

MARYLAND PUBLIC INFORMATION ACT (PIA)

The public's right to information about government activities lies at the heart of democracy.

Metrics Handout Office of the Public Access Ombudsman

Since Inception Report
March 30, 2016—June 30, 2022



75 Months Since Inception

2485 March 30, 2016

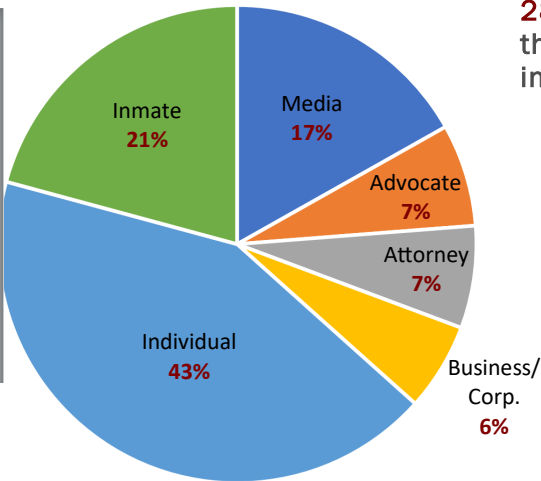
- ◆ 1481 - Mediation requests
- ◆ 1004 - Other / "help-desk" inquiries

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.

The Requesters

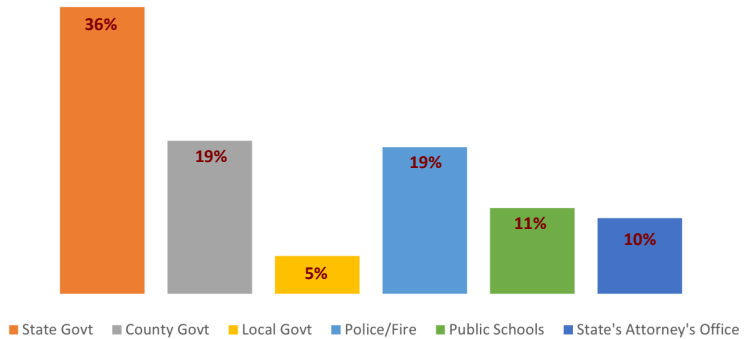
Aggregated Requesters: Professional/Occupational categories make up 36% of requests for assistance and all individuals make up 64%.



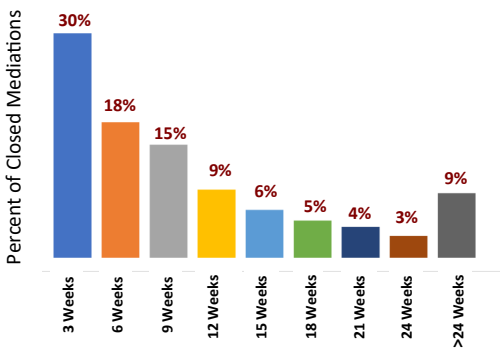
The Agencies

285 unique agencies participated in mediation matters with the PIA Ombudsman since the beginning of the program, including agencies at the state, county and local levels.

What Agencies are Participating in Mediation?

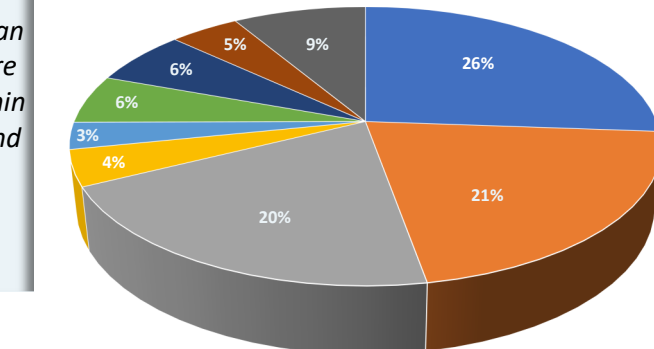


How Long Does Mediation Take?



30% of Ombudsman matters are closed within 3 weeks and 75% by 90 days.

What are the PIA disputes?



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

Mediations March 30, 2016 – June 30, 2022	
New/Incoming Cases between 3/30/16–6/30/22	1481
Closed as of 6/30/22	1453

- Misapplication of exemption 23%
- Redaction inappropriate 3%
- Entire record withheld 20%
- MIA: No Response 26%
- Partial, nonresponsive, or incomplete response 21%
- Fees excessive 6%
- Fee waiver denied or ignored 5%
- Does not believe response 4%
- Asked for explanation of response 6%
- Other 9%

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<http://piaombuds.maryland.gov>

MPIA Ombudsman
MPIA Ombudsman
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2022 Legislative Session

During the 2022 Legislative Session, six bills were introduced that impacted the PIA. Of these six, two bills were of great interest to the Office of the Public Access Ombudsman. The first, **Senate Bill 31**, set forth the circumstances under which a custodian of records, in accordance with the PIA, must deny or allow inspection of recordings from a body-worn camera worn by a law enforcement officer. This bill had been previously introduced. After passing the Senate, the House of Delegates did not take any further action on this bill. The second, **Senate Bill 777**, established the Task Force to Study Public Information Act Requests Made to Law Enforcement. The task force is charged with reviewing and studying (1) the costs charged by law enforcement agencies in relation to the disclosure of records under the PIA; (2) procedures applied by law enforcement agencies in the disclosure of records requested under the PIA, and (3) the status and operation of the PIA Compliance Board. The Office of the Attorney General was tasked with providing staff to the task force. This bill took effect on June 1, 2022. Both of these bills reflect the growing public attention in activities of law enforcement officers and agencies in recent years.

Additional analysis of 2022 Legislative Changes to the PIA can be found on the Ombudsman's Blog, *Open Matters* at news.maryland.gov/mpiaombuds/blog.

FY 2022 Open Matters: ***Blog of the Public Access Ombudsman***

- **PIA Ombudsman program—Impact of Covid-19 and Mediation Metrics. Part 2**. Open Matters Blog, posted October 12, 2021.
- **PIA Ombudsman Program - Impact of Covid-19 and Mediation Metrics. Part 1**. Open Matters Blog, posted September 27, 2021.

RESOURCES/LINKS

- ◆ **MD Office of the Attorney General—PIA Manual 17th Edition:** http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printable.pdf. *The PIA Manual includes Appendix J a List of Public Record Custodians.*
- ◆ **Maryland 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 2022

July 1, 2021 – June 30, 2022

Presentations, Workshops, Trainings, and Other Outreach

Due to the COVID-19 pandemic, the Public Access Ombudsman's Office conducted all trainings and presentations by remote means.

- Maryland Municipal League 2021 Virtual Summer Conference, *MPIA Overview*, virtual briefing in partnership with Judge David Carey. July 19, 2021.
- PIA Compliance Board, Ombudsman program update/summary. August 26, 2021.
- Carroll County State's Attorney's Office, *MPIA: A Comprehensive Overview*, October 28, 2021.
- Maryland State Bar Association/State & Local Government Section, PIA Panel Discussion - Changes to the PIA, December 8, 2021.
- Frederick Chapter of Moms for Liberty, *MPIA: A Comprehensive Overview* (focus on school records), December 13, 2021.
- Maryland Municipal Clerks Association, *MPIA: A Comprehensive Overview*, virtual briefing, April 6, 2022.
- Parent Advocacy Consortium, *et. al, MPIA: A Comprehensive Overview*, virtual briefing, June 15, 2022.

Select Publications

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

- **Ombudsman's FY 2021 Annual Report**, included as an Appendix to the 2021 Annual Report of the PIA Compliance Board. September 2021
- **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
- **What's New? A comparison of the process for PIA dispute resolution before and after July 1, 2022.**
- **Mediation Process Flow-Chart**

