

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

2020 Annual Report—12 Months
 January to December 31, 2020



**2020
 12 Month
 Report**

477 in 2020

- ◆ 250 -Mediation requests
- ◆ 227 -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.

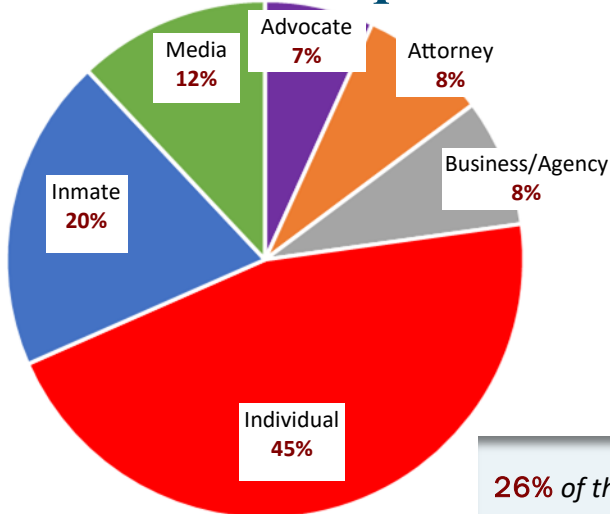
Total Mediation Cases 2020

Carry over from 2019	46
New/Incoming cases in 2020	250
Total Number of Mediation cases	296
Mediation cases currently open	82
Total Mediation cases closed	214

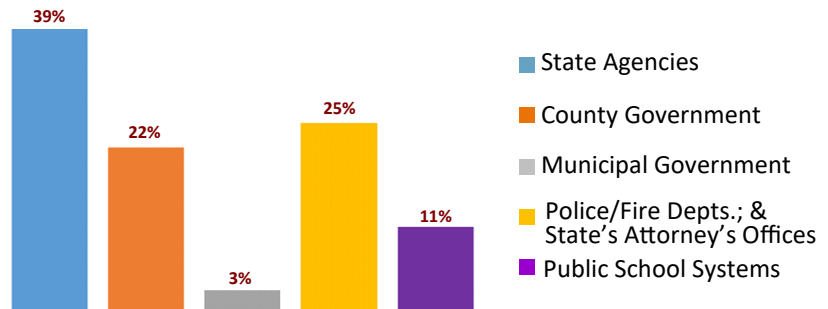
The Agencies

110 unique agencies participated in new mediation matters with the PIA Ombudsman in 2020. Agency jurisdictions include state, county and local level.

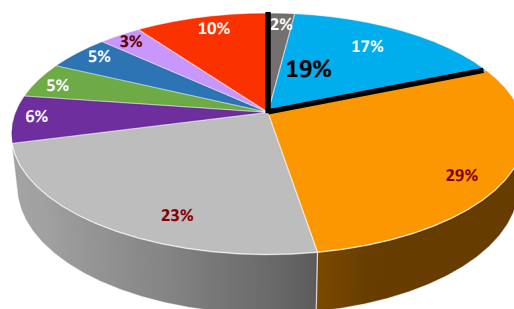
The Requestors



What Agencies are Participating in Mediation?

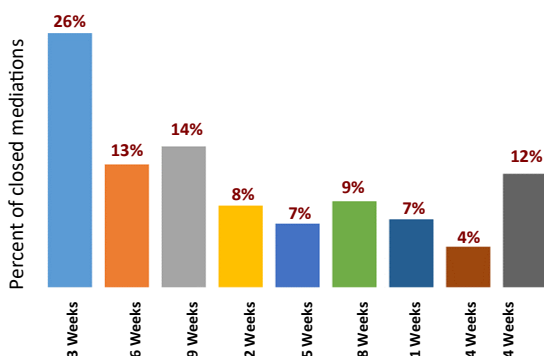


What are the PIA disputes?



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?



26% of the cases are closed within 3 weeks and **39%** by 6 weeks.

Lisa Kershner

200 St. Paul Place,
 25th Floor
 Baltimore, MD 21202

Phone: 410-576-6560
 Email: pia.ombuds@oag.state.md.us
 Twitter: @MPIA_Ombuds

Ombudsman's Website:

<http://piaombuds.maryland.gov>

2020 Legislative Session

Multiple bills were introduced during the 2020 Legislative session that would have impacted the PIA. The session was terminated early due to COVID-19 State of Emergency. None of the PIA legislation was passed including HB 502/SB590, which was based on the recommendations of the Public Access Ombudsman and PIA Compliance Board in its *2019 Report on the PIA* published December 27, 2019.

Open Matters: Ombudsman's Blog

- **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
- **Update on Agency PIA Practices during the Pandemic.** Open Matters Blog, posted 5/28/20
- **Importance of Accurate PIA Custodian Contact Information.** Open Matters Blog, posted 4/06/20
- **Ombudsman's PIA Guidance During COVID-19 State of Emergency.** Open Matters Blog, posted 3/23/20
- **Ombudsman and members of the PIA Compliance Board unanimously support HB 502/SB590.** Open Matters Blog, posted 2/14/20
- **MSA – Records Management and the Public Information Act.** Open Matters Blog, posted 1/7/20

Ombudsman's Selected Tweets

- ◆ The Office of the Attorney General issued the 15th edition of its PIA Manual. View it at <https://marylandattorneygeneral.gov/Pages/OpenGov/piamannual.aspx...> 11/24/20
- ◆ The PIA Compliance Board issued opinion 20-13 on June 22. The Opinion is posted at: https://marylandattorneygeneral.gov/Opinions%20PIACB%20Documents/2020/PIACB20_13.pdf 6/30/20
- ◆ **Coronavirus Notice.** The Ombudsman's office is working entirely remotely during this state emergency. While we are attempting to conduct business as usual by remote means, it is nonetheless slowing us down in our responses to inquiries. 3/16/20

Outreach 2020

Presentations, Workshops, Trainings, and Other Outreach

Due to the COVID-19 State of Emergency the Public Access Ombudsman's Office canceled three scheduled trainings in the second quarter of 2020.

- Health and Government Operations Committee, Testimony HB502, February 11.
- Education, Health, and Environmental Affairs Committee, Testimony SB590. February 13.
- PIACB Annual Meeting Presentation, Ombudsman's Report, July 29.
- Maryland Municipal League, Academy for Excellence in Local Government, October 9.
- Government Operations and Health Facilities Subcommittee, Open Government Briefing, October 28.
- Carroll County Sheriff's Office, PIA 101 for Law Enforcement, November 17.
- Maryland Association of Counties, Winter Conference, December 16.

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 and PIA Compliance Board submitted to the House Health and Government Operations Committee concerning 2020 HB 502. February 2020
- **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

RESOURCES/LINKS

- ◆ **MD Office of the Attorney General—PIA Manual 15th Edition (2020):** 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>
- ◆ **DC Office of Open Government:** <https://www.open-dc.gov/office-open-government>

