

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

Public Access Ombudsman

2018 Annual Report
 January to December 2018



2018 Annual Report

406 in 2018

- ◆ 235- Mediation requests
- ◆ 171+ - Other /"help-desk" inquiries

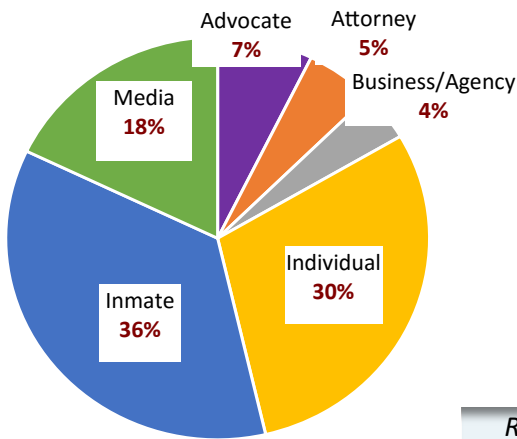
The Big Picture: Mediation saves money
Early resolution of disputes saves time and resources and increases public knowledge and awareness of the PIA process. For example, mediation is entirely voluntary, confidential, and in many cases doesn't require an attorney.

Total Mediation Cases 2018	
Carry over from prior years	25
New/Incoming cases in 2018	210
Total Number of Mediation cases	235
Mediation cases currently open	20
Total Mediation cases Closed	215

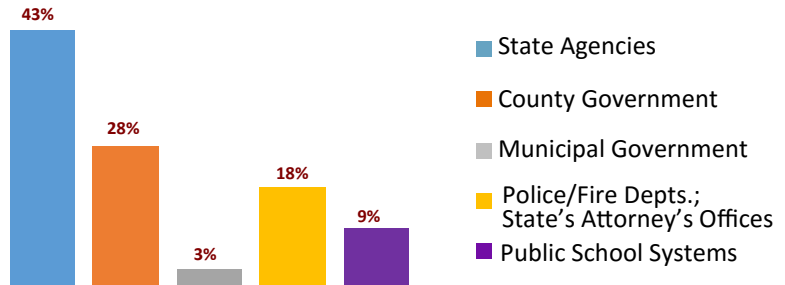
The Agencies

101 unique agencies participated in mediation matters with the PIA Ombudsman in 2018. Agency jurisdictions include state level, **15** different counties and Baltimore City, and **4** municipalities.

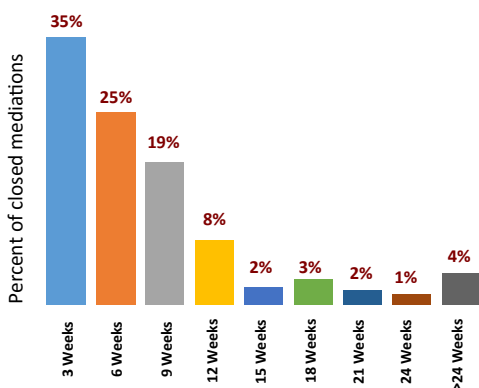
The Requestors



What Agencies are Participating in Mediation?

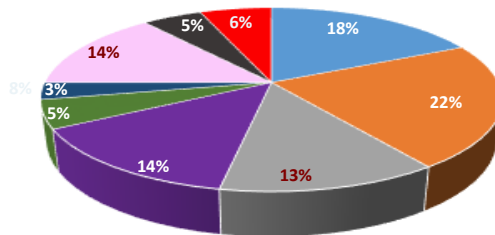


How Long does Mediation Take?



Range: 1 – 468 days.
35% of the cases are resolved within 3 weeks and **60%** by 6 weeks.

What are the PIA disputes?



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

- Misapplication of exemption -18%
- MIA: No Response –22%
- Partial, nonresponsive, or incomplete response –13%
- Fees excessive - 14%
- Fee waiver request denied or ignored –5%
- Does not believe response –3%
- Asked for explanation of response -14%
- Redaction inappropriate –5%
- Other - 6%

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Ombudsman's Website:

<http://piaombuds.maryland.gov>

Legislation & Court Opinions — 2018

- ◆ **HB677/(SB477) - PIA Required Denials** - Requires a PIA custodian to deny inspection of a distribution list that identifies an address, e-mail, or telephone Number.
- ◆ **Lamson v. Montgomery County, Md. (Ct. App. 2018)** No. 67, Sept. Term 2017, filed July 31, 2018
- ◆ **Glass v. Anne Arundel County, et al. (unreported Ct. of Sp. App.)** No. 918, Sept. Term, 2015; filed July 18, 2018. 2018 WL 3472049

Open Matters Ombudsman's Selected Blog Posts — 2018

- ◆ **PIA TECHNOLOGY SOLUTIONS: Maryland Insurance Administration's PIA Web-Portal**, 11/20/18
- ◆ **Recommendations to the General Assembly**, 11/01/2018
- ◆ **PIA TECHNOLOGY SOLUTIONS: HCPSS – Transparency in Public Schools**, Open Matters, 09/26/18
- ◆ **Privacy Beyond the Grave: Does the PIA Protect the Personnel Records of a Departed Employee?** 07/13/2018 -

Ombudsman's Selected Tweets — 2018

- ◆ It's time to start checking the MGA website! Pre-filed SB 5 would deny inspection of parts of 9–1 records considered to be gory or gruesome. 12/21/18
- ◆ **Officials, Lawyers Lament Inability to Root Out Police Corruption**. Maryland Matters. 12/19/18.
- ◆ The Office of the MD Attorney general has information for customers who may be impacted by the Marriott data breach. 12/4/18
- ◆ **Council pushes for access to confidential background investigation on Baltimore police commissioner nominee**. Carroll County Times. 11/26/18

Outreach 2018

Presentations, Workshops, Trainings, and Other Outreach

- Montgomery County Police, Records Section. April 17
- Office Of the Public Defender, April 23 Annual Conference, and Nov. 8
- Prince George's County, State's Attorney's Office, May 17 and Sept. 18
- Maryland Municipal League, June 12
- American Association of Law Librarians, 2018 Annual Meeting, July 14-17
- Maryland General Assembly, Joint Committee on Legislation, Information Technology & Open Government, October 3
- Inmate Access Project, September 20 and November 26
- Department of Health, October 9 (Boards), and November 30 (Dept. Heads)
- City of Greenbelt, October 18
- Oregon Public Records Advocate, October 22
- MDDC Press Assoc., *Public records requests in the current political climate*, October 23, hosted by Morgan State University, Global School of Journalism
- Goucher College, October 23
- Maryland Association of Counties, November 14

Publications

- **Ombudsman Program - Summary Report, Program Operations** *Since Inception, March 30, 2016 - August 31, 2018*
- **Fee Estimates, Flat Fees and Waiver of Fees**. Office of the Public Defender, Post Conviction Newsletter, Spring 2018
- **Advice for your MPIA Request from the Public Access Ombudsman**, Office of the Public Defender, Post-Conviction Newsletter, Winter 2017
- **Ombudsman comments to the Office of the Attorney General for its Report of the Office of the Attorney General on the Implementation of the Public Information Act**. September 22, 2017
- **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

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; &
- Referrals to other resources, e.g., PIA Compliance Board Fee Issues.

RESOURCES/LINKS

- ◆ **PIA Manual 14th Edition**: http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printable.pdf. Including: List of Public Record Custodians: Appendix "J"; and Overview of the Public Information Act: Appendix "I"
- ◆ **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**: <https://news.maryland.gov/mpiaombuds/request-mediation/>

