 regarding the handling of multiple mediation matters. 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 via Twitter @MPIA_Ombuds.

Respectfully submitted,
Lisa Kershner
Public Access Ombudsman
September 2023

⁶ COMAR Online, Title 14, Subtitle 37: <https://dsd.maryland.gov/Pages/COMARHome.aspx>

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

Mediation Metric Report of the Public Access Ombudsman

FY 2023 - Annual Report
 July 1, 2022 to June 30, 2023



**Annual Report
 FY 2023**

526 2022

- ◆ 275 - Mediation requests
- ◆ 251 - 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.

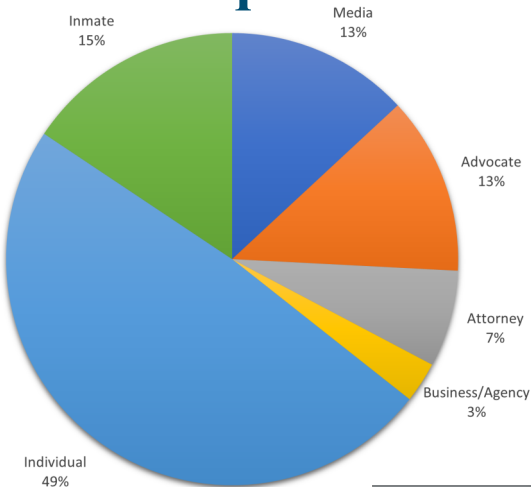
Total Mediation Cases, as of June 30, 2023	
Carry over from FY 2022	28
New/Incoming cases in FY 2023	275
Total Number of Mediation cases	303
Total Mediation cases Closed FY 2023	250
Mediation cases carried over to FY 2024	53

The Agencies

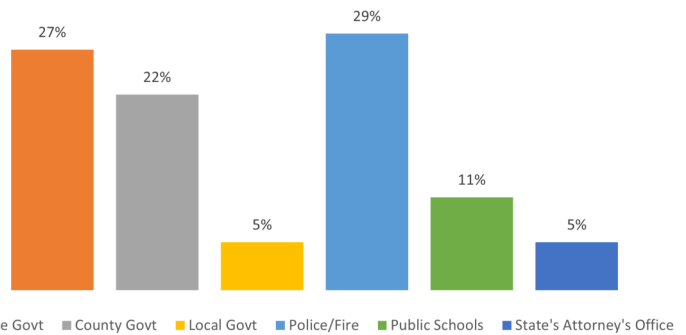
109 unique agencies participated in mediation matters with the PIA Ombudsman in Fiscal Year 2023, including agencies at the state, county, and municipal levels.

The Requesters

Requesters:
 Professional/Occupational requesters make up **36%** of requests for assistance, and all individuals make up **64%**.

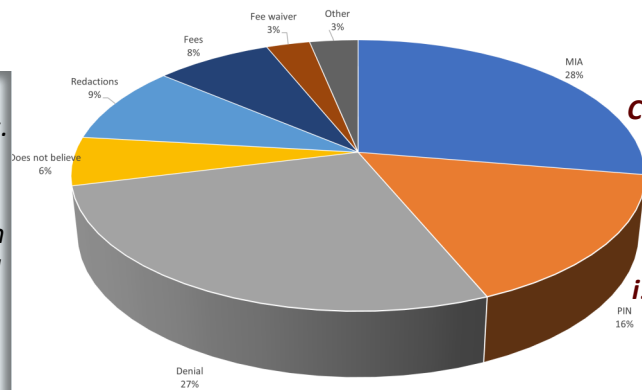


What Agencies are Participating in Mediation?



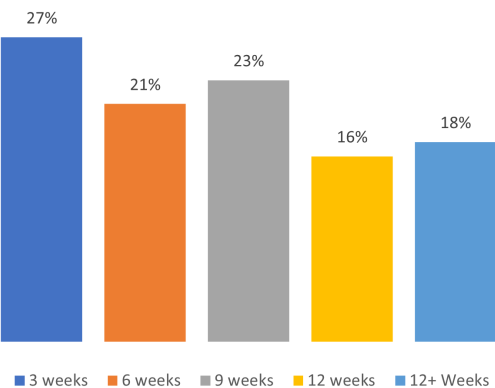
What are the PIA Disputes?

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



- Misapplication of exemption - 37%
- Redaction inappropriate - 9.32%
- Entire record withheld - 27.33%
- MIA: No Response - 28%
- Partial, nonresponsive, or incomplete response - 16%
- Fees excessive - 8%
- Fee waiver request denied or ignored - 3%
- Does not believe response - 6%
- Asked for explanation of response - 0%
- Other - 3%

How Long Does Mediation Take?



Range:
 1 – 399 days.
27% of the cases are closed within 3 weeks and **91%** by 90 days.

Lisa Kershner

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 Twitter: @MPIA_Ombuds

Ombudsman's Website:

<http://piaombuds.maryland.gov>

**MPIA Ombudsman
on Twitter**
@MPIA_Ombuds

2023 Legislative Session

[HB 636 \(Inspection of E-Mail Addresses and Telephone Numbers\)](#) – this bill changes the definition of “personal information” to include personal email addresses, and requires custodians to deny inspection of personal email addressees and telephone numbers, except under certain circumstances (e.g., where a licensee uses a personal email address as his or her business address for purposes related to the license). Effective Oct. 1, 2023

[HB 1051 \(Decisions of the State Public Information Act Compliance Board – Appeals\)](#) – this bill specifies that a party aggrieved by the decision of a circuit court reviewing a Board decision may appeal to the Appellate Court of Maryland (formerly known as the Court of Special Appeals); the bill was amended during session to also clarify that an applicant (in addition to a custodian or complainant) has the right to appeal an adverse Board decision (this would come into play when a custodian files a complaint alleging that a request is frivolous, vexatious, or in bad faith). Effective Oct. 1, 2023

[Click here to see all bills tagged “Public Information” in the 2023 Session](#)

RESOURCES/LINKS

ALL TITLES BELOW ARE HYPERLINKED

- ◆ [Public Access Ombudsman’s Website \(request mediation\)](#)
- ◆ Public Access Ombudsman’s Interpretive Regulations
- ◆ [PIA Manual](#) – 17th Edition, July 2022
- ◆ [Maryland State Archives](#) – a resource for custodian record management and retention practices
- ◆ [Office of Government Information Services \(OGIS-FOIA\)](#)

Outreach FY 2023

July 1, 2022 – June 30, 2023

Presentations, Workshops, Trainings, and Other Outreach

Due to the COVID-19 pandemic, the Public Access Ombudsman’s Office conducted all trainings and presentations by remote means.

- St. Mary’s County Government, *MPIA: A Comprehensive Overview*, July 21, 2022
- Maryland Association of County’s Summer Conference, *MPIA: A Comprehensive Overview*, August 20, 2022, a presentation in partnership with Judge David Carey.
- Local Government Insurance Trust, *MPIA: A Comprehensive Overview* – November 3, 2022
- Brown Bag Series #1 – *MPIA: A Comprehensive Overview* – November 16, 2022
- Frederick County Law Enforcement, *MPIA: A Comprehensive Overview* – December 14, 2022
- House Health & Government Operations Committee, *Briefing: Ombudsman’s Program* – January 19, 2023
- Marylander’s for Open Government Transparency Summit – January 20, 2023
- Baltimore County Public Library, *MPIA: A Comprehensive Overview* – February 6, 2023
- Sunshine Week (invited by Common Cause Maryland), *MPIA: A Comprehensive Overview* – March 16, 2023
- Brown Bag Series #2 – Deliberative Process Privilege & Discretionary Exemptions – April 20, 2023
- Office of Health Care Quality, *MPIA: A Comprehensive Overview* – May 2, 2023
- Maryland Municipal League Summer Conference, *MPIA: A Comprehensive Overview* – June 26, 2023

Select Publications

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

- **Ombudsman’s FY 2022 Annual Report**, included as an Appendix to the 2022 Annual Report of the PIA Compliance Board. September 2022
- **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
- **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
- **What’s New?** A comparison of the process for PIA dispute resolution before and after July 1, 2022.
- **Mediation Process Flow-Chart**



MARYLAND PUBLIC INFORMATION ACT (PIA)

The public's right to information about government activities lies at the heart of democracy.

Metrics Handout Office of the Public Access Ombudsman

Since Inception Report
March 30, 2016—June 30, 2023



87 Months
Since
Inception

3011 March 30, 2016

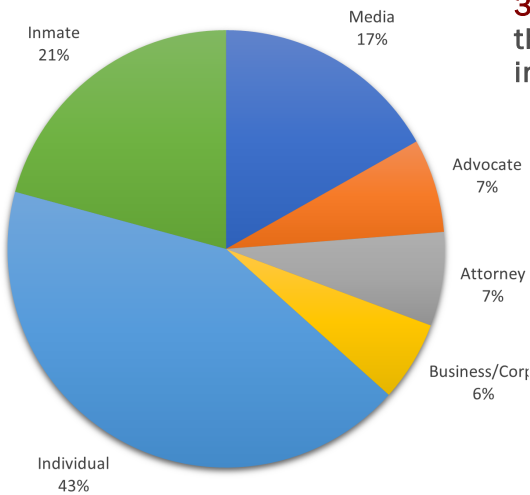
- ♦ 1756 - Mediation requests
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The Big Picture: Mediation Matters!

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The Requesters

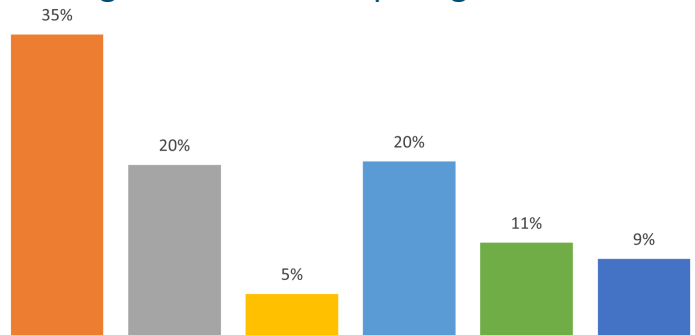
Aggregated Requesters: Professional/Occupational categories make up 36% of requests for assistance and all individuals make up 64%.



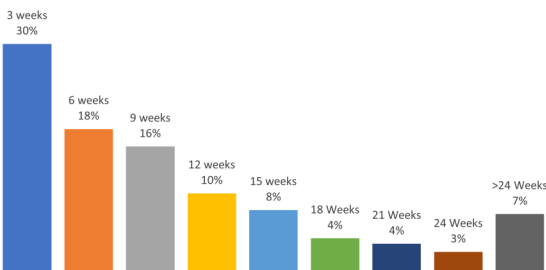
The Agencies

375 unique agencies participated in mediation matters with the PIA Ombudsman since the beginning of the program, including agencies at the state, county and local levels.

What Agencies are Participating in Mediation?

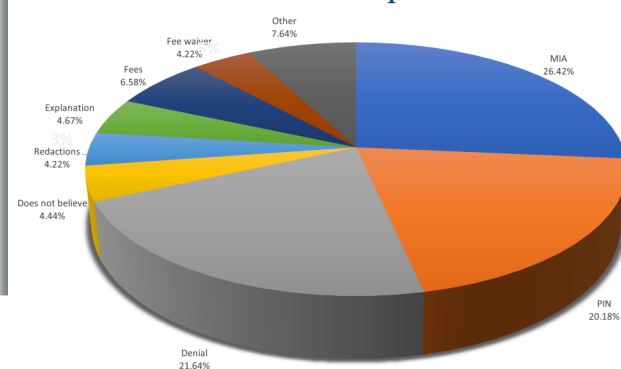


How Long Does Mediation Take?



30% of Ombudsman matters are closed within 3 weeks and **76%** by 90 days.

What are the PIA disputes?



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

- Misapplication of exemption 26%
- Redaction inappropriate 4%
- Entire record withheld 22%
- MIA: No Response 26%
- Partial, nonresponsive, or incomplete response 20%
- Fees excessive 7%
- Fee waiver denied or ignored 4%
- Does not believe response 4%
- Asked for explanation of response 5%
- Other 8%

Mediations March 30, 2016 – June 30, 2023	
New/Incoming Cases between 3/30/16—6/30/23	1756
Closed as of 6/30/23	1703

Lisa Kershner

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- ◆ Public Access Ombudsman’s Interpretive Regulations
- ◆ [PIA Manual](#) – 17th Edition, July 2022
- ◆ [Maryland State Archives](#) – a resource for custodian record management and retention practices
- ◆ [Office of Government Information Services \(OGIS-FOIA\)](#)

Outreach FY 2023

July 1, 2022 – June 30, 2023

Presentations, Workshops, Trainings, and Other Outreach

Due to the COVID-19 pandemic, the Public Access Ombudsman’s Office conducted all trainings and presentations by remote means.

- St. Mary’s County Government, *MPIA: A Comprehensive Overview*, July 21, 2022
- Maryland Association of County’s Summer Conference, *MPIA: A Comprehensive Overview*, August 20, 2022, a presentation in partnership with Judge David Carey.
- Local Government Insurance Trust, *MPIA: A Comprehensive Overview* – November 3, 2022
- Brown Bag Series #1 – *MPIA: A Comprehensive Overview* – November 16, 2022
- Frederick County Law Enforcement, *MPIA: A Comprehensive Overview* – December 14, 2022
- House Health & Government Operations Committee, *Briefing: Ombudsman’s Program* – January 19, 2023
- Marylander’s for Open Government Transparency Summit – January 20, 2023
- Baltimore County Public Library, *MPIA: A Comprehensive Overview* – February 6, 2023
- Sunshine Week (invited by Common Cause Maryland), *MPIA: A Comprehensive Overview* – March 16, 2023
- Brown Bag Series #2 – Deliberative Process Privilege & Discretionary Exemptions – April 20, 2023
- Office of Health Care Quality, *MPIA: A Comprehensive Overview* – May 2, 2023
- Maryland Municipal League Summer Conference, *MPIA: A Comprehensive Overview* – June 26, 2023

Select Publications

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

- **Ombudsman’s FY 2022 Annual Report**, included as an Appendix to the 2022 Annual Report of the PIA Compliance Board. September 2022
- **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
- **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
- **What’s New?** A comparison of the process for PIA dispute resolution before and after July 1, 2022.
- **Mediation Process Flow-Chart**

