

**Appointed
March 30, 2016**

Public Access Ombudsman



2016 Annual Report (calendar year)

*Note. Ombudsman appointed March 30, 2016
Data reflects first 9 months through December 31, 2016*

MARYLAND PUBLIC INFORMATION ACT (PIA)

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

The Big Picture: Mediation saves money

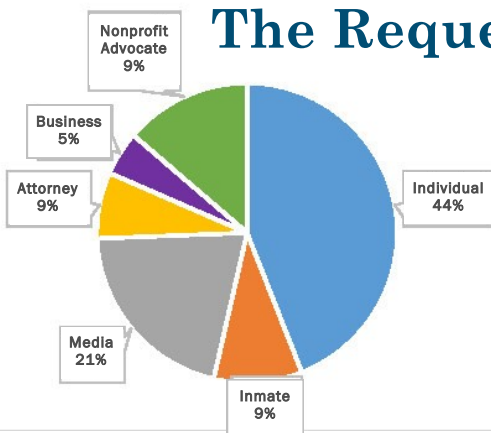
*Early resolution of disputes saves time and resources
and increases public knowledge and awareness of
the PIA process. For example, mediation is entirely
voluntary, confidential, and in many cases doesn't
require an attorney.*

**2016
Annual
Report**

210 requests over 9 Months

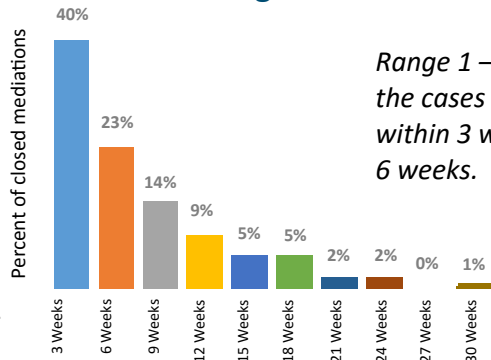
- ◆ 178 -Mediation requests
- ◆ 32+ -Other /"help-desk" inquiries

The Requestors



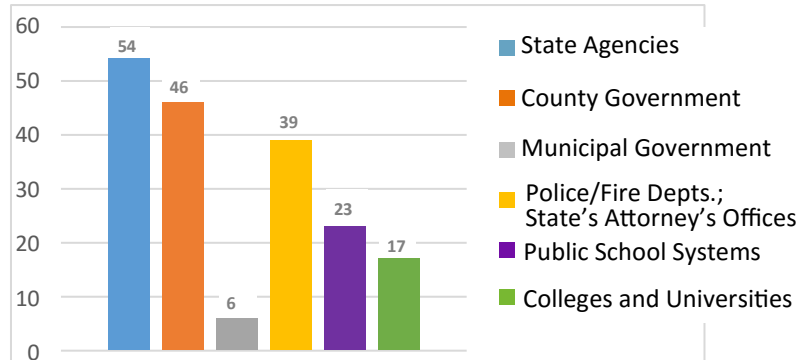
Total Mediation Cases 2016	
New/Incoming cases	178
Open/Pending <i>as of 12/31</i>	63
Closed <i>as of 12/31</i>	115

How Long does Mediation Take?

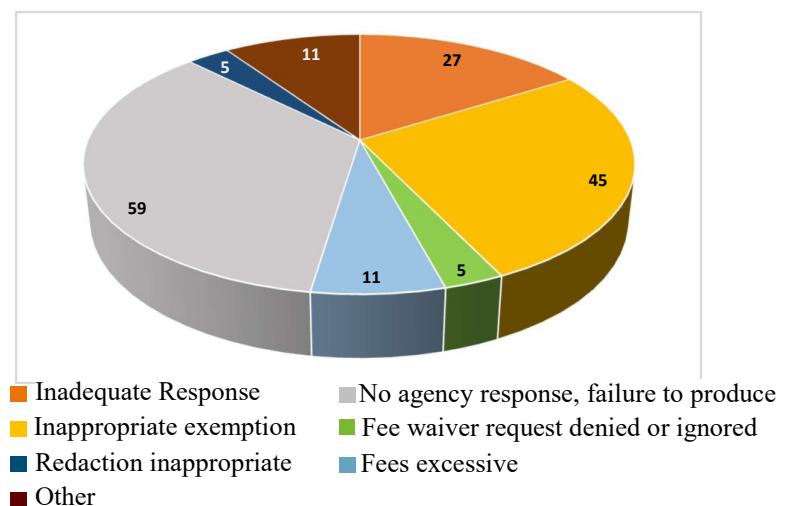


*Range 1 – 209 days. 40% of
the cases are resolved
within 3 weeks and 63% by
6 weeks.*

What Agencies are Participating in Mediation?



What are the PIA Complaints?



Lisa Kershner

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

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

Ongoing Projects Issues & Needs

- Systemic issues can be addressed through the PIA constituent community, including potential custodian/requestor working group(s)
- Training & Access
- Operations, including staffing, intern projects, evaluation metrics, & website

H.B. 1105 PIA Compliance Report

Background

During the 2016 legislative session, the Maryland General Assembly passed House Bill ("H.B. 1105"). This bill tasked the Ombudsman to investigate and issue a public report by January 1, 2017 concerning the PIA compliance by Howard County Public School System (HCPSS) for the period from July 1, 2012 through December 31, 2015.

Final Report

- ◆ Published December 30, 2016.
- ◆ Access the report at:
<http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PAO/Final%20HB%201105%20report.pdf>

Highlights of Key Findings

- ◆ Up-to-date records retention policies are essential to respond properly to PIA requests.
- ◆ Just a few mishandled PIA requests can erode public confidence.
- ◆ All requests should be handled in a nonpartisan fashion.
- ◆ Work closely with legal counsel to insure the integrity, validity, and propriety of PIA responses.
- ◆ Waiver requests should be considered in light of the policy underlying the PIA and the public interest.

Outreach 2016

Presentations, Workshops, Meetings

April

- MD DE DC Press Assn (MDDC Press)/Webinar

May

- Society of Professional Reporters
- MDDC Press (Meet and Greet)

June

- Caucus of African American Leaders
- Office of Attorney General, PIA Training for Assistant AGs
- MML Convention - Cabinet Secretary's Roundtable Session

October

- MACO, County Attorney Panel Discussion
- MD Department of Health and Mental Hygiene, Boards' Trainings
- MD Office of the Public Defender, Post Conviction Unit

November

- MDDC Press, College Park MD.
- Maryland legislature: Joint Committee on Legislative Information, Technology and Open Government

Article

- *Public Information Act News*, Maryland Office of the Public Defender, December 2016

PIA "Help Desk"

The office of the Ombudsman receives daily requests regarding a number of PIA matters, including:

- Questions about PIA process;
- Misdirected requests to Ombudsman are referred to the correct custodian; and
- Referrals to other resources, e.g., Fee Waiver, and PIA Compliance Board Fee Issues.

RESOURCES/LINKS

- ◆ **PIA Manual 14th Edition:**
www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printable.pdf

All of the resources below can be found in the PIA Manual.

- List of Public Record Custodians: Appendix "J"
- Overview of the Public Information Act: Appendix "I"

Sample Documents

- Sample 10-Day Letter/E-Mail: Appendix "B"
- Sample Denial Letter/E-Mail: Appendix "C"
- Affidavit of Indigency: Appendix "D"

- ◆ **MD State Archives:** <http://msa.maryland.gov> is a resource for custodians' record management and retention practices.
- ◆ **Records Management Guide:** http://msa.maryland.gov/msa/intromsa/html/record_mgmt/pdf/nagara/making_mgmtsuccess.pdf
- ◆ **Federal FOIA (Freedom of Information Act) :** <https://www.foia.gov/>
- ◆ **Public Access Ombudsman - Request for Mediation Form:** <http://www.marylandattorneygeneral.gov/>

**MPIA Ombudsman
on Twitter
@MPIA_Ombuds**

