

Update on Agency PIA Practices during the Pandemic

May 28, 2020

In March, when it was apparent that the covid-19 pandemic would severely impact all levels of society for the foreseeable future, the Ombudsman published guidance to agencies that emphasized a reasonable and good faith approach to PIA responses given the limitations and burdens placed on governmental operations. You can read that guidance [here](#).

Among other suggestions, the Ombudsman recommended that agencies evaluate each incoming PIA request and, to the extent feasible, promptly respond to those that could be handled remotely. For requests that could not be handled readily and/or within the statutory timelines, the Ombudsman suggested that agencies explain to the requestor the limitations on the agency's ability to respond to and provide assurances that the agency would respond as soon as it was able to do so.

Since then, the Ombudsman's Office has continued to work remotely on new and pending requests for assistance from agencies and requestors, and it is apparent that agency PIA practices during this challenging time vary widely. Some agencies appear to have ceased to process PIA requests altogether, while others seem to be taking a good faith approach like that outlined in the Ombudsman's guidance. The Ombudsman is also aware that some State and local agencies have utilized the process outlined in the Governor's March 12, 2020 emergency order, entitled [*Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements*](#), to formally suspend PIA deadlines as applied to them until 30 days after the Governor lifts the state of emergency. The Ombudsman applauds those agencies that are taking steps to respond to PIA requests in a good faith and pragmatic manner even when they have announced the suspension of PIA deadlines; for example, see the City of Rockville's relevant Executive Order [here](#).

The Ombudsman continues to encourage all agencies to follow the guidance published in March, including the recommendation that agencies respond to PIA requests to the extent feasible, and communicate with requestors about operational limitations. Ultimately, reasonableness under the circumstances should be the touchstone of an agency's PIA practices during this time. And, as always, the Ombudsman's Office is here to help.