

How to Submit a Public Information Act Request in Maryland



Last Revised April 2022

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1. Introduction

This guide explains the process for submitting a request for public records under the Maryland Public Information Act (MPIA). The MPIA is an important legal mechanism that all community members can use to hold government agencies accountable. In the following sections, we will explain the process as it is on paper as well as in practice.

This guide will help you answer the following questions:

- 1) What is the MPIA and what does it do?
- 2) Why should the MPIA matter to me?
- 3) What is the process for submitting a MPIA request?
- 4) How do I know what kind of records to request?
- 5) Who should I contact to request records?
- 6) How should I follow up on my request?

Acknowledgments

This guide was made possible with the contribution of Debra Gardner, Legal Director of the Public Justice Center (PJC).

What is the Maryland Public Information Act (MPIA)?

The MPIA is a mechanism for promoting transparency and keeping government officials accountable to the community. The MPIA does this by empowering community members to request public records from state and local government agencies. When community members submit a MPIA request, it triggers a process that government officials are required to follow.

The MPIA covers only public entities including taxpayer-funded government agencies or individual officials. The MPIA does not cover private entities, such as homeowners' associations (with very limited exceptions).

Section 3. "How to Submit a MPIA Request" will explain the step-by-step process before, during and after a PIA request is submitted.

Why is the MPIA useful for the community?

Transparency creates accountability. Requesting public records under the MPIA helps hold government agencies accountable to their communities in case of wrongdoing and human rights violations. With the tremendous powers given to some agencies such as the police, the public should have a right to access public records and decide for itself if public officials apply the law fairly, even-handedly, and free of corruption.

There are strategic reasons why knowing and exercising your right to access is important, whether you're advocating on behalf of yourself or your community. Accessing public records such as police investigatory files can expose misconduct and harm against the community. Other records could show how the government allocates spending, which can empower community members to demand their representatives to enact changes in the law. If your request is wrongfully denied by an agency, knowing your rights can help you overturn this decision and access the requested records.

Finally, exercising your rights to challenge an agency's unlawful decisions can help expose the MPIA's shortcomings or weaknesses. Going through the process of resolving disputes with an agency (through the Public Access Ombudsman and Maryland PIA Compliance Board) can show - on the record - that the MPIA is falling short in its goals to promote transparency and hold government officials accountable. In turn, this can build support for amending the MPIA to be more effective in the future.

2. About the Maryland Public Information Act (MPIA)

As Justice Brandeis said, “Sunlight is said to be the best of disinfectants.”

Under the MPIA, “all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.”¹

What Records does the MPIA Cover?

The MPIA covers only public records from state and local government agencies. Public records include written material, photographs, photostats, films, microfilms, recordings, tapes, computerized records, maps, drawings, and any copy of a public record.

The MPIA does not cover personnel records. A personnel record includes documents directly pertaining to employment and a public employee’s ability to do their job. Also included are records regarding hiring, discipline, promotion, dismissal, or anything else about an employee’s status.

One important exception to this is police personnel records. As of Oct. 1, 2021, Anton’s Law allows community members to file requests for police personnel records pertaining to matters such as administrative and criminal misconduct. This allows the community to see firsthand how police are internally held accountable.

What Does the MPIA Require?

All community members are able to submit written MPIA requests (electronically or by paper mail) to public agencies. More specifically, requests will be written to the “custodian” (“official custodian” or “MPIA officer”) of records at each agency. This custodian will decide whether to approve or deny the request, work together with the requester to complete the request, and take on other responsibilities as the MPIA requires.²

When a custodian receives a request, a series of legal responsibilities are triggered as part of the MPIA process. At this point, the custodian is generally required to do the following:

- 1) Approve or deny the request within ten business days.
- 2) If denied, respond in writing including the specific reasons for the denial.
- 3) If approved, work closely with the requester to complete the request.
- 4) If approved, deliver the requested records within thirty business days.

¹ Maryland Code, General Provisions (GP) § 4-103(a).

² Under the statute, agencies may have more than one custodian responsible for handling MPIA requests. This may be the case with larger agencies. Whoever you contact, they must personally comply with the above legal responsibilities under the statute - this means they cannot ask you to direct your request to a different custodian. If you end up contacting an employee of the agency who is not a custodian (whether this is by accident, or whether you cannot identify the proper custodian), this employee has a legal responsibility to forward your request to the proper custodian.

Depending on the type of request, there may be some exceptions or additional steps to this process. These will be explained further in Section 3.

Does an MPIA Request Cost Money?

The MPIA provides two hours of agency work free of charge to each requester for search and preparation time. Beyond these two hours, the MPIA generally requires community members to pay a reasonable fee for requests. However, people who file a request may be able to request a fee waiver to cover the usual fees.

Requesters can apply for a waiver of fees if:

- 1) The requester is indigent, or
- 2) The custodian determines a waiver is in the public interest.

Section 3 will explain in further detail how to apply for a fee waiver in both of these situations.

Who Governs the MPIA Process?

Four government institutions currently oversee the MPIA process:

- 1) The Office of the Attorney General (OAG)
- 2) The Public Access Ombudsman
- 3) The Maryland Public Information Act (PIA) Compliance Board
- 4) The Circuit Courts of Maryland

The Office of the Attorney General (OAG) provides legal advice to all State agencies regarding their responsibilities under the Public Information Act. As opposed to the other two agencies listed here, the OAG accepts public records requests under the MPIA, and also has the power to compel agencies to act in a particular way.

The Public Access Ombudsman resolves disputes between a requester and a records custodian about a pending request for public information. The Ombudsman does not have the power to compel agencies to take a specific kind of action.

The Maryland PIA Compliance Board historically hears and decides complaints in cases where a government custodian has imposed an unreasonable fee of more than \$350 under the MPIA. As of July 1, 2022, the Board will also accept complaints where a custodian unlawfully denies or fails to respond to a MPIA request. The Board has the power to order a custodian to provide remedies if it violates the MPIA.

The Circuit Courts of Maryland can provide formal resolution in MPIA-related disputes. Under the MPIA, community members have the right to judicial review for an agency's decisions regarding a request. This means a requester can challenge a custodian's refusal to disclose records in the Circuit Court. Once a challenge is filed in court, the Circuit Court can order an agency to produce the requested records. An individual may bypass going to the MPIA Compliance Board by filing a complaint directly with the court.

3. How to Submit a MPIA Request

Determine Your Purpose for Making a Request

Before beginning the MPIA request process, it is essential to determine the purpose of making your request. If you have a clear idea of your goals and how this request will serve those goals, it help you navigate the rest of the process.

Some guiding questions you can ask yourself may include:

- 1) What public issues are you interested in learning about?
- 2) What do you currently know about these issues?
- 3) What do you want to learn more about regarding these issues?
- 4) Are you requesting records for a personal matter or for a political purpose such as advocacy?
- 5) How will these records help advance your goals?
- 6) What will you do with the records and information you receive?

As you consider your goals, remember that your purpose for making a request may not affect the custodian's chances of approving the request (unless you request a fee waiver in the public interest, as explained below).³ These questions are mostly helpful for narrowing down your request to a realistic scope (and minimizing any possible fees in case your fee waiver request is not granted).

Determining What Kind of Records To Request

The next step in the process is to decide what kind of public records to request. This could include the type of information or content you're hoping to find, as well as the format that the records will be delivered in.

Public records are kept in multiple formats. These include written material, photographs, photostats, films, microfilms, recordings, tapes, computerized records, maps, drawings, and any copy of a public record.

Determining Who To Submit a Request To

Each agency has custodians who are responsible for the public records of their individual agency. These custodians are generally the people you will be submitting a request to and working with you throughout the process of disclosure. In general, contacting a custodian directly is the fastest and most efficient way to obtain the records you want.

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³ Officially, the reason for a MPIA request is not considered when determining whether to grant or deny a request. In contrast, the reason for a request may be relevant to a fee waiver request in the public interest. This requires you to show your request advances the public interest, which could depend on the central reason for your request or a separate reason. If you plan to request this kind of fee waiver, it is worth considering the reason for your request and clearly stating it in your request letter.

The Maryland Office of the Attorney General maintains an official list of government agencies and their and their custodian of records in Appendix J of the MPIA Manual. This list is updated periodically to stay current.⁴ You can see the list [here](#).

If you are unable to contact the listed custodian for some reason, you can try to locate the custodian yourself. A larger agency will often identify their custodian of records (or MPIA officer) on their website. If the website has a search function, you can try searching terms like “public information act” or “custodian of records” to find out who is identified. Some agencies will provide that person’s email address or even an online submission portal (or both).

In some cases you may need to contact an employee of the agency who is not the custodian. This may happen if you are requesting records from a smaller agency that does not identify a custodian. In this case, you can try and find an employee of the agency who handles external affairs, media relations, public relations, or even organization management and send the request to them. Once you are in contact with this employee, they have a legal responsibility to help you find the correct

Writing the Request Letter

MPIA requests must be submitted in writing only. This could take place over email or physical mail. On a practical note, email tends to be a faster method of communication. (During the Covid-19 pandemic, email is also preferred as a safer alternative to physical mail.) If you do decide to submit your request by mail, we recommend you use certified mail to keep a paper trail with the official date and time you submitted your request (note that this is not required and is more costly).

The list of state, local and municipal agency custodians in Maryland will include both the email address and physical address to submit your request to.

When writing a request letter, you should include the following:

- 1) The type of records you are requesting,
- 2) An offer to work with the custodian or agency, and
- 3) A fee waiver request if disclosure of the records is in the public interest (or if you are indigent. See more below).

1) Type of records

Clearly state the type of records you are requesting including name and a description of the content. Use plain language as much as possible. In your request, it is typically better to be more general than specific.

Explain that if the agency has a different name for this type of records, that you are requesting those records as well. You are not expected to know how an agency internally categorizes its records, so stating generally what you are seeking and asking for help is okay. State that if the agency cannot produce the requested records, that you still want to know what the agency is able to produce.

If you are looking for a specific format, specify the format type(s) as well. Otherwise, you can make a general request that includes all format types.

2) Offer to work together

State that you're happy to work together with the records custodian as needed to complete the request. Ask the custodian to let you know specifically how you can help.

3) Request a fee waiver

You can request a fee waiver in one of two ways:

- 1) State that you are an indigent requester, or
- 2) State that your MPIA request serves the public interest.

You can request a fee waiver on each basis alone, or you can use both if they are relevant to your request. Below we explain how to make each kind of request.

a) Fee Waiver for Indigency

You can request a fee waiver on each basis alone, or you can use both if they are relevant to your request. Below we explain how to make each kind of request.

State that you are requesting a fee waiver because you qualify as an “indigent” requester. A requester is considered “indigent” if their family household income is below 50% of the median family income in Maryland.

To show that you qualify as indigent, you must submit an Affidavit of Indigency. This Affidavit asks for the following information:

- Number of family members living in your household,
- Total gross household income (before taxes), and
- Gross household income sources

A sample template is provided in Section 6.

b) Fee Waiver in the Public Interest

State that you are requesting a fee waiver because your request helps serve the public interest. Provide 1-2 reasons showing how and why it does so. Explain that this is not an exhaustive list of reasons for the public interest (and that there are other unspecified reasons it is in the public interest). This will help persuade the custodian to grant your fee waiver.

Along with your statement of public interest, a custodian will also consider your ability to pay. If paying the MPIA fee would create financial hardship, it would help to explain your financial limitations, such as by submitting an Affidavit of Indigency if you qualify.

If you are a member of a community organization, you could consider filing as the organization itself instead of as an individual. Community organizations usually have an easier time showing a request is in the public interest because of the nature of their work, their reputation in the community, limited budget, volunteer structure and limited staff capacity, possible tax filing structure, and other factors.

4. Following Up on a MPIA Request

Upon receiving a MPIA request, a government agency must respond in writing within ten business days stating whether they **approve or deny** the request.

The process beyond this step will depend on whether your request was initially approved or denied. This section will explain what happens in both situations.

If the Request is Approved

When a custodian approves a MPIA request, the default rule states they must normally produce the records within ten business days. However, as explained below, agencies may assume they have up to thirty business days to produce.

In some situations, a custodian may decide the request will take more than ten business days to complete. In this case, the statute allows up to thirty business days to produce records. For this to happen, the custodian must inform you they are requesting the extra time under the statute when they first respond to your request.

The custodian must include all of the following information in this writing:

- 1) The amount of time the agency estimates it will take to produce the records,
- 2) An estimate of the fees that may be charged to comply with the request, and
- 3) The reason for the delay.

If the custodian fails to produce the record within the specified time, this is considered a denial of a MPIA request.

During the process of disclosure, an agency has a legal obligation to work with the requester to complete the request. The MPIA describes this as an “iterative process.” This may happen in some situations, such as:

- 1) An agency says that they need more time to process the records.
- 2) An agency says that the request must be modified to complete.

1) Extending the Request Timeline

If a custodian needs to extend the timeline past thirty business days, they must provide a written statement explaining why and asking the requester for consent (or permission). An agency must always obtain consent from the requester to extend the timeline. The requester can freely choose to consent or not consent to the request.

In general, it is better to consent to an extension request as long as it is reasonable. An extension request may indicate that the agency will not be able to produce the records within the required thirty days. With this in mind, choosing not to consent to the extension may prevent you from accessing the records you want. It may benefit you to directly ask the custodian, “If I do not grant this consent, will you be able to produce the records in thirty days?”

If a challenge is filed later on with a MPIO body or court, consent is also a sign that a requester has tried to work with the custodian in good faith. This is part of the “iterative process” mentioned above.

Remember that even with a requester’s consent, the overall timeline for the request may not be extended for more than thirty additional business days. This means the overall timeline cannot exceed sixty business days from the date the MPIO request was submitted.

2) Modifying the Request

A custodian may respond to your request by stating that they are having issues completing your request. If this happens, it is the custodian’s responsibility to work with you to clarify how they can help complete your request. This is part of the “iterative process” described above.

A custodian may cite certain exemptions within the MPIO that prohibit sharing certain types of information or records. If so, the custodian must disclose what kind of records they do have and what they are able to provide.

A custodian may also explain that your request is too broad and overly burdensome for their employees, or that your request is too vague and they cannot determine what exactly you are asking for. In this case, you can ask the custodian how they recommend you move forward. For example, how can you narrow down your request to something that is still helpful for you, but also more manageable for the agency’s employees? Or, given what the custodian knows about your request, what kinds of records would be most helpful for your purposes?

In any of these situations, work together with the custodian as much as possible to complete your request. If needed, ask them to assist you with determining what kind of request is reasonable for your purposes.

If the Request is Denied

If a custodian denies a request, they must provide a written statement with the specific reasons for the denial within ten business days.

Requesters who are denied by a custodian can challenge this decision in a few ways. See the following section for more information.

If the Agency Does Not Respond in Time

Under the MPIO, an agency has up to ten business days to respond to a request with an approval or denial. However, an agency may fail to respond within the required timeline. This may happen for several reasons, such as an agency's negligence or a good faith error on the custodian's part. Additionally, an agency is allowed to include in their response a request to extend the timeline for producing records to thirty business days. This means they may act as if they have a thirty-day timeline to approve or deny your request, when this timeline only applies to producing the requested records (and only with your consent).

Regardless, it is always the case that an agency has only ten business days to respond to you - no exceptions. If an agency fails to respond within this time, they have violated the MPIO.

If this happens, contact the custodian directly. Explain that you filed a request for records, but have not received a response within the required ten business days. Include both the date you filed your request and the date when the ten-day deadline passed. Clearly state that you would like to receive the requested records, that you would like to know the status of your request, and ask what the agency's timeline is for completing your request.

This communication should happen by email so you can keep a paper trail of your correspondence with the custodian. However, you can also contact them by mail (as with your request) or by phone (in which case you should immediately write a personal memo with the date, time, and the outcome of the conversation). Whichever contact method you prefer, having some documentation of your communications will help your case if you decide to file a complaint or take the agency to court.

5. Challenging a Custodian's Decision

In some situations, you may decide you want to challenge the decision of a custodian. These situations might involve:

- 1) **General denial** - A custodian wrongfully denies your request or does not respond to your request at all.
- 2) **Request modification** - A custodian is interpreting your request too narrowly or is misusing exemptions or redactions.
- 3) **Fees** - A custodian is overcharging, demanding prepayment, or denying your fee waiver.
- 4) **Other issues** that need resolution.

Below we describe these issues and include resources you can use for each situation, explaining how they can be helpful to your request.

Challenging a General Denial or Modification

Under the MPIA, a custodian must grant your request unless specific exemptions apply to the types of records being requested. If a custodian denies or attempts to modify your request, they must cite the specific exemptions to explain why they are doing so. If a custodian does not respond to your request at all, this is also considered a denial.

If a custodian is wrongfully denying or modifying your request, you can utilize the following resources:

- 1) Public Access Ombudsman
- 2) PIA Compliance Board
- 3) File a legal challenge in the Circuit Court

Challenging Fee-Related Issues

Under the MPIA, a custodian must provide two hours free of charge and only charge “reasonable” fees after that time has elapsed. Fees for staff time are considered reasonable if they reflect the actual wage or salary of the person doing the work to fulfill your request.

A custodian should also grant a fee waiver if you show that your request is in the public interest or if you are considered indigent. (The reality is that fee waivers are discretionary, meaning custodians are not actually obligated to grant fee waiver requests.)

A custodian may attempt to overcharge you by imposing unreasonable fees. A good way to tell if fees are “unreasonable” is by checking the schedule of fees that each state and local agency provides for MPIA requests. This fee schedule must match the actual costs to the agency of reproducing the records. Keep in mind, an agency is not to profit off this work under the MPIA.

If a custodian is overcharging you or has wrongfully denied a fee waiver request, you should first respond to the custodian, asking how the fees were calculated and ask again for a fee waiver due to an inability to pay.

If this does not work, you may utilize the following resources:

- 1) Public Access Ombudsman
- 2) PIA Compliance board (except for fee waivers)
- 3) File a legal challenge in the circuit court

Resources

1) Public Access Ombudsman

The Maryland Public Access Ombudsman is able to provide the support regarding ongoing requests. The Ombudsman mediates disputes that a MPIA requester and custodian are unable to resolve themselves. As of July 1, 2022, the Ombudsman will be the first resort for seeking mediation or filing a complaint with the Board regarding a dispute with an agency.

The Ombudsman can mediate a range of disputes that include:

- 1) A custodian’s failure to respond to a request
- 2) A custodian’s misuse of an exemption
- 3) Redactions of information in public records
- 4) A custodian’s failure to produce records in a timely manner
- 5) A custodian’s failure disclose all relevant records for a request
- 6) Amount of time a custodian needs to produce records
- 7) Disputes relating to fees and fee waivers

To request mediation, you must fill out the form on their website. You can access the form [here](#). Once the Ombudsman receives your request, they will work with both parties to resolve the dispute.

The Ombudsman has up to ninety calendar days after receiving your request to issue its decision. This decision will state the following:

- Whether the dispute has or has not been resolved, and

- If it has not been resolved, whether the Compliance Board is available to review the dispute (as of July 1, 2022)

Please note that the Ombudsman cannot compel a custodian to produce a record.

2) Maryland PIA Compliance Board

The Maryland PIA Compliance Board historically focused on issues related to the imposing of fees. The Board hears and decides complaints in cases where a government custodian has imposed an unreasonable fee of more than \$350. As of July 1, 2022, the Board will also accept complaints where a custodian unlawfully denies or fails to respond to a MPIA request.

Beginning July 1, 2022, you can file a complaint with the Board if:

- 1) You first attempted to mediate the dispute through the Ombudsman, and
- 2) The Ombudsman issued a decision stating the dispute was not resolved, and
- 3) The Ombudsman stated that review is available by the Board.

You can file a complaint in one of two ways:

- Send an email to PIAOpenGov@oag.state.md.us with “PIACB complaint” in the subject line.
- Send regular mail to:
Public Information Act Compliance Board
c/o Office of the Attorney General
200 St. Paul Place
Baltimore, Maryland 21202

Currently, complaints must be submitted to the Board within ninety calendar days after the agency states it is charging you an unreasonable fee of over \$350.00. Beginning July 1, 2022, a complaint must be filed within thirty calendar days after you receive the final determination from the Ombudsman (who will be the first step in the resolution process before the Board).

When writing your complaint, try to be as detailed as possible so the Board can act more quickly. Your complaint must include the following information:

- 1) A copy of your original request with subsequent communications about the records,
 - If you do not have the request, you can instead include: A summary of the request, the name and contact information of the custodian, and the date of the request.

- 2) A copy of the custodian's response to the request,
 - If you do not have this, include a short description of the custodian's action and the date of the action.
- 3) A statement of why you believe the fees were unreasonable, and
- 4) A signature and your contact information (electronic signatures are also accepted).

After reviewing your complaint, the Board must issue a written opinion within a maximum of ninety calendar days after your complaint was filed.⁵ As of July 1, 2022, the Board must issue its opinion within thirty calendar days of receipt. The Board's decision will state the following:

- The dispute has been resolved, or
- The Board was unable to resolve the dispute.

If the Board finds that a custodian has violated the MPIA, it can order a custodian to provide remedies. Please note that the Board cannot review disputes where a custodian denies a fee waiver request.

3) File a Legal Challenge in the Circuit Court

You also have the option of filing a legal challenge in the Circuit Court of Maryland. This is a way to get a binding judgment that compels a custodian to produce the records you requested.

The Circuit Court is available as either a first resort or to appeal a final decision of the Board (unless the Board decides it was unable to resolve the complaint). However, the litigation process can be costly and inaccessible for community members who cannot afford it. It may require multiple months of litigation, filings and court appearances. With this in mind, we recommend you first use the process the MPIA established (which, as of July 1, 2022, will include the Ombudsman and Board) before resorting to the Circuit Court.

You can file a legal action through an attorney or individually without an attorney (pro se), but we recommend working with an attorney. If you are filing pro se, you can request a fee waiver for your court complaint if you are considered indigent.

In your court complaint, describe as specifically as possible the events around your request, including:

- 1) Important dates,
- 2) A description of your MPIA request,
- 3) A description of the custodian's response and fees, and
- 4) How the custodian acted unlawfully under the MPIA.

⁵ With some exceptions: The Board may also ask a public body to supplement its response, or decide to hold an informal conference between you and the custodian. If this happens, the deadline is thirty calendar days after these take place.

Include any copies of the correspondence between you and the custodian. Also, try to cite to the specific MPIA provisions you are alleging the custodian has violated. (You can find the provisions to cite by checking the MPIA Manual, available [here](#).)

Once you have filed your complaint, and received summons back from the court, you may go through the following simplified steps:

- 1) **Service of process** - send a copy of your complaint and a summons to the custodian you are suing by certified mail.⁶ This may be costly depending on the number of parties involved.
- 2) **Court filings** - the opposing counsel may file a response to your complaint as well as any motions in the case. You are free to file a response to any of these filings.
- 3) **Hearings** - show up at court and argue on behalf of your complaint. The custodian/agency will also have a chance to make their arguments.
- 4) **Judgment** - the court may or may not compel the custodian to honor your MPIA request and/or fee waiver. If the court judges in your favor, they will provide a deadline by which the custodian must provide the requested records.

Although this is an option for requesters, going through the litigation process can be complicated, inaccessible to community members, and costly.

If you are considering filing a legal challenge to a custodian, please see Section 8. Additional Resources to attorneys who can advise you before you make this decision.

⁶ You must use Certified Mail Restricted Delivery. This means the complaint and summons can only be delivered to the custodian you are suing or their authorized agent (representative). You must request "Restricted Delivery--show to whom, date, address of delivery." We recommend you request a return receipt as well. Service by certified mail is complete upon delivery. See more information [here](#).

Two Processes for Relief

Agency Misconduct



Public Access Ombudsman

- 1) Request dispute mediation on their website.
- 2) Decision issued within 90 calendar days.
- 3) Possible Outcomes:
 - Dispute is resolved
 - Dispute isn't resolved
 - Next step: Appeal to the Board

MPIA Compliance Board

- 1) File an appeal within 30 calendar days of Ombudsman's decision.
- 2) Decision issued within 30 calendar days.
- 3) Possible Outcomes:
 - Dispute is resolved
 - Dispute isn't resolved
 - Next step: Appeal to the Circuit Court



Agency Misconduct



Circuit Court of Maryland

- 1) Retain an attorney to represent you.
- 2) File a court complaint, complete service of process, submit court filings, attend hearings.
- 3) Judgment issued after hearings.
- 3) Possible Outcomes:
 - Judgment for Plaintiff (Requester)
 - Judgment for Defendant (Agency)
 - Next step: Appeal to Court of Special Appeals possible.

6. Sample Templates to Submit a MPIA Request

Use the following sample templates to submit a MPIA request to the appropriate agency. You can also find a sample template available for download on the BALT website at <https://baltimoreactionlegal.org>.

[Template Letter for MPIA Request](#)
[Template for Affidavit of Indigency](#)

7. The MPIA Process in Practice

The previous sections discuss the MPIA request process as laid out by statute. But in practice, government agencies may not always follow this process, despite having legal obligations to do so.

Anton's Law and the MPIA

As of Oct. 2021, Anton's Law gave civilians the right to inspect certain police records pertaining to matters such as administrative and criminal misconduct. The intent of Anton's Law was to give the public the right to access information on how police officers are held accountable internally. In turn, this would help increase transparency and hold law enforcement accountable.

Despite Anton's Law, the Baltimore Police Department (BPD) has continuously attempted to avoid complying with its legal responsibilities of disclosure under the MPIA. For example, the BPD has imposed unreasonable fees for MPIA requests to create a financial barrier and prevent disclosure of information to the public. This kind of conduct directly contradicts the purpose of the MPIA and interferes with its effectiveness.

In response, BALT has filed several lawsuits against the BPD for their conduct in order to hold them accountable, exercise the public's right to access, and obtain records of public interest. Although BALT is continuing to litigate these cases, we have successfully sued the BPD for their refusal to disclose records of complaints against BPD officers and its internal misconduct investigations.

In February 2021, the Maryland Court of Special Appeals held that the BPD “arbitrarily and capriciously”⁷ denied a fee waiver request for records in the public interest.” The court recognized the many highly-publicized controversies at issue against the BPD that made disclosure of their records in the public interest. The BPD’s conduct was improper in two ways: denying any public interest in disclosure, and charging \$245,123.00 for one year’s worth of misconduct records.⁸

In February 2022, the Circuit Court for Baltimore City ruled for BALT in another case involving the BPD’s MPIA violations. The court found the BPD wilfully and knowingly violated the MPIA and did not act in good faith.⁹ The court imposed on the BPD the maximum statutory fine allowed under the MPIA.¹⁰

Although this is just one example of misconduct, it shows why it is important to know your right to access and what resources to use if your request is not being honored. If you believe an agency is mishandling your MPIA request, please refer to the resources listed in Section 5 and below in Section 8.

Annual Reports of the PIA Compliance Board

Each year the Compliance Board publishes a report containing a description of the Board’s activities for the year. The report includes summaries of the Board’s opinions, the number of complaints filed with the Board, and other details that show the MPIA process in practice. The report also includes a section submitted by the Ombudsman on their activities for the year.

You can read the Board’s annual reports [here](#).

⁷ “Arbitrary and capricious” means an agency’s actions are “unreasonabl[e] or without a rational basis,” or “contrary to law or unsupported by substantial evidence.”

⁸ *Baltimore Action Legal Team v. Office of State’s Attorney of Baltimore*, et al., Sept. Term, 2020, slip op. at 32 (filed December 17, 2021). As of this Guide’s publication, this case is unreported and does not constitute binding law.

⁹ *Open Justice Baltimore v. Baltimore City Police Department*, et al., Sept. Term, 2020, (filed February 7, 2022). As of this Guide’s publication, this case is unreported and does not constitute binding law.

¹⁰ “In addition to injunctive relief, a court may award actual damages and statutory damages of up to \$1,000 against a governmental unit if the court finds that a defendant knowingly and willfully failed to disclose a public record or part of a record that the person was entitled to inspect.” Maryland Code (2014, 2019 Repl. Vol.), § 4-362(d)(1) of the General Provisions Article.

8. Additional Resources

This guide was developed by Baltimore Action Legal Team (BALT) in collaboration with the Maryland Coalition for Justice and Police Accountability (MCJPA).

While this guide covers the general process for submitting MPIA requests, community members may still have other questions or concerns while working with a government agency. Below are some resources available to community members who need additional support.

Baltimore Action Legal Team (BALT)

Baltimore Action Legal Team (BALT) is available to assist community members with legal support regarding MPIA requests.

To request support on a MPIA request, please contact Matt Parsons, BALT's Community Lawyer, at mparsons@baltimoreactionlegal.org. Please use the Subject Title, "MPIA Request: [YOUR NAME/ORG]"

Public Justice Center (PJC)

The Public Justice Center (PJC) may be able to provide advice or representation with MPIA-related matters.

To request assistance, please contact PJC at (410) 625-9409.