

Appendix A.
REPORT FROM THE
PUBLIC ACCESS
OMBUDSMAN

APPENDIX A
REPORT OF THE PUBLIC ACCESS OMBUDSMAN
FY 2024

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 posted to the Ombudsman’s website, <https://piaombuds.maryland.gov>. This report describes the Ombudsman’s activities from July 1, 2023, through June 30, 2024 (“FY 2024”). 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 60 through 64.

ACTIVITIES OF THE OMBUDSMAN

Lisa Kershner was appointed by the Attorney General as Maryland’s first Public Access Ombudsman and has served in that role since the program first opened its doors in 2016. By statute, 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 OAG also recently authorized the hiring of a second administrator, a critical position that has been filled by Kentiara Moore. 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 operations, 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. FY 2024 is the second full year of operation under the changes made by Chapter 658 of the 2021 Acts of the Maryland General Assembly (referred to as “H.B. 183” which was titled the “Equitable Access to Records Act”). These changes integrated the work of the Ombudsman and PIACB by expanding the jurisdiction of the Board to include the authority to review and decide complaints about the denial of access to records (and certain other issues) if mediation through the Ombudsman fails to resolve the dispute. The changes also included new requirements that

mediations be completed within 90 days absent agreement to extend the deadline, as well as a new requirement that the Ombudsman issue a “Final Determination” that summarizes the dispute and its outcome in mediation.

The Board and Ombudsman in their joint report recommending these changes projected the likely impact of their recommendations on caseloads and staffing needs.¹ The Ombudsman is now able to report, based on two full years of data, that the projected impacts are largely borne out. Specifically, since H.B. 183 went into effect on July 1, 2022, the expected need for two additional staff to effectively manage the additional tasks, increased caseload and other changes made by H.B. 183 is apparent.

As discussed in this report, the combined impact of a substantial increase in requests for Ombudsman mediation and other assistance together with the additional tasks entailed by H.B. 183, without the addition of staff to increase program capacity, has resulted in increasingly lengthy queues for program users and a diminished capacity to timely address requests for mediation or to engage in discretionary activities, such as PIA trainings. In fact, at the start of FY 2025, for the first time in the program’s history, the Ombudsman was forced to put all new training requests on hold in order to devote all staff time to the chronic backlog of requests for mediation.

In other respects, however, program metrics during FY 2024 reflect a great deal of consistency with prior years, including in the make-up of program users, the level of participation in mediation, the types of PIA disputes presented for mediation and other requests for PIA assistance received by the program. These and other trends are elaborated in our discussion of program metrics below.

¹ Office of the Public Access Ombudsman and State Public Information Act Compliance Board. (December 27, 2019). *Final Report on the Public Information Act*. https://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIACB/122719_Final_Report_on_the_PIA.pdf.

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 2024	53	299	337	636	273 or 78%
FY 2023	28	275	251	526	250 or 83%
FY 2022	52	215	168	383	239 or 90%
Since Inception	N/A	2055	1592	3647	1976 or 96%

Figure 1 shows the overall volume of the Ombudsman’s caseload, consisting of both requests for mediation and informal requests for assistance (referred to as “Help Desk” or “HD” matters) in FY 2024. As reflected by this data, the program received the largest number of new requests for mediation (299) and help desk matters (337) in the program’s history. In addition to the combined 636 new matters received in FY 2024 – which amounts to 110 more new matters than were received during FY 2023 – the program also carried over a larger number of pending mediations (53) at the outset of FY 2024 than was the case at the outset of FY 2023 (28)³.

On a month-to-month basis during FY 2024, the number of matters carried over also increased, averaging 60 mediations carried-over per month as compared to an average of 42 mediations carried-over per month during FY 2023. Because longer mediation queues and wait periods reduce the utility of mediation as an efficient and timely remedy to resolve PIA disputes, it is troubling that there was an even larger number of matters carried over at the start of FY 2025 (79) with an average of 79 matters carried over during the first three months of the new fiscal year.

If unchecked, this trend will result in increasingly long wait periods for program users seeking mediation, and a compounding of the effects long wait periods have on user experience and program effectiveness. Specifically, PIA disputes will continue to fester while protracted and stale disputes become more difficult or impossible to resolve efficiently. Unresolved disputes can be expected to proliferate and become more complicated as frustrated requesters resort to submitting clusters of related requests in pursuit of the records and the information they seek. Ultimately, the compounding effect of these consequences will substantially reduce the viability of Ombudsman mediation as an effective means to address PIA disputes.

These effects can already be seen in the data we report for FY 2024, which, in addition to the sharp increase in caseload, also reflects persistently longer mediation queues, and generally

² Closure rate reflected in the “Mediations Closed” column is obtained by dividing the number of mediations 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.

³ In our FY 2023 report we noted that the relatively small number of carry-over mediations going into FY 2023 was an important factor enabling the program to handle new requests for mediation on a timely basis. By the same token, the substantially larger number of mediations carried over at the outset of FY 2024 combined with the increased number of new requests for mediation throughout the year, substantially increased the wait period for program users during FY 2024.

longer periods during which mediations remain pending before being brought to conclusion, factors which we believe have contributed to an increased percentage of mediations – 36% – closed as “unresolved” or “partially resolved” as reflected in the Final Determination issued at the conclusion of each mediation. Indeed, as we discuss regarding **Figure 5** (“Length of Time to Conclude Mediations”), *infra*, the program was required to extend the statutory 90-day period allowed to complete mediations in approximately 17% of matters and overall, as reflected in **Figure 6** (“Outcome of Mediations”), closed only 50% of mediations as fully resolved, down from 67% in FY 2023.

For these reasons, the Ombudsman has prioritized and is working with the OAG to add the staff capacity needed to mitigate the consequences of a significantly larger caseload and additional requirements applicable to Ombudsman mediations.

Time Period	Individual	Professional Occupational User
FY 2024	72%	28%
FY 2023	64%	36%
FY 2022	81%	19%
Since Inception	65%	35%

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.

Figure 2 reflects the types of requesters using the Ombudsman program and **Figure 3** reflects the agencies participating in mediation during FY 2024. 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, as in prior years, 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.

Time Period	State	Local*	Other**
FY 2024	28%	28%	44%
FY 2023	27%	27%	45%
FY 2022	30%	24%	46%
Since Inception	34%	25%	41%

**Includes regional, county, and municipal agencies.
**Includes public school districts, higher education institutions, law enforcement agencies (police, fire, and state’s attorneys’ offices), and agency-initiated mediations with requesters*

Figure 3 reflects the type of agencies participating in mediation during FY 2024, and, overall, reflects that there was a continued high rate of agency consent to mediation (89%) with 143 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 Ombudsman’s caseload. FY 2024 was consistent with prior years as reflected by the equal participation by state (28%) and local

(28%) agencies. PIA requests made to public school districts, higher education institutions, and

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

law enforcement agencies (*i.e.*, police, fire and state’s attorneys’ offices), which are captured as “Other” in **Figure 3**, comprise a combined 44% of all agencies participating in mediation, reflecting the continued strong public interest in educational affairs (particularly K-12 public schools) and law enforcement activities.

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 all other types of PIA disputes submitted for mediation. A further break-down of the types of issues submitted for mediation including the application of exemptions (43%), excessive fees (11%) or the denial or failure to respond to a fee waiver request (4%) is provided in the summary attachment to this report. See Appendix A, page 60.

Figure 4: Disputes Presented for Mediation		
Time Period	MIA/PIN	Other
FY 2024	34%	66%
FY 2023	44%	56%
FY 2022	52%	48%
Since Inception	45%	55%
<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>		

In FY 2024, 46 of 108, or approximately 41%, of all MIAs were successfully resolved as HD matters without the matter progressing to an actual mediation. As a result, these types of disputes continued to decrease as a percentage of the Ombudsman’s caseload even though their frequency as the reason for requesting program assistance did not diminish overall.⁵ The Office is continuing efforts to reduce the level of “MIA/PINs” through training and outreach activities within its capacity. Generally, however, the Ombudsman believes that the improvements in efficiency the program can achieve by refining or adjusting procedures around the opening and management of mediation files *versus* the handling of HD matters that do not result in the immediate opening of a mediation file have already been achieved. Thus, the Office does not believe that there are any additional significant efficiencies that can be achieved by these means alone.

Figure 5: Length of Time to Conclude Mediations					
Time Period	3 Weeks	6 Weeks	9 Weeks	12 Weeks	12+ Weeks
FY 2024	15%	12%	17%	21%	36%
FY 2023	27%	21%	23%	16%	18%
FY 2022	18%	16%	17%	11%	38%
Since Inception	28%	18%	16%	12%	27%

Figure 5 illustrates the challenges experienced in FY 2024 in concluding mediations on a timely basis, and in bringing mediations to conclusion within the statutory 90-day (*i.e.*, 12 week)

⁵ MIAs can often be handled efficiently as HD matters because once a PIA request is made, a written PIA response is required. See GP § 4-203(b)(1) and (c)(1). This case management procedure maximizes program capacity by ensuring that the Ombudsman is not engaged until there is a specific substantive PIA issue or dispute to be addressed. It is not uncommon, however, for a matter that begins as an MIA to progress to a matter requiring mediation once the agency issues its written response.

deadline. The increase in the time to conclude mediations has been impacted by multiple factors, with several key factors deserving mention:

- The program received a record number of new mediation requests and also carried over a record number of mediations from FY 2023 into FY 2024; this trend is also reflected in the program’s month-to-month carry-over throughout FY 2024 which has directly impacted the length of time program users are required to wait to begin mediation. Of concern, the trend of an increasing number of carry-over matters continued into the beginning of FY 2025 and remained higher than in all previous years during the first three months of FY 2025.
- The integration of the mediation remedy available through the Ombudsman and the decisional remedy available via complaint to the Board requires increased precision and documentation of the PIA issue or dispute presented for mediation at both the intake and closure phases of each mediation matter.
- The program already has maximized – and our program metrics already reflect – the efficiencies that can be achieved through the streamlined protocols and procedures that we developed, implemented and reported in FY 2022 and 2023.

We conclude that while the program has maximized efficiencies within its existing staff capacity, this success will not prevent a compounding of the consequences we have discussed resulting from the sharp increase in pending mediations and the resulting increase in wait times experienced by an increasing number of program users. Because the utility of PIA mediation is closely tied to the Ombudsman’s ability to address disputes sooner rather than later, the program’s overall success and effectiveness in fulfilling the legislative intent underlying its creation depends upon the Ombudsman’s ability to bring parties together promptly in a constructive conversation.

Figure 6: Outcome of Mediations					
Time Period	Resolved	Unresolved	Partially Resolved	Did Not Pursue	Terminated
FY 2024	50%	28%	8%	9%	5%
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 2024 mediation outcomes in certain respects exceed the parameters initially projected by the Ombudsman and Board in 2019 but are within or close to

those parameters in others. Specifically, the Board and Ombudsman projected that approximately 25% of PIA mediations (between 50 and 60 per year) would be closed as “unresolved” or “partially resolved” and that about 50% of Board-eligible matters closed with these outcomes likely would proceed to Board review. The percentage of matters closed by the Ombudsman as “unresolved” and “partially resolved” in FY 2023 came close to these projections, totaling 22%. In FY 2024, the percentage rose to 36%, or a total of 98 mediations closed as “unresolved” or “partially resolved”⁶. Of these 98 mediations, 43 resulted in complaints being filed with the Board which is consistent with the Ombudsman and Board 2019 projections. As the integrated ADR process for PIA disputes instituted by H.B. 183 enters its third year of operation, we expect outcomes to continue trending as reflected by this data and to remain approximately consistent with the original 2019 projections regarding the number and percentage of disputes progressing to the Board for review and decision.

Outreach & Training

The Ombudsman regularly receives requests for PIA training and other assistance from both requesters and custodial agencies. During FY 2024, the Office on request conducted 12 PIA trainings and presentations, an average of 1 training per month. The majority of these were conducted in-person at the request of the host agency or jurisdiction and consisted of an overview of the PIA, with emphasis on the types of issues most frequently encountered by the agency or constituency. Trainings conducted by the Ombudsman and staff are listed in the statistical report included at Appendix A, pages 60 through 64.

In FY 2023, the Office launched a new training program referred to as “Brown Bag Lunch Trainings.” These trainings were held online during the lunch hour on a quarterly basis. Each Brown Bag training focused on select PIA topics of interest allowing the participants to take a deeper dive into topics that present recurring issues or problems. Each session was open to both requesters and custodians, thereby allowing and providing an informal and convenient forum for attendees to hear and learn from the other party’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” – March 6, 2024 (103 attendees).

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

⁶ Not all matters closed as “unresolved” and “partially resolved” involve issues within the Board’s jurisdiction. Further, it is the Board, not the Ombudsman, that determines whether the Board actually has jurisdiction over a complaint that it receives. Lastly, the Office received 69 mediation requests which are not included in the reported mediation metrics. Of these 69 requests, 65 were closed under COMAR 14.37.02.07C (mediation not attempted due to conflict of interest) and 4 were closed under COMAR 14.37.02.05 (mediation declined because request was repetitive). Many of these 69 matters are reflected in the Board’s 114 complaints received during FY 2024.

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 provide engaging and in-depth information about the PIA while providing trainings focused on the needs, experiences, and interests of particular agencies and groups.

The Ombudsman plans to update trainings and related materials to include the growing body of PIACB decisions, many of which deal with issues and exemptions that come up repeatedly in the Ombudsman's mediation caseload. While trainings are currently on hold due to the demands of the mediation queue, we look forward to exploring additional topics such as the following as soon as our caseload and program capacity allow:

- Updates to the PIA law and proposed changes.
- Board decisions since July 1, 2022.
- Frequently cited PIA exemptions such as GP §§ 4-335 ("Trade Secrets; Confidential Information"), 4-336 ("Financial Information") and 4-351("Investigations Intelligence Information; Security Procedures").

All of the Ombudsman's training and outreach initiatives will continue to depend on program capacity considering increases in mediation requests and limited program resources.

Looking Forward: FY 2025

For the reasons detailed in this report, the addition of staff to address both the backlog in the mediation queue as well as the overall increase in the number of mediation and other requests for assistance the program receives is the top priority for FY 2025.

In 2019, the Board and Ombudsman projected that implementation of their joint recommendations, as reflected ultimately by the changes made by H.B. 183, would require the addition of two new staff, one of whom would have to be an attorney and the other, either an administrator or paralegal. The 2019 joint report explained the expected need for this added capacity by reference to the new requirements of H.B. 183 applicable to Ombudsman mediations (principally, the requirement that a Final Determination be issued for each mediation and that mediations be concluded within 90 days) and the Board's expanded jurisdiction, which would increase the Board's caseload. The projections made by the Board and Ombudsman, in 2019, including the projected need for additional staff, are now apparent. The OAG recently hired a contractual administrator to support the Ombudsman and Board, bringing the total number of staff, including counsel, to three. The Ombudsman is grateful for the additional support but continues to believe that current staff levels ultimately will not meet the program demands.

Because the addition of needed staff is the only means to prevent the continual compounding of the types of problems detailed in this report, the Ombudsman must continue to prioritize this need as critical to the program's effectiveness and ability to fulfill the legislature's purpose in creating the Ombudsman and Board remedies for PIA disputes.

CONCLUSION

The Ombudsman wishes to again thank the Attorney General for his support of the Ombudsman program and the consistently outstanding staff support the OAG has provided to the 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 Spencer Dove, Sara Klemm, and Kentiara Moore who tirelessly support the Office of the Public Access Ombudsman, as well as OAG intern, Catherine Bauer, graduate student in conflict resolution, who provided valuable assistance to the Ombudsman during FY 2024.

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 2024

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 2024 - Annual Report
 July 1, 2023 to June 30, 2024



**Annual Report
 FY 2024**

636 2024

- ◆ 299 - Mediation requests
- ◆ 337 - 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.

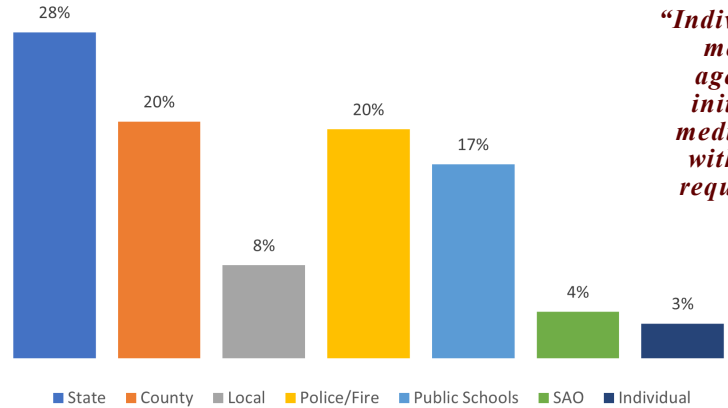
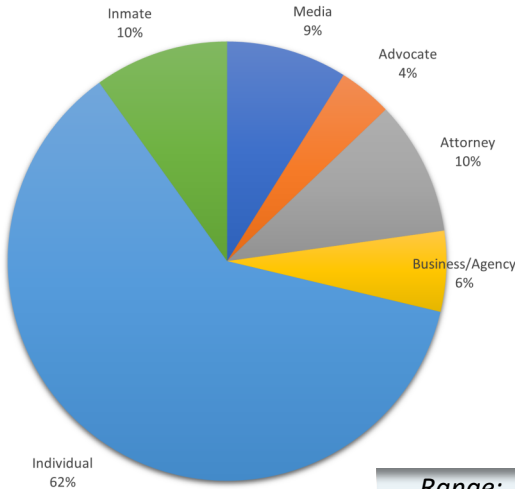
Total Mediation Cases, as of June 30, 2024	
Carry over from FY 2023	53
New/Incoming cases in FY 2024	299
Total Number of Mediation cases	352
Total Mediation cases Closed FY 2024	273
Mediation cases carried over to FY 2024	79

The Agencies

143 unique agencies participated in mediation matters with the PIA Ombudsman in Fiscal Year 2024, including agencies at the state, county, and municipal levels.

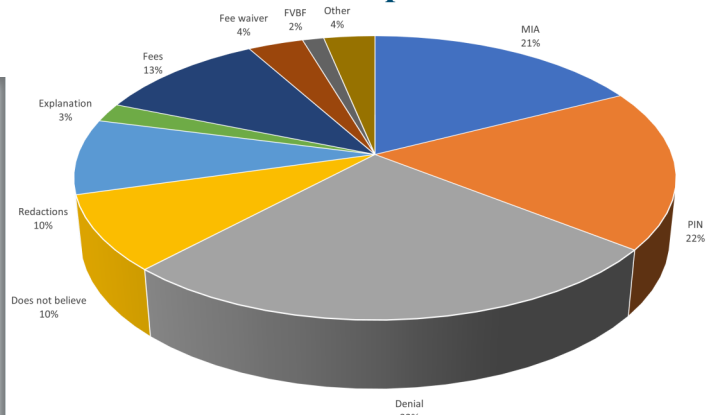
The Requesters

Requesters:
 Professional/Occupational requesters make up **28%** of requests for assistance, and all individuals make up **72%**.



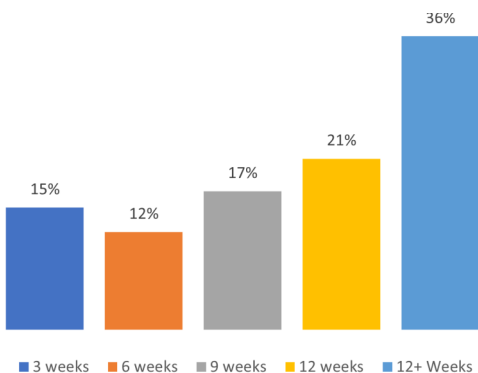
"Individuals" means agency-initiated mediations with PIA requesters

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.

How Long Does Mediation Take?



Range:
 1 – 186 days.
15% of the cases are closed within 3 weeks and **83%** by 90 days.

- Misapplication of exemption - 42%
- Redaction inappropriate - 10%
- Entire record withheld - 32%
- MIA: No Response - 21%
- Partial, nonresponsive, or incomplete response - 22%
- Fees excessive - 13%
- Fee waiver request denied or ignored - 4%
- Does not believe response - 10%
- Asked for explanation of response - 3%
- Other - 4%
- Frivolous, Vexatious, Bad Faith Request - 3%

Lisa Kershner

200 St. Paul Place,
 19th Floor
 Baltimore, MD 21202

Phone: 410-576-6560
 Email: pia.ombuds@oag.state.md.us
 Twitter & YouTube: @MPIA_Ombuds

Ombudsman's Website:
<http://piaombuds.maryland.gov>

**MPIA Ombudsman
on Twitter**
@MPIA_Ombuds

2024 Legislative Session

[Click here to see all bills tagged “Public Information” in the 2024 Session](#)

PIACB Decisions

As of July 1, 2022, the PIA Compliance Board’s jurisdiction was expanded to now allow it to review and resolve complaints not resolved in mediation pertaining to:

- A records custodian has denied inspection of a public record;
- A records custodian has charged an unreasonable fee higher than \$350 for public records;
- A records custodian has failed to respond to a request for public records; and
- A PIA applicant's request is “frivolous, vexatious, or in bad faith”

Between FY 2023 and FY 2024, the Board issued a total of 95 decisions. Board decisions are readily available to the public online.

[Click here to access all of the PIA Compliance Board’s decisions](#)

RESOURCES/LINKS

ALL TITLES BELOW ARE HYPERLINKED

- ◆ [Public Access Ombudsman’s Website \(request mediation\)](#)
- ◆ Public Access Ombudsman’s Interpretive Regulations
- ◆ [PIA Manual](#) – 18th Edition, October 2023
- ◆ [Maryland State Archives](#) – a resource for custodian record management and retention practices
- ◆ [Office of Government Information Services \(OGIS-FOIA\)](#)
- ◆ [Federal FOIA](#)

Outreach FY 2024

July 1, 2023 – June 30, 2024

Presentations, Workshops, Trainings, and Other Outreach

The Office of the Public Access Ombudsman conducted both in-person and virtual trainings and presentations .

- Brown Bag Series #3 – *Making an Effective PIA Request*, July 19, 2023
- Prince George’s County Government PIA Representatives, *MPIA: A Comprehensive Overview* – October 12, 2023
- Maryland Municipal Attorneys Luncheon – November 9, 2023
- Maryland Association of Counties Winter Conference – *MPIA: A Comprehensive Overview* – December 6, 2023
- Queen Anne’s County Law Enforcement, *MPIA: A Comprehensive Overview* – December 14, 2023
- Department of Public Safety & Correctional Services, *MPIA: A Comprehensive Overview* – December 19, 2023
- Governor’s Office of Community Initiatives, *MPIA: A Comprehensive Overview* – January 30, 2024
- Worcester County Government, *MPIA: A Comprehensive Overview* – February 29, 2024
- Brown Bag Series #4 – *Protecting Personal Information & Anonymizing Data*, March 6, 2024
- Frederick County Sheriff’s Office, *MPIA: A Comprehensive Overview* – March 20, 2024
- Maryland Association of Counties Attorney Luncheon, *PIA Alternative Dispute Resolution Processes* – May 16, 2024
- Maryland Municipal League Summer Conference, *MPIA: A Comprehensive Overview* – June 24, 2024

Select Publications

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

- **Ombudsman’s FY 2023 Annual Report**, included as an Appendix to the 2023 Annual Report of the PIA Compliance Board. September 2023
- **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, 2024



99 Months
Since
Inception

3647 March 30, 2016

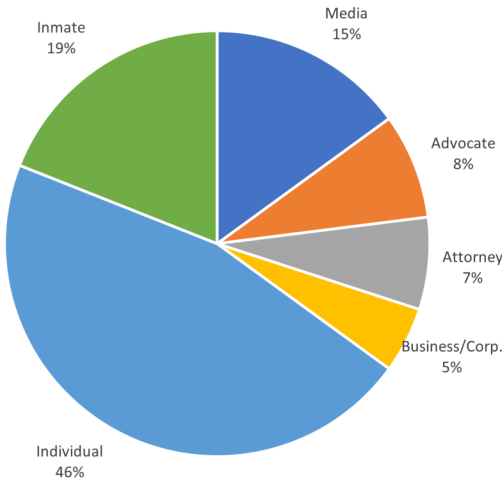
- ♦ 2055 - Mediation requests
- ♦ 1592 - Other / "help-desk" inquiries

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.

The Requesters

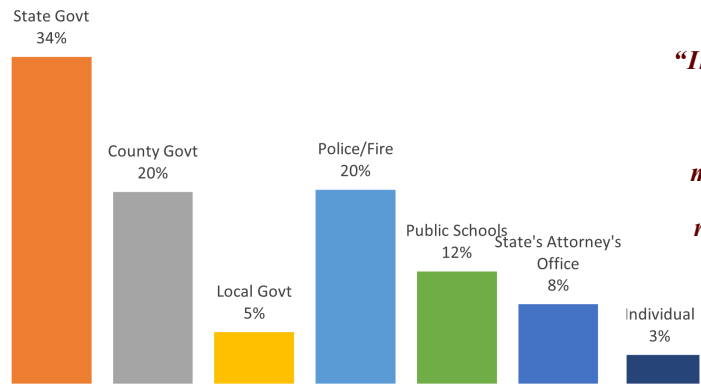
Aggregated Requesters: Professional/Occupational categories make up 35% of requests for assistance and all individuals make up 65%.



The Agencies

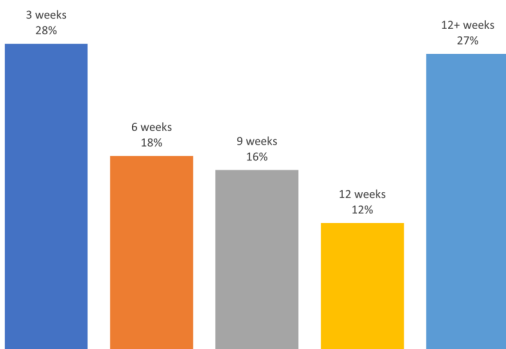
Approximately 390 unique agencies participated in mediation matters with the PIA Ombudsman since the beginning of the program, including agencies at the state, county and local levels.

What Agencies are Participating in Mediation?



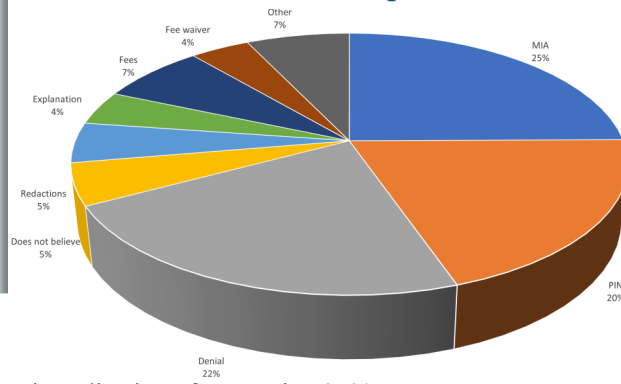
"Individuals" means agency-initiated mediations with PIA requesters

How Long Does Mediation Take?



28% of Ombudsman matters are closed within 3 weeks and 74% 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.

Mediations March 30, 2016 – June 30, 2024	
New/Incoming Cases between 3/30/16–6/30/24	2055
Closed as of 6/30/24	1976

- Misapplication of exemption 27%
- Denial 22%
- Fees excessive 7%
- Redaction inappropriate 5%
- Entire record withheld 22%
- Fee waiver denied or ignored 4%
- MIA: No Response 25%
- Does not believe response 5%
- Partial, nonresponsive, or incomplete response 20%
- Asked for explanation of response 4%
- Other 7%

Lisa Kershner

200 St. Paul Place,
25th Floor
Baltimore, MD 21202

Phone: 410-576-6560
Email: pia.ombuds@oag.state.md.us
Twitter & YouTube: @MPIA_Ombuds

Ombudsman's Website:

<http://piaombuds.maryland.gov>

**MPIA Ombudsman
on Twitter**
@MPIA_Ombuds

2024 Legislative Session

[Click here to see all bills tagged “Public Information” in the 2024 Session](#)

PIACB Decisions

As of July 1, 2022, the PIA Compliance Board’s jurisdiction was expanded to now allow it to review and resolve complaints not resolved in mediation pertaining to:

- A records custodian has denied inspection of a public record;
- A records custodian has charged an unreasonable fee higher than \$350 for public records;
- A records custodian has failed to respond to a request for public records; and
- A PIA applicant's request is “frivolous, vexatious, or in bad faith”

Between FY 2023 and FY 2024, the Board issued a total of 95 decisions. Board decisions are readily available to the public online.

[Click here to access all of the PIA Compliance Board’s decisions](#)

RESOURCES/LINKS

ALL TITLES BELOW ARE HYPERLINKED

- ◆ [Public Access Ombudsman’s Website \(request mediation\)](#)
- ◆ Public Access Ombudsman’s Interpretive Regulations
- ◆ [PIA Manual](#) – 18th Edition, October 2023
- ◆ [Maryland State Archives](#) – a resource for custodian record management and retention practices
- ◆ [Office of Government Information Services \(OGIS-FOIA\)](#)
- ◆ [Federal FOIA](#)

Outreach FY 2024

July 1, 2023 – June 30, 2024

Presentations, Workshops, Trainings, and Other Outreach

The Office of the Public Access Ombudsman conducted both in-person and virtual trainings and presentations .

- Brown Bag Series #3 – *Making an Effective PIA Request*, July 19, 2023
- Prince George’s County Government PIA Representatives, *MPIA: A Comprehensive Overview* – October 12, 2023
- Maryland Municipal Attorneys Luncheon – November 9, 2023
- Maryland Association of Counties Winter Conference – *MPIA: A Comprehensive Overview* – December 6, 2023
- Queen Anne’s County Law Enforcement, *MPIA: A Comprehensive Overview* – December 14, 2023
- Department of Public Safety & Correctional Services, *MPIA: A Comprehensive Overview* – December 19, 2023
- Governor’s Office of Community Initiatives, *MPIA: A Comprehensive Overview* – January 30, 2024
- Worcester County Government, *MPIA: A Comprehensive Overview* – February 29, 2024
- Brown Bag Series #4 – *Protecting Personal Information & Anonymizing Data*, March 6, 2024
- Frederick County Sheriff’s Office, *MPIA: A Comprehensive Overview* – March 20, 2024
- Maryland Association of Counties Attorney Luncheon, *PIA Alternative Dispute Resolution Processes* – May 16, 2024
- Maryland Municipal League Summer Conference, *MPIA: A Comprehensive Overview* – June 24, 2024

Select Publications

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

- **Ombudsman’s FY 2023 Annual Report**, included as an Appendix to the 2023 Annual Report of the PIA Compliance Board. September 2023
- **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**

