

OFFICE OF EXTERNAL AFFAIRS – Records Management Division

Public Information Act Policy

Effective: November 1, 2024

EXECUTIVE SUMMARY

The Maryland Department of General Services (DGS) is committed to accountability, transparency, and compliance with the Maryland Public Information Act (PIA) found in the Maryland Annotated Code, General Provisions Title 4 (“GPA”). This policy is intended to facilitate appropriate and timely access by the public or a governmental unit to the public records maintained by DGS.

POLICY STATEMENTS

A. **DEFINITIONS**

1. In this policy, the following words have the meaning indicated. These definitions are based on the statutory definitions set forth in the PIA and apply solely to this policy.
 - a. “Custodian” means any authorized individual or Official Custodian with physical custody and control of a public record.
 - b. “DGS” means the Maryland Department of General Services.
 - c. “Entity” means any administration, division, office, unit or program within DGS.
 - d. “Final Response” means the communication to the requester completing the request, whether that be a total denial, partial denial, or full disclosure.
 - e. “Full denial” means all documents responsive to the request have been deemed exempt from disclosure pursuant to a specific statute, regulation or policy.
 - f. “Full disclosure” means all the documents responsive to the request are releasable without exemption from disclosure or redaction and have been provided to the requester.
 - g. “Official Custodian” means an officer or employee of DGS who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.
 - h. “Partial denial” means at least a portion of one or some of the documents or information responsive to the request has been deemed exempt from disclosure pursuant to a specific statute.
 - i. “PIA” means the Maryland Public Information Act, Annotated Code of Maryland, General Provisions Article, §§4-101 to 4-601, as amended from time to time.
 - j. “PIA Contact” means the individual in an Entity who is responsible for providing responsive records to the PIA Officer.
 - k. “PIA Officer” means the DGS representative, chosen by the Secretary or their designee, to carry out the day-to-day activities associated with PIA requests. This individual maintains the PIA inbox at dgs.piarequest@maryland.gov.
 - l. “PIA request” means a request submitted by a person or governmental unit for specific public records.
 - m. “Requester” means a person or governmental unit that requests to inspect a public record of DGS.

B. DESIGNATION OF PIA OFFICER AND PIA CONTACTS

1. The Secretary or designee shall designate a primary and backup PIA Officer.
2. Each Entity shall provide the names and contact information of two individuals the PIA officer can contact to request a search and retrieval of responsive records held by DGS. These individuals will be the PIA Contacts for the Entity.
3. The Official Custodian or designee shall periodically offer training to DGS employees on PIA-specific issues.
4. The PIA Officer shall coordinate responses to all PIA requests received by DGS.

C. DESIGNATION OF IMMEDIATELY AVAILABLE RECORDS

PIA Contacts, in consultation with the PIA Officer or Official Custodian, shall designate types of public records of the governmental unit that are to be made available to any applicant immediately on request, and maintain a current list of the types of public records that have been designated as available to any applicant immediately on request.

D. RECEIPT AND ROUTING OF PIA REQUESTS

1. When a request is received by the PIA Officer, the PIA Officer shall immediately log the request in the PIA Tracking Log identified in Section I and forward the request to the appropriate PIA Contact(s).
2. Upon receiving the request from the PIA Officer, the PIA Contact(s) shall immediately conduct an exhaustive search for records responsive to the request.
 - a. If the request is from the media, the PIA Officer shall also forward the request to the Public Information Officer or designee for awareness.
 - b. If the request is for Maryland Capital Police records and is being made by a law enforcement agency, the PIA Officer shall forward the request to the Maryland Capitol Police for fulfillment; this shall not be treated as a PIA request. If the requester indicates that they would prefer their inquiry to be treated as a PIA request, it shall instead be processed as a PIA request. The PIA Officer shall periodically review the Maryland Capitol Police log of law enforcement records request fulfillment and make any necessary recommendations to ensure that all requests are being fulfilled appropriately.
3. If the request is received by a PIA Contact, the PIA Contact shall forward the request to the PIA Officer at dgs.piarequest@maryland.gov and the PIA Officer shall follow the process in this Section D.
4. If the request is received by a DGS employee who is not a PIA Contact or the PIA Officer, the employee shall forward the request to the PIA Officer at dgs.piarequest@maryland.gov for processing. If the request is made orally, the recipient of the request shall ask the requester to make a request in writing to dgs.piarequest@maryland.gov that clearly identifies the records being sought by the requester.
5. According to General Provisions Article, § 4-202(b), the PIA request must be in writing unless the record is listed in accordance with Section C above or either the PIA Officer or Official Custodian waives the need for the request to be in writing.

6. DGS must respond to all PIA requests within 10 business days and a final response within 30 calendar days, unless an extension is mutually agreed upon by the requester and DGS pursuant to General Provisions Article, § 4-203.

E. RECEIPT AND ROUTING OF SUBPOENAS

1. When a subpoena is received by the PIA Officer that demands documents, video, or other records, or appearance by staff at any court proceeding, to include but not be limited to hearings, trials, and depositions:
 - a. The PIA Officer will forward the subpoena(s) to the Entity that holds the requested information, or to the Entity that employs the named staff, for fulfillment.
 - b. The responsive Entity will coordinate its response with the Office of the Attorney General (OAG).
 - c. The PIA Officer will not log this as a PIA request in the PIA Tracking Log.
2. When a subpoena is received by the PIA Officer that demands an appearance by the PIA Officer at any court proceeding, to include but not be limited to hearings, trials, and depositions:
 - a. The PIA Officer will immediately forward the subpoena(s) to the OAG for their review and will follow the guidance provided by the OAG.
 - b. The PIA Officer will not log this as a PIA request in the PIA Tracking Log.
3. When a subpoena is received by an Entity besides the PIA Office that demands documents, video, or other records, or appearance by staff at any court proceeding, to include but not be limited to hearings, trials, and depositions:
 - a. The staff who received the subpoena shall forward the subpoena(s) to the Entity that holds the requested information, or to the Entity that employs the named staff, for fulfillment with a copy to the PIA Office for awareness.
 - b. The responsive Entity will coordinate its response with the Office of the Attorney General (OAG), with a copy to the PIA Office for awareness.
4. When a subpoena is received by an Entity besides the PIA Office that demands documents, video, or other records held by that Entity, or appearance by that Entity's staff at any court proceeding, to include but not be limited to hearings, trials, and depositions:
 - a. That Entity will coordinate its response with the Office of the Attorney General (OAG) with a copy to the PIA Office for awareness.
 - b. That Entity will respond directly to the subpoena issuer with a copy to the PIA Office for awareness.

F. INITIAL REQUEST SCREENING

1. Within 10 days of receiving a PIA request, the PIA Officer shall determine:
 - a. If the PIA request should be denied. Reasons for denial include but are not limited to:
 - i. The request requires the creation of a record which is not required under the statute;
 - ii. The Entity does not have any documents responsive to the request;
 - iii. The Entity is not the custodian of the records requested; or

- iv. The PIA request seeks records to which, under the provisions of the PIA, the requester is not entitled.
 - b. If the request seeks records identified as immediately available. If so, the PIA Officer will deliver those documents promptly to the requester.
 - c. If the request is overly broad or vague. If so, the PIA Officer shall contact the requester to narrow or clarify the request.
 2. If the request is expected to take more than 10 business days to complete, the PIA Officer shall provide a 10-day letter to the requester. (See Attachment 1 for a template letter)

G. RESPONSIVE DOCUMENTS

1. The PIA Officer shall request the PIA Contact(s) in the appropriate Entity or Entities to collect the documents responsive to the request and provide them to the PIA Officer. The PIA Contact(s) may assign other staff in their Entity to collect responsive records and/or provide responsive records to the PIA Officer.
2. The PIA Officer shall review the records to determine any applicable mandatory or discretionary PIA exemptions and whether the records must be redacted before making them available.
3. If the PIA Officer, in consultation with the relevant PIA Contact(s) and legal counsel, determines that the request response will require more than 30 days for fulfillment due to its scope or other circumstance, the PIA Officer shall discuss with the requester a mutually agreeable schedule for release.
4. The PIA Officer shall provide draft responses for review by the OAG.
5. After the OAG review is complete, the PIA Officer shall provide draft responses for review by the Assistant Secretary for the Office of External Affairs before responding to the requester. (See Attachments 1 and 2 for response letter templates.)
6. Responsive records and letters shall be provided to the requester electronically, unless physical copies are specifically requested.

H. FEES

1. General Provisions Article, §4-206, governs the fees that DGS may charge for responses to PIA requests.
2. Under the provisions of GPA § 4-206(b)(1)(ii) DGS may charge “the actual costs of the search, the preparation for, and reproduction of a public record in a standard format.”
3. At the time of policy approval, the cost for paper copies is \$0.17 per page. Because the PIA allows for the actual cost for preparing records in response to a request, that cost may change over time. Costs associated with paper copies shall be in compliance with GPA § 4-206(b)(1)(ii).
4. To determine the cost for searching and preparing records for release, DGS assesses the hourly salary of each individual who worked on the request for all hours beyond the first two hours worked.
5. DGS strives to reduce costs by having junior staff carry out searches where possible.
6. When processing the PIA request will require more than two (2) hours, the PIA Officer shall provide the requester an estimate of the charges for searching and processing time and any copying fees, and obtain agreement from the requester that the actual charges

will be paid. The PIA Officer shall request an initial deposit or full payment before providing any responsive documents.

7. In accordance with GPA § 4-206(e) the PIA Officer, with the approval of the Official Custodian, may waive charges for responses to PIA requests.

I. PIA REQUEST TRACKING LOG

1. The PIA Officer shall maintain a PIA database to track and log all PIA requests, which shall be updated at least daily.
2. The log shall include:
 - a. The name and contact information of the requester;
 - b. The information/documents being requested;
 - c. The responsible Entity and PIA Contact(s) name;
 - d. The date the request was received;
 - e. The date the 10-day letter is due;
 - f. The date the final response is due;
 - g. Notes to include all updates and important information about the request, if applicable.
3. 10-day Letter Tracking
 - a. The PIA Officer shall review the tracking log at least daily for requests nearing their deadlines.
 - b. If records have not been provided by three (3) days before the 10-day letter is due, the PIA Officer shall follow up with the PIA Contact(s) to confirm that more time is needed.
4. Response Tracking
 - a. The PIA Officer shall review the tracking log and follow up with any PIA Contacts three (3) days before the final response is due to ensure the final response will be provided to the requester within 30 calendar days or by the mutually agreed upon extended deadline.
 - b. If the PIA Officer determines a final response will not be available within the timeline, they shall notify the requester and ask for an extension.
 - c. If the requester agrees to an extension, the PIA Officer shall update the tracking log with the new timeline and the acceptance by the requester of the updated timeline.
 - d. If the requester does not agree to an extension, the PIA Officer shall produce the records as soon as possible.
5. Completing a Request
 - a. Once a final PIA response has been provided to the requester, the PIA Officer shall enter the following in the tracking log:
 - i. Record disclosure response date;
 - ii. Whether fees were assessed and if so, how much;
 - iii. Whether the requester agreed to a timeline extension (if not already entered)
 - b. Once the information identified in Section 5a is added to the tracking log, the PIA Officer shall color-code the completed entry.

J. REFERENCES

1. [Maryland Public Information Act, Annotated Code of Maryland, General Provisions Article, §§4-101—4-601](#)
2. [Maryland Public Information Act Manual, Office of the Attorney General, Eighteenth Edition \(2023\)](#)

K. ATTACHMENTS

1. Attachment 1: 10-Day letter Template
2. Attachment 2: Record Disclosure Response letter Template

APPROVED:



Atif Chaudhry, Secretary

10/29/24

Date