

Down the Rabbit Hole: What is a Maryland Public Information Act (PIA) Request?

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Sounds like an easy question, but there are nuances to a making a PIA request. In its most basic form, a PIA request is a request for public record(s) from a governmental entity.

“What’s so hard about that,” you might say. One of the nuances is defining what a public record can be. Public records are created by or in the possession of public entities, as described in the statute:

“Public record means the original or any copy of any documentary material that are made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business.”

This means that a governmental entity- does not have to create or compile information in response to a PIA request. It can also take many forms. The following have been identified in the statute. A public record:

“is in any form, including: card; computerized record; correspondence; drawing; film or microfilm; form; map; photograph/Photostat; recording; or tape.”

The list above is not exhaustive, and the PIA manual (see link below) goes into more detail. Generally, the scope is broad, and all “records” possessed by an agency generally fall within the definition of “public records”.

What is not a PIA request?

- Asking a series of questions, is not a request for public records.
- Accusing an agency of wrong doing is not a request for public records.
- Asking for an explanation of an agency’s action is not a request for public records.
- An agency has no obligation to create records to satisfy a PIA request. For example, if a request is made for the report of a consultant and the consultant did not issue a written report, the PIA does not require that a written report be created in order to satisfy the request.
- Making a request to your home owner association for records is not a PIA request.

So you’ve asked for a public record from a public entity and they still won’t give you the information. Why not? Consider this. The content of the PIA as of 2015 appears in Appendix E of the PIA Manual and extends for 59 pages of the document. More than half of the text of the statute lists the types of information that cannot be shared (called exemptions). But that is a topic for another day.

We hope this information helps. The Ombudsman’s Office has created a number of resources about the PIA process as well as the mediation process of the Ombudsman. Visit our resource page at <http://news.maryland.gov/mpiaombuds/paoresources/>. Access the PIA Statute at http://www.marylandattorneygeneral.gov/OpenGov%20Documents/Appendix_E.pdf, and the PIA Manual at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/piamanual.aspx>