

**REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS**

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# **REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS**

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## **CHAPTER 01 PUBLIC INFORMATION ACT REQUESTS**

### **.01 General.**

These regulations set out procedures for filing requests with Washington County, Maryland for the inspection and copying of records under the Public Information Act, State Government Article §§10-611 through §10-628, Annotated Code of Maryland. It is the policy of the County to facilitate public access to the records of the County, when such access is allowed by law, by minimizing costs and time delays to persons requesting information.

### **.02 Definitions.**

- A. “Act” means the Public Information Act, State Government Article §10-611 through §10-628, Annotated Code of Maryland.
- B. “Applicant” means a person requesting disclosure of public records.
- C. “County” means Washington County, Maryland.
- D. “Custodian” means an authorized person employed by the County having personal custody and control of public records of the County.
- E. “Official Custodian” means the person who is responsible for the maintenance, care, and keeping of the public records of the County. Unless otherwise provided by law, the County Attorney is the official custodian of the County's records.
- F. “Public records” means all paper, correspondence, forms, books, photographs, photostats, films, microfilm, sound recordings, maps, drawings, or other written documents, regardless of physical form or characteristics. “Public records” includes all copies made or received by the County in connection with the transaction of public business and includes the salaries of all employees of the County.
- G. “Working day” means a day other than Saturday, Sunday, or a County holiday.

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H. "Written documents" means all books, papers, maps, photographs, cards, tapes, recordings, computerized records including e-mails, and other documentary materials, regardless of physical form or characteristics.

### **.03 Who May Request.**

Any person may request to inspect or copy public records of the County.

### **.04 Necessity for Written Request.**

A. Inspections.

(1) Except as otherwise provided in this chapter, the custodian shall generally make public records available for inspection by an applicant without demanding a written request.

(2) The custodian shall require a written request if the custodian reasonably believes that the Act or any other law may prevent the disclosure of the record to the applicant or that a written request will materially assist the County in responding to the request.

B. Copies.

If the applicant is requesting a copy of any public record, the custodian may require a written request by the applicant.

### **.05 Contents of Written Request.**

A written request shall contain the applicant's name and address, shall be signed by the applicant, and shall reasonably identify by brief description the record sought.

### **.06 Filing Written Request.**

A written request shall be addressed to the custodian of the record. If the custodian is unknown to the applicant, the request may be addressed to the County Attorney.

### **.07 Response to Written Request.**

A. If the custodian decides to grant a written request for inspection, the custodian shall produce the record for inspection immediately or within a

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reasonable period, not to exceed 30 days from the date of the request where such period of time is needed to retrieve the information.

- B. If the custodian decides to deny the written request, the custodian shall do so within 30 days of the written request and immediately upon deciding to deny the request, notify the applicant of the denial.
- C. If a requested public record is not in the custody or control of the person to whom written application is made, that person shall, within 10 working days of the receipt of the request, so notify the applicant. If that person knows the name of the custodian of the record or the location or possible location of the record, this information shall also be given to the applicant.
- D. With the consent of the applicant, any time limit imposed by .07 A to C may be extended for an additional period not to exceed 30 days.

### ***.08 Notification of Persons Who May Be Affected By Disclosure.***

Unless prohibited by law, the custodian should notify any person who could be adversely affected by disclosure of a record that a request for inspection or copying of the record has been made. The custodian may consider the views of that person before deciding whether to disclose the record to the applicant.

### ***.09 Records Temporarily Unavailable.***

If a requested public record is in the custody and control of the person to whom written application is made but is not immediately available for inspection or copying, the custodian shall, within 10 working days of the receipt of the request, so notify the applicant and set a date and hour within a reasonable time for inspection or copying.

### ***.10 Records Destroyed or Lost.***

If a requested record has been destroyed or lost, the custodian to whom the application is made shall, within 10 working days of the request, notify the applicant of this fact and explain in the response the reasons why the record cannot be produced.

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### **.11 Review of the Denial.**

- A. If a written request is denied by the custodian for a reason other than that the record is temporarily unavailable, the applicant may, within 30 days after receipt of the notice of the denial, request an administrative hearing.
- B. If the applicant requests a hearing, the hearing shall be conducted by a hearing officer designated by the County Attorney and the hearing shall be governed by Title 10, Subtitle 2 of the State Government Article. After the hearing, the hearing officer shall prepare a recommended decision for the County Attorney. The County Attorney shall issue the final decision of the County.
- C. If the hearing results in a total or partial denial of the written request, the applicant may file an appropriate action in the circuit court under §10-623 of the Act.
- D. If the applicant chooses not to request a hearing under ¶A above, the applicant may file an action for judicial enforcement under §10-623 of the Act without exhausting that administrative remedy.

### **.12 Disclosure Against Public Interest.**

If, in the opinion of the County Attorney, disclosure of any public record that may otherwise be subject to disclosure under the Act would do substantial injury to the public interest, the County Attorney may temporarily deny the request in writing and apply within 10 working days of the denial to the appropriate circuit court for an order permitting continued denial or restriction of access. Notice of the application filed with the circuit court shall be served on the applicant in the same manner that is provided for service of process by the Maryland Rules of Procedure.

### **.13 Fees.**

- A. The fee schedule for copying and certifying copies of records is as follows:
  - (1) **Copies.** The fee for each copy is \$.15 per page if reproduction is made by a photocopying machine within the County. If records are not susceptible to photocopying (for example, punch cards, magnetic tapes, blueprints, and microfilm), the fee for copies will be based on the actual

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cost of reproduction. There will be no charge for a request for five (5) copies or fewer.

- (2) **Certification of Copies.** If a person requests that a copy of a record be certified as a true copy, an additional fee of \$1.00 per page, or if appropriate, per item shall be charged.
  - (3) **Other documents.** Standard engineering drawings (24" x 36") and half-sheet or right-of-way plat sizes will be charged at \$2.50 per sheet, and the cost of copying larger plats shall be computed by the total area of the document at the rate of \$2.25 plus \$.04 per square foot.
  - (4) **Search Fee Charged.** A search fee of \$15.00 per hour will be charged for the time required to search for and assemble documents in response to the request. No charge will be assessed for the first two hours incurred.
- B. Notwithstanding ¶A above, if the fees for copies, printouts, photographs, or certified copies of any record are specifically prescribed by a law other than the Act or this regulation, the prescribed fee shall be charged.
- C. If the custodian is unable to copy a record within the County, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the County. The custodian shall either collect from the applicant a fee to cover the actual cost of reproduction or direct the applicant to pay the cost of reproduction directly to the facility making the copy.
- D. Before copying a record, the custodian shall estimate the cost of reproduction and either obtain the agreement of the applicant to pay the cost or demand prepayment of any estimated fee before reproducing the record.
- E. Except as provided in subsection F, the official custodian shall charge the fee set forth in section .13(A)(4) for official's or employee's time expended searching for requested records or for any time expended preparing records for inspection and copying.

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- F. The official custodian may not charge any search or preparation fee for the first two hours of official or employee time that is needed to respond to a request for information.
- G. Upon request, the official custodian may waive or reduce any fee charged pursuant to this regulation if the custodian determines that the waiver or reduction is in the public interest. The official custodian shall consider, among other relevant factors, the ability of the applicant to pay the cost or fee.
- H. If the applicant requests that copies be mailed or delivered to the applicant, the custodian may charge the applicant for the cost of postage or delivery to the applicant.

### ***.14 Time of Inspection.***

An applicant may inspect any public record that the applicant is entitled to inspect during the normal working hours of the County.

### ***.15 Place of Inspection.***

The place of inspection shall be the place where the document is located unless the custodian, after taking into account the applicant's expressed wish, determines that another place of inspection is more suitable and convenient.

## ***Chapter 02 CORRECTION OR AMENDMENT OF PERSONAL RECORDS***

### ***.01 General.***

These regulations set out procedures for persons in interest to request the correction or amendment of personal records under State Government Article §10-625 in Washington County.

### ***.02 Who May Request.***

A "person in interest" as defined in §10-611(e) may request the County to correct or amend any personal records pursuant to §10-625.

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### **.03 Contents of Request.**

The person in interest shall request the correction or amendment in writing. Each request shall:

- A. Identify the personal records the person is seeking to correct or amend;
- B. State the precise correction or amendment requested;
- C. State the reason the correction or amendment is sought; and
- D. Include the statement that the personal records are to the person's belief currently inaccurate or incomplete.

### **.04 Filing the Request.**

A request for correction or amendment of the records shall be filed with the County by addressing it to the custodian of the record. If the custodian is unknown to the person in interest, the request may be addressed to the County Attorney.

### **.05 Return of Request.**

A request for correction or amendment will be considered filed with the County when received only to the extent that it reasonably complies with Regulation .03. If a request does not reasonably comply with Regulation .03, it shall be returned to the person with an explanation of the reason for the return and a statement that, upon completion, it may be refiled with the County.

### **.06 Response to Request.**

Within 30 days after the completed request for correction or amendment that complies with Regulations .03 and .04 is received, the custodian of the record shall:

- A. Make the requested correction or amendment and inform the person in writing of the action; or
- B. Inform the person in writing of:
  - (1) The County's refusal to make the requested correction or amendment; and

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- (2) The reason for the refusal; or
- C. Inform the person in writing that the request will not be acted on because:
- (1) The person is not a “person in interest”;
  - (2) The records sought to be corrected or amended are not “personal records”;
  - (3) The person requesting the correction or amendment is not entitled to inspect the records under §10-615 through §10-619; or
  - (4) Of any other reason that is authorized by law.

### ***.07 Refusal of Request.***

If the County's final determination under Regulation .06 is to refuse the requested correction or amendment, as authorized by Regulation .06B, the person in interest may file with the County a concise statement of the reasons for:

- A. The requested correction or amendment; and
- B. Disagreement with the County's refusal to make the correction or amendment.

### ***.08 Requirements for Statement of Disagreement.***

The statement specified in Regulation .07 shall be filed on pages not exceeding 8” x 11 “in size. Only one side of the page shall contain the statement. No more than five pages will be accepted by the County in connection with a single request for correction and amendment.

### ***.09 Information Provided to Third Parties.***

When the County discloses to a third party information from personal records about which a statement in compliance with Regulations .07 and .08 has been filed, the County shall furnish a copy of the statement to the third party.

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### **.10 Administrative Review.**

- A. A person may, but need not, request an administrative review within the County, by filing a request for review with the County Attorney, if the person has been denied:
- (1) An amendment or correction of a record;
  - (2) The right to file a statement; or
  - (3) The right to have a statement to a third party forwarded pursuant to Regulation .09.
- B. A request for review shall be filed within 30 days of the date the person is advised of the County's action.
- C. The review proceedings shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article and the administrative hearing regulations of the County.

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