

Tips for Agency Transparency in the PIA Process

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On December 30, 2016 the Public Access Ombudsman published the ***Report Concerning the Howard County Public School System's (HCPSS) Handling of Requests under the Public Information Act***, which was required by HB 1105—legislation passed earlier that year. One of the key themes from that report was:

“Open and forthright communication is essential to a relationship of trust and confidence between the government and the community it serves.”

This message is central to a successful PIA response program. When PIA requests are ignored or otherwise mishandled, public trust and confidence in government erodes. The Ombudsman's experience with over 200 Maryland agencies confirms this reality; diminished public trust ultimately requires more staff time because it complicates the PIA process.

Increasing public confidence in the integrity, validity, and effectiveness of the PIA as an instrument serves an agency's interests. So, how can your agency do that? Below are some ideas.

Err on the Side of Disclosure

Just because you can deny a PIA request, doesn't mean you should. It's worth keeping in mind that agencies always have **discretion** to withhold **or produce** information that might fall under the PIA's discretionary exemptions, such as investigatory records and inter- and intra-agency communications. Because the PIA favors disclosure and requires a narrow interpretation of exemptions, custodians **should only withhold such information if disclosure would truly be contrary to the public interest**. In making that determination, custodians should balance the significant public interest in ensuring the public's access to government records. Erring on the side of disclosure in these situations can save your agency time and hassle by keeping requestors happy, and by reserving withholding or redacting information to truly exceptional circumstances.

Be Transparent in your Communication

Everyone's job is easier when communication is transparent. If you google the phrase “transparent communication,” the first link is to [The Collaborative Workplace](#), which describes the characteristics of transparent communication this way:

1. It gives the information that people need in order to understand what is going on at the time that they need it.
2. It avoids surprises.
3. It provides follow-up for concerns that are raised.
4. It is consistent both in content and process.
5. It creates expectations that are then carried out

Applying these characteristics to the PIA process means, at the very least: 1) listing your PIA custodian clearly on your website (and submitting that information to the Office of the Attorney

General for inclusion in its [PIA Manual](#)); 2) providing a list of readily available documents on your website; and 3) communicating promptly and clearly with PIA requestors to clarify requests and to let them know what to expect from your process.

Make sure your Responses Conform to the PIA

The PIA's requirements for properly responding to a PIA request—including timeliness, adequate descriptions of information that is withheld, and remedies for review—serve both requestors and agencies by promoting clarity and completeness, reducing the likelihood that requestors will complain or be confused. Consult the Attorney General's [PIA Manual](#) for more in-depth treatment of conforming responses.

Hopefully these tips will help your understanding of the benefits of agency transparency in the PIA process.