

Appendix A.

REPORT FROM THE PUBLIC ACCESS OMBUDSMAN

APPENDIX A

Report of the Public Access Ombudsman

FY 2025

Activities of the Ombudsman

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

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, this is accomplished 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 materials, and PIA training on request. These and other activities are published in summary reports that are posted to the Ombudsman’s website, piaombuds.maryland.gov.

This report describes the Ombudsman’s activities from July 1, 2024, through June 30, 2025 (“FY 2025”). You can find additional information about Ombudsman program activities in the attachment to this report. *See* page 66 through 67.

A Year of Growth

I have served as Maryland’s Public Access Ombudsman since the program first opened its doors in 2016. Since then, the program has evolved, most notably in response to the 2022 amendments to the PIA which made mediation through the Office of the Ombudsman a prerequisite to seeking review and decision by the PIACB. This change was accompanied by new statutory requirements for the Ombudsman program at all stages of dispute resolution, from intake through conclusion.

The amendments created a 90-day period to conclude mediations and required the Ombudsman to issue a “Final Determination” summarizing the dispute and outcome of the mediation. This additional work, together with an increase in the Ombudsman’s mediation caseload, led to a steadily increasing backlog of mediation requests, longer wait periods for people seeking dispute resolution assistance, and required us to temporarily curtail discretionary activities such as PIA training until the critical need for additional staff could be met.¹

¹ We detailed these changes and impacts in more detail in our FY 2024 annual report.

We are therefore pleased to report that in FY 2025, with the support and assistance of Attorney General Anthony Brown, the program added a new administrator and new attorney-mediator.

First, Kentiara Moore joined the program as a new contractual administrator in October 2024. Although originally envisioned as additional administrative support, Kentiara soon became the sole administrator for the Ombudsman and Board when our former administrator, Spencer Dove², returned to his prior agency the same month. (Many thanks, Spencer, for your hard work and valuable contributions to our program!)

In February 2025, Alisa Bralove-Scherr joined the Office as an additional attorney-mediator, effectively doubling the Office's mediation capacity and supporting all aspects of its work.³ On October 1, 2025, the "Delegation of Powers" amendment to the PIA takes effect.⁴ This amendment, passed unanimously by both General Assembly chambers in the 2025 session, allows the Ombudsman to delegate her functions to a staff member with the appropriate training and expertise.⁵ Accordingly, Alisa will officially become the Deputy Public Access Ombudsman on October 1, 2025.

In April 2025, Teena Hallameyer joined the team as our second administrator, providing support to both the Ombudsman and the Board. Together, Kentiara and Teena bring substantial experience in State and local government and technology to the program and are valuable additions to our team.

Lastly, Assistant Attorney General Sara Klemm continues to serve as the program's counsel providing advice that has been instrumental to the program's success throughout this period of growth and transition. Again, we thank Attorney General Brown for providing consistently outstanding support to our program and for making our growth and improvement possible.

Program Operations and Metrics

Since the beginning of the program, the Office 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.

² Spencer had served as the sole administrative support since December 2021 and was instrumental in the transition when the 2022 amendments took effect.

³ Until February 2025, the Ombudsman was the only staff of the Office of the Public Access Ombudsman.

⁴ The "Delegation of Powers" amendment, also known as [HB331](#) and [SB296](#), is codified in § GP 4-1B-03(g).

⁵ Alisa brings with her 20 years of mediation experience in the Attorney General's Consumer Protection Division, where she most recently served as the Deputy Director of the Mediation Unit and the Arbitration Administrator. In addition to her mediation experience, Alisa started her career as a journalist and brings a unique combination of relevant skills and perspectives to the Office.

The program metrics during FY 2025 reflect a great deal of consistency over time in some areas, including in the make-up of agencies and requesters participating in mediations, the number and percentage of agencies that consent to dispute resolution through the Ombudsman, and types of PIA disputes received by the program.

In contrast, our data reflects changes in other metrics as compared to FY 2024, such as a decrease in the number of incoming requests for mediation and an increase in the number of “carry-over” mediations from the prior year. The lengthy carry-over queue, together with the time spent hiring, onboarding, and training several new staff members in FY 2025, has impacted wait times and the average length of time required to conclude mediations this year.

These and other trends are detailed in our discussion of program metrics below.

Figure 1: Ombudsman Caseload & Closure Rate

Time Period	Carry-Over from Prior Year	New Mediation Requests	New HD Matters	Total New Matters	Mediations Closed
FY 2025	67	252	198	450	261
FY 2024	53	299	337	636	273
FY 2023	28	275	251	526	250
FY 2022	52	215	168	383	239
Since Inception	N/A	2307	1790	4097	2238

Figure 1 presents the number of mediation requests received in FY 2025, the open mediations carried over from FY 2024, along with the number of mediations closed during this period. Figure 1 also reflects the new “Help Desk” (or “HD”) inquiries.⁶ Combined, these figures make up the Ombudsman’s total caseload for FY 2025. For context, the same data is provided for FYs 2022, 2023, and 2024, and cumulative totals since the program’s inception.

The data reflects that while the program received fewer new requests for mediation (252) and Help Desk matters (198) during FY 2025, we carried over a larger number of pending mediations from FY 2024 (67) at the start of FY 2025, reflecting a larger backlog and queue entering the fiscal year.

With the help of new staff who joined our program in FY 2025, the length of our queue has recently started to come down. This is a trend we expect will continue as the number of mediations carried over at the start of FY 2026 (46) is substantially lower than FY 2025.

⁶ Help Desk or HD matters are typically initiated by agencies seeking to troubleshoot an issue or prevent a dispute or by requestors looking for guidance on the PIA process, such as how to submit a request or who to contact. Because HD matters do not involve bilateral mediation and are generally resolved quickly, usually within a few days, we do not track the same metrics as we do for mediations.

Figure 2: Program Use – Individual & Occupational Users

Time Period	Individual	Professional Occupational User
FY 2025	77%	23%
FY 2024	72%	28%
FY 2023	64%	36%
FY 2022	81%	19%

Figure 2 reflects the types of requesters using the Ombudsman program. As has been true most years since the program's inception, the largest group of requesters asking for assistance in resolving PIA disputes through our office are individuals who have made PIA requests for purposes unrelated to their business or occupation. Because this group encompasses such a large portion of our caseload (77% in FY 2025 and on average, 73% since 2022) we have started tracking new data points for FY 2026.

The program is now tracking whether an individual's PIA request qualifies as a "first person request" – that is, whether the requester is seeking records about themselves or a dispute in which they are directly involved. This type of request contrasts with more general PIA requests, which reflect a broader interest in government operations rather than a personal matter.⁷ This new data point has been added to help identify whether a first person request can be correlated with other mediation metrics, such as the length of time a mediation takes and/or the outcome of mediation.

Although we continue to work with a diverse group of professional and occupational users (e.g., press and media outlets, non-profit organizations, private attorneys, and businesses), this group collectively comprises a much smaller and decreasing portion (23% in FY 2025 and on average, 26% of our total mediation caseload since 2022) of requests for mediation.

Gaining deeper insight into the nature of PIA requests, particularly those involving individuals, will be essential for future program improvements and may inform recommendations for legislative changes to the PIA.

⁷ Professor Margaret B. Kwoka studied the impact of "first person requests" on FOIA caseloads, as these requests and associated disputes have become increasingly common and significantly impact an agency's metrics, such as backlog and wait times for requesters. See Professor Kwoka's research in "First-Person FOIA", published in the Yale Law Journal (https://www.yalelawjournal.org/pdf/Kwoka_2s1ppe51.pdf) where she concluded that "... while these requests may serve vital private interests for each requester, they largely do not serve the public's interest in knowing what its government is up to."

Figure 3: Program Use – Agency Make-Up

Time Period	State	Local*	Other**
FY 2025	36%	25%	38%
FY 2024	28%	28%	44%
FY 2023	27%	27%	45%
FY 2022	30%	24%	46%
<i>* Local includes regional, county, and municipal agencies. ** Other includes public school districts, higher education institutions, law enforcement agencies (police, fire, and state's attorneys' offices), and agency-initiated mediations with requesters.</i>			

Figure 3 reflects the type of agencies participating in mediation during FY 2025 and shows a continued high rate of consent to mediation (92%) with 116 unique agencies participating in mediations.

Our data for FY 2025 shows a modest uptick in the percentage of matters involving State agencies (36%) and a small reduction in the percentage of participating local agencies (25%). Among local agencies, 48 requests (19%) involved counties and county agencies, while 16 requests (6%) involved municipalities.

There remains strong interest in records held by public school districts, higher education institutions, and law enforcement agencies, including police, fire, and state's attorneys' offices. These entities are grouped under the "Other" category, which accounted for 38% of all agency participants in FY 2025.

Figure 4: Disputes Presented for Mediation in FY 2025

Type of Dispute	Mediation Requests	Percentage of Requests
Denial	98	39%
Failure to Respond	60	24%
Partial/Incomplete	40	16%
Excessive Fees	35	14%
Redactions	27	11%
Does Not Believe	14	6%
Request for Fee Waiver	13	5%
Other	8	3%
Frivolous, Vexatious, or Bad Faith (may include repetitive or overbroad requests) ⁸	6	2%

⁸ Though the number of requests for mediation we receive for frivolous, vexatious, or bad faith requests are infrequent and used with restraint, we recognize that the behaviors involved, when they occur, are significant for the agencies.

Figure 4 shows the numbers and percentages for each type of PIA dispute.⁹ The largest single category continues to be the “denial” of access to requested records, which came up in 98 (39%) of mediation requests. When combined with “redactions,” the denial of access to part of requested records (27 requests for mediation, or 11%), these categories comprise 50% of requests for mediation.

The next largest category involved the failure of a custodian to respond to a PIA request, with 60 requests (24%) for mediation. The Ombudsman refers to these as “MIAs,” meaning that an agency has not responded to a PIA request within the 30-day statutory deadline.

In FY 2023, we reported that we had started the practice of having our administrator first attempt to resolve a failure to respond issue before opening a mediation file. This usually meant reaching out to the agency to remind them that a response was due and to find out when it would be provided. In some cases, our administrator was able to resolve the problem very quickly, such as by supplying the PIA request when an agency had no record of receiving the request, or by asking the requester to resubmit it directly to the agency’s PIA contact.

In addition to the number reflected in Figure 4, in FY 2025, our administrators successfully resolved 35 of the 36 (about 97%) of MIA matters in this way, without the need for an actual mediation. In these instances, the resolved MIA matter is classified and logged as a HD matter. When an MIA cannot be resolved through this process, we may open a mediation file.

This case management procedure continues to maximize program efficiency by ensuring that the Ombudsman and Attorney-Mediator are not engaged in handling a matter until there is a more substantive PIA issue or dispute to be addressed.

Through training and outreach activities across the State, our Office is continuing its efforts to reduce the level of MIAs and to encourage agency representatives to communicate directly with a requester as soon as there is a problem in responding to a request. *See* page 62 through 63.

Figure 5: Length of Time to Conclude Mediations

Time Period	3 Weeks	6 Weeks	9 Weeks	12 Weeks	12+ Weeks
FY 2025	13%	10%	9%	10%	58%
FY 2024	15%	12%	17%	21%	36%
FY 2023	27%	21%	23%	16%	18%
FY 2022	18%	16%	17%	11%	38%

Figure 5 illustrates the challenges experienced in FY 2025 in concluding mediations within the statutory 90-day (*i.e.*, 12 week) deadline, which was extended with consent of the parties in approximately 58% of mediations. This reflects a significant increase over FY 2024 from the 36% of mediations where we extended the deadline. We expect the need for extensions to diminish over

⁹ Because some disputes include more than one issue, the total numbers (301) and percentage (120%) come out to be more than the number of requests received overall and the percentages add up to more than 100.

time, as the length of our queue is reduced through the contributions of the additional staff who joined the program in FY 2025.

Figure 6: Outcome of Mediations

Time Period	Resolved	Unresolved	Partially Resolved	Did Not Pursue	Terminated	Statement of Conflict
FY 2025	39%	31%	4%	9%	5%	11% ¹⁰
FY 2024	50%	28%	8%	9%	5%	Not reported
FY 2023	67%	19%	3%	8%	3%	Not reported

Figure 6 reflects the outcome of PIA mediations as recorded in the “Final Determination” that 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);
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); and
6. “Statement of Conflict” (*i.e.*, the Ombudsman has a conflict of interest and cannot mediate the request). These matters are closed as unresolved and were extremely rare prior to FY 2024. In these matters, the Ombudsman issues a statement advising that the Office either cannot mediate or cannot continue to mediate.

This data reflects that the Ombudsman closed 39% of mediations as fully resolved, down from 50% in FY 2024. The Board can review matters that are closed as “unresolved” or “partially resolved” as well as those closed or never opened due to conflict, provided the issue is within the Board’s defined jurisdiction.

In FY 2025, of the 121 mediations closed that were potentially eligible for Board review 74 complaints ultimately went to the Board for review.

Outreach & Training

In addition to its core dispute resolution work, the Office resumed in-person and virtual PIA trainings and laid the groundwork for expanding outreach in FY 2026. During FY 2025, the Office conducted seven PIA trainings and presentations. The training was split between in-person and virtual, and generally involved an overview of the PIA, with emphasis on the types of issues most frequently encountered by the agency or constituency.

¹⁰ Of the 30 Statements of Conflict issued in FY 2025, 28 of them involved a single requester. The remaining two applied to a second individual.

In FY 2023, the Office launched a new training program referred to as “Brown Bag Lunch Trainings.” These training sessions were held online during the lunch hour on a quarterly basis. Each Brown Bag training focuses on 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. These training courses are recorded and posted on the Office’s [YouTube Channel](#).

Due to the lengthening queue for dispute resolution, the Ombudsman could not host any “Brown Bag” trainings. We hope to resume them in FY 2026. The next topic will be Technology and the PIA, which will explore how evolving digital tools impact public records access and management.

In addition to the “Brown Bag” series, the Office continues to conduct trainings upon request by specific agencies or groups. These training courses are also recorded and circulated 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 training focused on the needs, experiences, and interests of particular agencies and groups.

We also provide various resources and information about the PIA on the Ombudsman’s website. Under the guidance and direction of Sagir Kazi of the Department of Information Technology, we completed work on our new website, piaombuds.maryland.gov. Many thanks to Sagir, and to Alisa and Kentiara, whose technical skills got this project over the finish line. The revamped website contains much of the same helpful information as before but allows the public to access our services in a far more user-friendly manner.

Legislative Efforts

The Ombudsman’s Office gave testimony on two cross-filed PIA bills during the 2025 General Assembly session so that pertinent aggregate data and program information could be shared with the committees hearing these bills.

First, I offered oral and written testimony in support of the “Delegation of Powers” bills, HB331/SB296, which as highlighted earlier, passed without opposition and allow the Ombudsman to delegate any of her duties and functions to a staff member with the appropriate training and experience. The ability to delegate tasks and duties as needed is vital to the efficiency, ongoing stability, and continuity of the Ombudsman program. We thank the Attorney General, legislators, non-profit organizations, and members of the public for their support of this bill. As noted, this amendment to the PIA goes into effect on October 1, 2025, at which time, Alisa Bralove-Scherr will officially become the Deputy Public Access Ombudsman.

Second, I submitted written testimony in support of HB806/SB554, which would have enabled agencies to pursue a judicial remedy without first attempting to mediate or seek Board

review to obtain relief from PIA requests believed to be frivolous, vexatious, or made in bad faith. The bills did not make it out of committee.

My testimony provided the committees hearing the bill with program data concerning the relatively small number of times our program has received and attempted to mediate such disputes since the provision became effective on July 1, 2022, and detailed the challenges we face in trying to resolve this type of dispute via mediation. While our office has received comparatively few requests for mediation of disputes with this issue, it remains an important source of concern for State and local agencies and staff when their work or operations are disrupted by the need to respond to such requests.

The concerns are not limited to any one requestor or any particular part of the State and are an issue well beyond Maryland's borders. This type of problem has been studied by scholars and other experts under FOIA and open records laws of the United Kingdom, with preliminary findings recently presented by four researchers¹¹ at the FOIA Advisory Committee's meeting on September 11, 2025. The presentation previewed their upcoming report – "A Request Too Far: A study in mitigating the burden of unduly burdensome public record requests without restricting the flow of civic information" – which is due to be published this winter.¹²

The researchers used data from the 2024 Elections & Voting Information Center (EVIC) Local Election Official Survey¹³ which asked custodians questions about their experiences with public records requests. The authors discussed the data and what options could reduce the impact that these requests carry in the 2025 article "Effects of election-related unduly burdensome public records requests on the emotional labor of street-level bureaucrats".¹⁴

According to the survey, 64% of respondents "agreed that public records requests are taking more time than they did four years ago" while 72% "strongly agreed" or "agreed" that "a few requests disproportionately consumed a significant amount of time."

Looking Forward: FY 2026

As the Office enters FY 2026, our top priority is to reduce the waiting time for dispute resolution and assistance. With the addition of new staff members in FY 2025, we are now better positioned to address the needs of our program users. To support this effort, we are developing written Standard Operating Procedures ("SOPs") to streamline internal processes, ensure consistency, and facilitate the onboarding and training of new staff. These SOPs will also help us maintain high-quality service delivery as the program continues to evolve.

¹¹ David Cuillier, University of Florida; Shelley Kimball, Johns Hopkins University; Ben Worthy, University of London; and Suzanne Piotrowski, Rutgers University.

¹² See <https://www.archives.gov/ogis/foia-advisory-committee/2024-2026-term/meetings/foiaac-09-11-2025>

¹³ See <https://evic.reed.edu/2024-evic-leo-survey-report/>

¹⁴ See <https://drive.google.com/file/d/136NCe6ZFUAf6ZApAatvsoogus2IqLzoo/view?usp=drivesdk>

We are also focused on expanding our outreach and training initiatives. After resuming in-person and virtual training sessions in FY 2025, we aim to conduct at least 10 training sessions in FY 2026. With two already completed and more scheduled, we are on track to meet this goal. We also plan to relaunch our “Brown Bag” training series, beginning with a session on “Technology and the PIA” and another to focus on recent Board decisions.

In addition, we are working to enhance our case management strategies to better triage incoming requests and to allocate resources efficiently. This includes exploring options for a database that can automate some of our tasks.

Looking ahead, we remain committed to supporting both requesters and custodians through fair, timely, and effective dispute resolution.

Conclusion

With a stronger team, clearer procedures, and a renewed focus on outreach, the Office is well-equipped to meet the challenges of the coming year and to continue advancing the goals of transparency in Maryland government.

I again want to thank Attorney General Brown and the OAG for their support of the Ombudsman program and the consistently outstanding staff support the OAG has provided to the program. In addition, I also extend my thanks to the Board for providing this forum for sharing information about the Ombudsman program. Finally, I again want to thank Sara Klemm, Kentiara Moore, and Teena Hallameyer who tirelessly support the Office of the Public Access Ombudsman. I also want to thank Alisa Bralove-Scherr for her assistance in compiling this report.

You can find additional program information, including statistical reports, helpful tips, and PIA-related news and developments, on the Ombudsman’s website at piaombuds.maryland.gov.

Respectfully submitted,
Lisa Kershner
Public Access Ombudsman
September 2025



Public Access Ombudsman Mediation Metrics Report

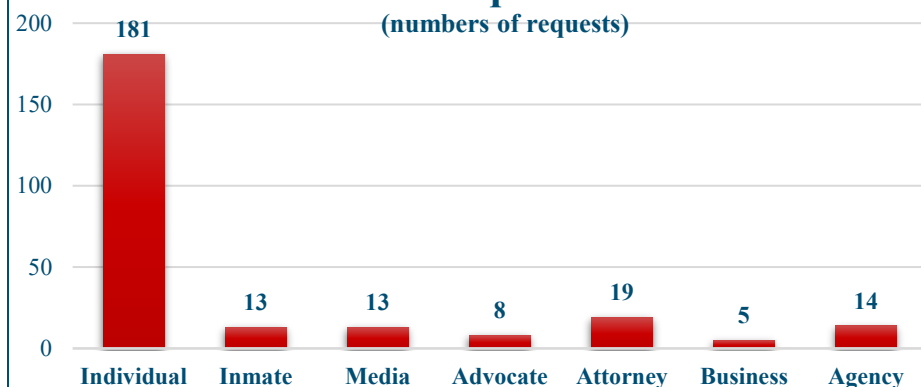
July 1, 2024 to June 30, 2025

Annual
Report
FY2025

The data presented in this report summarizes the requests for mediation received in FY 2025.

The Requesters

(numbers of requests)

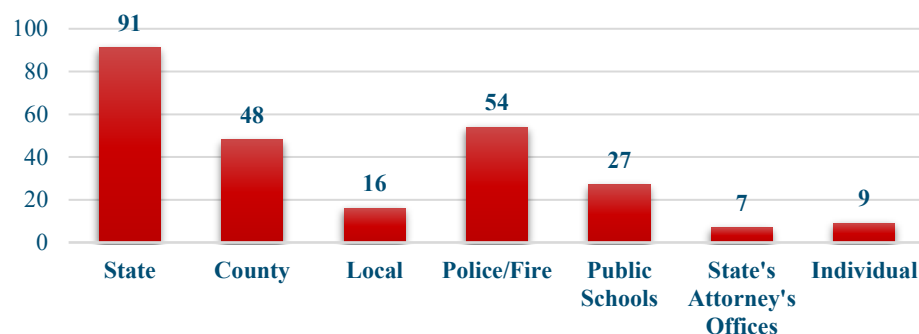


Quick Facts

- 252 new requests for mediation
- 261 mediations closed
- 198 “Help Desk” requests

The Agencies

(numbers of requests)



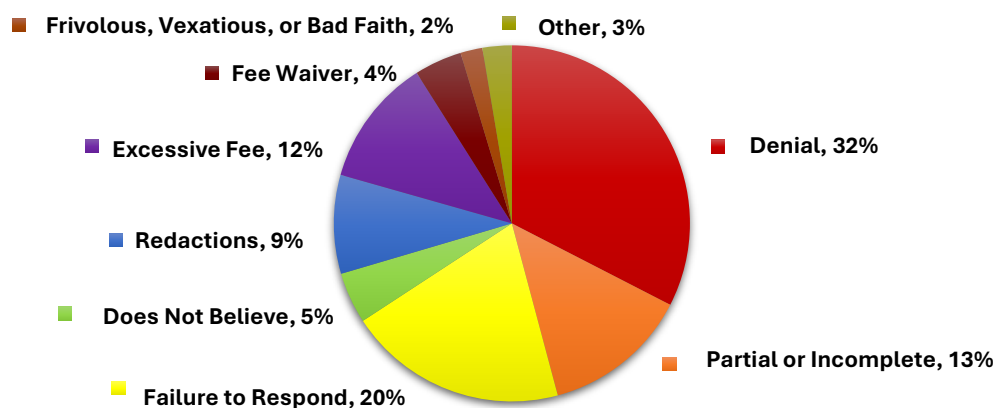
There were 116 unique agencies participating in mediation matters with the PIA Ombudsman in FY 2025.

“Individual” refers to agency-initiated mediations with PIA requesters.

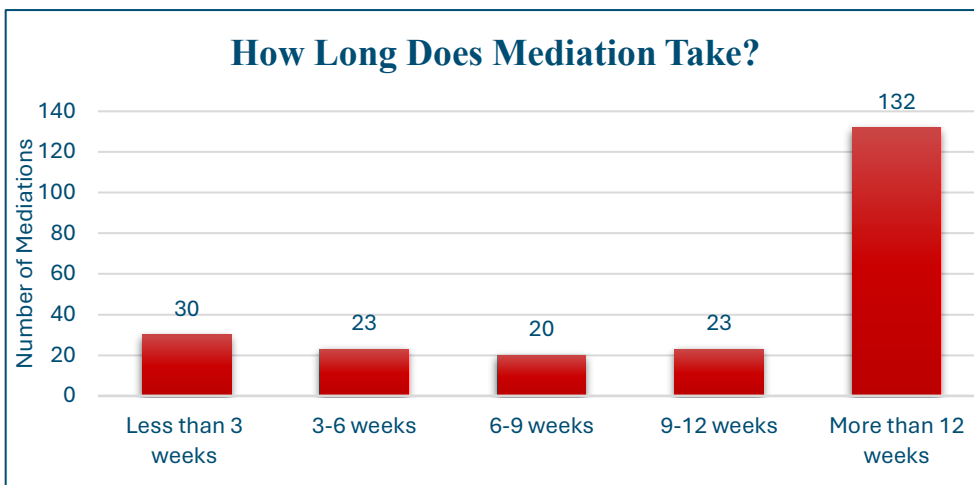
The types of PIA disputes listed are based on how the requester framed the dispute. They may include more than one issue.

These are not findings.

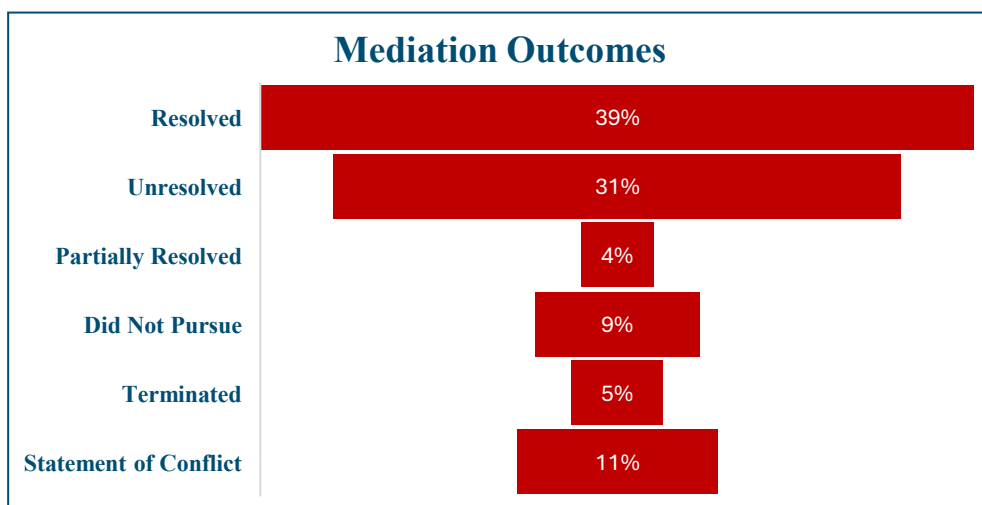
What are the PIA Disputes?



There is a 90-day statutory deadline for concluding mediations, but the time can be extended with the consent of both sides. The Ombudsman closed 37% of files within that time period. The remaining files had extensions agreed to by the parties.



The below data shows why mediation matters. The Ombudsman resolved 39% of matters and partially resolved another 4%. Early resolution of disputes saves time and resources. Mediation is voluntary, confidential, and in many cases doesn't require an attorney.



In FY 2025, the Ombudsman brought on an attorney-mediator who, as of October 1, 2025 will serve as the Deputy Ombudsman. The Ombudsman also added a contractual administrator to support the program and hired a new administrator as a replacement for the one who left in October 2024. The new staff, once fully trained, will be a large help to the program. The Ombudsman thanks the Attorney General for allocating the two new positions.

Presentations, Workshops, Trainings, and Other Outreach

The Office of the Public Access Ombudsman conducted the following in-person and virtual trainings in FY 2025:

- Carroll County Sheriff's Office, *MPIA: A Comprehensive Overview* – August 21, 2024
- MACO Winter Conference, *MPIA: A Comprehensive Overview* – December 11, 2024
- Anne Arundel County Public Schools General Counsel, *MPIA: A Comprehensive Overview* – December 17, 2024
- Town of Easton, *MPIA: A Comprehensive Overview* – April 10, 2025
- City of Rockville, *MPIA: A Comprehensive Overview* – April 29, 2025
- City of Greenbelt, *MPIA: A Comprehensive Overview* – April 30, 2025
- MML Summer Conference, *MPIA: A Comprehensive Overview* – June 23, 2025

To request a PIA training, please visit the Ombudsman's website at <https://piaombuds.maryland.gov/Pages/trainingrequest.aspx>

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