

**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.*

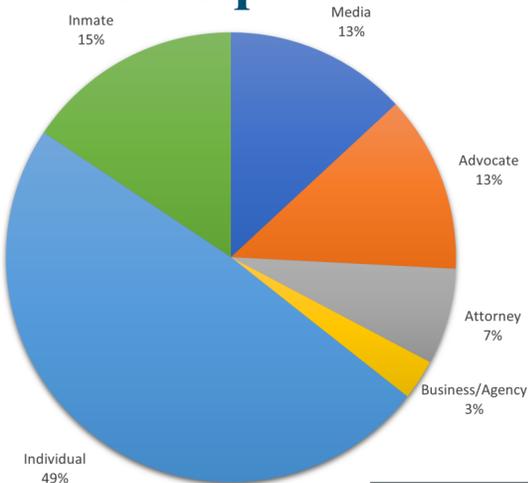
Carry over from FY 2022	28
New/Incoming cases in FY 2023	275
<b>Total Number of Mediation cases</b>	<b>303</b>
Total Mediation cases Closed FY 2023	250
Mediation cases carried over to FY 2024	53

## The Agencies

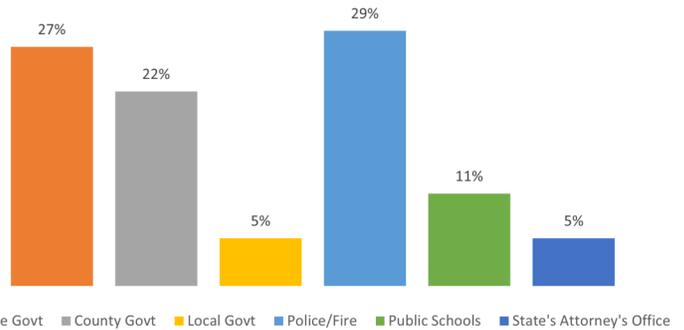
**109** unique agencies participated in mediation matters with the PIA Ombudsman in Fiscal Year 2023, including agencies at the state, county, and municipal levels.

## The Requesters

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

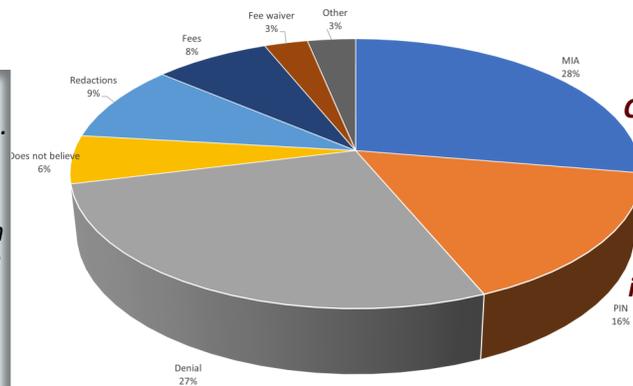


## What Agencies are Participating in Mediation?



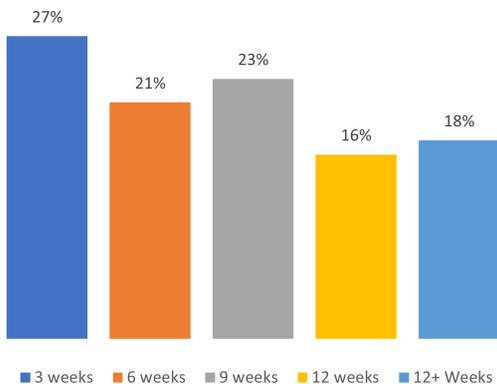
## What are the PIA Disputes?

**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.**

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**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](#) – 17<sup>th</sup> 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**

