

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 2021 - Annual Report
 July 1, 2020 to June 30, 2021



**Annual Report
 FY 2021**

492 FY 2021

- ◆ 280 -Mediation requests
- ◆ 212 -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.

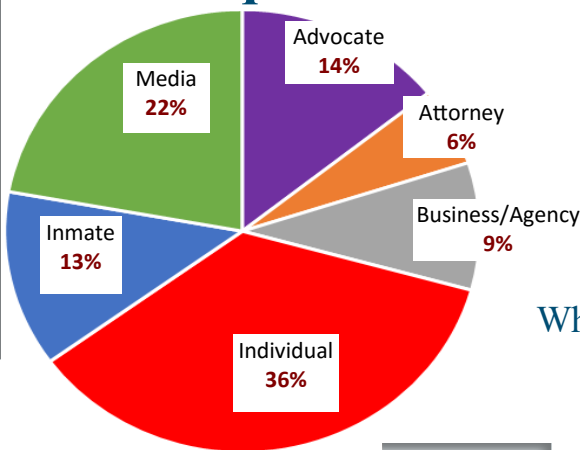
Total Mediation Cases, as of June 30, 2021	
Carry over from FY 2020	46
New/Incoming cases in FY2021	280
Total Number of Mediation cases	326
Total Mediation cases Closed FY 2021	272
Mediation cases carried over to FY 2022	54

The Agencies

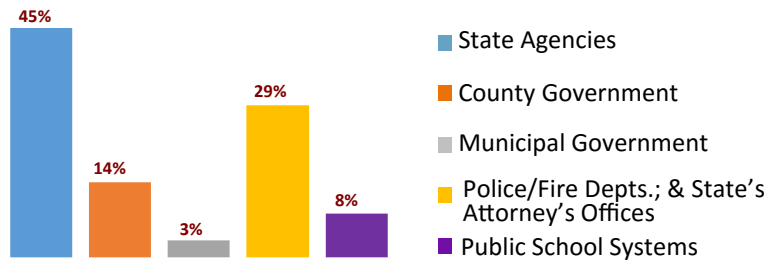
120 unique agencies participated in mediation matters with the PIA Ombudsman in Fiscal Year 2021, including agencies at the state, county, and municipal levels.

The Requestors

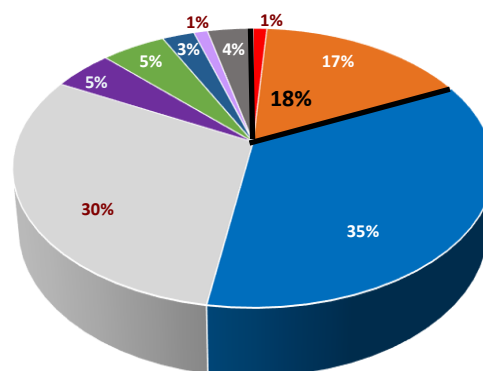
Requestors:
 Professional/Occupational requestors make up **51%** of requests for assistance, and all individuals make up **49%**.



What Agencies are Participating in Mediation?

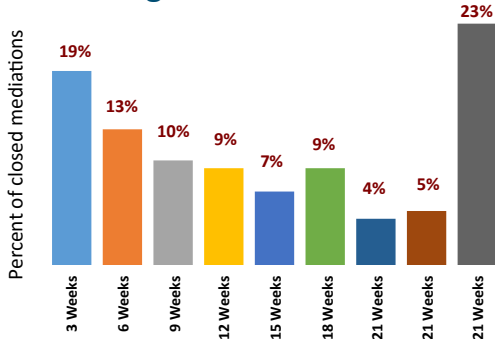


What are the PIA disputes?



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

How Long does Mediation Take?



Range:
 1 – 508 days.
19% of the cases are closed within 3 weeks and **43%** by 90 days.

- Misapplication of exemption – 18%
- Redaction inappropriate – 1%
- Entire record withheld – 17%
- MIA: No Response – 35%
- Partial, nonresponsive, or incomplete response – 30%
- Fees excessive – 5%
- Fee waiver request denied or ignored – 5%
- Does not believe response – 3%
- Asked for explanation of response – 1%
- Other – 4%

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**MPIA Ombudsman
on Twitter**
@MPIA_Ombuds

2021 Legislative Session

House Bill 183 and Senate Bill 449 were introduced early in the 2021 legislative session. These bills were based on recommendations contained in the *Final Report on the Public Information Act* (Dec. 27, 2019), which was published jointly with the PIA Compliance Board. Broadly speaking, the bills provide for a more integrated extra-judicial dispute resolution process and expand the jurisdiction of the Board to resolve a wider variety of disputes. Both bills passed their respective chambers with unanimous support and HB 183 was enacted on May 30, thus becoming law. It takes effect on July 1, 2022.

Several other PIA-related bills were also introduced during the 2021 session, but only one passed and became law. **Senate Bill 178**, which will take effect on October 1, 2021, removes records related to administrative and criminal investigations of alleged police misconduct from the ambit of GP § 4-311's mandatory exemption for personnel records.

Additional analysis of 2021 Legislative Changes to the PIA can be found on the Ombudsman's Blog, *Open Matters* at news.maryland.gov/mpiaombuds/blog.

FY 2021 Open Matters: Blog of the Public Access Ombudsman

- **2021 Legislative Changes to the PIA (Pt. 2)– H.B. 183.** Open Matters Blog, posted 06/21/21
- **2021 Legislative Changes to the PIA – Two Part Series.** Open Matters Blog, posted 06/07/21
- **Ombudsman and members of the PIA Compliance Board unanimously support HB 183.** Open Matters Blog, posted 02/12/21
- **Discretionary Exemptions Series: Investigative Records.** Open Matters Blog, posted 12/28/20
- **New Court Rules Govern Access to Judicial Records .** Open Matters Blog, posted 7/30/20
- **What Criminal Records Can I Get Under the PIA?** Open Matters Blog, posted 07/09/20

RESOURCES/LINKS

- ◆ **MD Office of the Attorney General—PIA Manual 15th Edition:** http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printable.pdf. The PIA Manual includes Appendix J a List of Public Record Custodians.
- ◆ **MD State Archives:** <http://msa.maryland.gov> is a resource for custodians' record management and retention practices.
- ◆ **Office of Government Information Services (OGIS – FOIA)** <https://www.archives.gov/ogis>
- ◆ **Federal FOIA (Freedom of Information Act) :** <https://www.foia.gov/>
- ◆ **PUBLIC ACCESS OMBUDSMAN**
 - * **Request for Mediation Form:** <https://news.maryland.gov/mpiaombuds/request-mediation>
 - * **Interpretive Regulations:** <https://tinyurl.com/y2cuqp55>
- ◆ **Virginia Freedom of Information Advisory Council:** <http://foiacouncil.dls.virginia.gov/foiacouncil.htm>

Outreach FY 2021

July 1, 2020 – June 30, 2021

Presentations, Workshops, Trainings, and Other Outreach

Due to the COVID-19 state of emergency, in effect throughout the entire FY21, the Public Access Ombudsman's Office conducted all trainings and presentations by remote means.

- Maryland Municipal Attorneys Association, *Legislative changes to the MPIA*, virtual briefing, May 6, 2021
- Senate Education, Health, and Environmental Affairs (EHEA) Committee, Testimony SB 449. February 23, 2021.
- House Health and Government Operations (HGO) Committee , Testimony HB183. February, 11, 2021
- Equitable Access to Government Information Panel, MDCC Press Association Podcast. February 3, 2021
- Maryland Association of Counties, Winter Conference, December 16, 2020.
- Carroll County Sheriff's Office, PIA 101 for Law Enforcement, November 17, 2020.
- Gov't Ops and Health Facilities Subcommittee of the House HGO Committee, Open Government Briefing, October 28, 2020.
- Maryland Municipal League, Academy for Excellence in Local Government, October 9, 2020.
- PIACB Annual Meeting Presentation, Ombudsman's Report, July 29, 2020.

Select Publications

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

- **Ombudsman comments**, included as an Appendix to the 2020 Annual Report of the PIA Compliance Board. September 2020
- **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
- **Public Access Ombudsman's Interpretive Regulations:** <https://tinyurl.com/y2cuqp55>, June 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

