



THE CITY OF BRUNSWICK MARYLAND

1 WEST POTOMAC STREET · BRUNSWICK, MARYLAND 21716 · (301) 834-7500

Policy Title: City of Brunswick Rules of Procedure for Compliance with the Maryland Public Information Act for the Timely Production and Inspection of Public Records

Effective Date: August 13, 2019

Policy Number: 07-01

Discussion:

The official Custodian of Public Records ("the Custodian") for the City of Brunswick ("the City") maintains certain documents, files and records that are classified as public records. Generally, these public records may be made available to the public or governmental units for inspection in accordance with the Maryland Public Information Act (MPIA).

The Custodian: The official Custodian of Public Records for the City of Brunswick is the City Clerk, or its designee(s).

Policy:

City documents and information designated and intended for public distribution and use, and certain other documents and information designated by the City, may be provided or made available for inspection by a person or governmental unit promptly without requiring a formal written application and request under the MPIA (a "PIA Request(s)"). These include the following categories:

- Copies of sections of the City Code
- Standard forms
- City policies
- Resolutions and Ordinances
- Council Meeting Briefing Book – Agenda, Agenda items and Non-Confidential Supporting Material, as well as those of the Planning Commission, Board of Appeals, and any other City-sanctioned Boards, Committees, or Commissions
- Annual Operating and CIP Budget and financial reports
- Prepared staff and committee reports
- Documents designed to be provided to the public
- Documents available on the City's website

Submitting and Processing a PIA Request:

A PIA Request(s) for access to information about the affairs of government and the official acts of public officials and employees (a "public record(s)") that does not fall under the categories listed above must be made in writing by the person or governmental unit requesting to inspect the public record ("the Applicant") to the City Clerk using the City's "Maryland Public Information Act" Request form. E-mail PIA Requests on this form will be accepted. The PIA Request should be as clear and as detailed as possible as to the public records requested for inspection. For example, the PIA Request should include the

specific date and/or time frames for the public records, the subject and/or document names, and specific addresses, when relevant. City Staff may ask questions of the Applicant to help clarify the PIA Request.

When a PIA Request is received by the City, copies will be routed and distributed as follows:

- Part 1: To the City Clerk's office for logging in and tracking the PIA Request upon receipt;
- Part 2: To the appropriate City Staff member for processing the PIA Request;
- Part 3: To the City Clerk's office for verification the PIA Request has been granted and the public records produced or made available for inspection with copies of the public records to be produced attached, when required, or denied. Also, any fees incurred will be collected through the City Clerk's office. (See below); and
- Part 4: Response from City Clerk to be sent to Applicant (following routing to City Attorney if appropriate).

The Applicant cannot be required to provide his/her name, address, organization, or reason for the PIA Request as a precondition for making a PIA Request. City Staff can require this information when necessary to be able to contact the Applicant, or to decide about permissible denials or whether to grant a fee waiver for PIA Request.

Response to a PIA Request:

The PIA Request for public records shall be granted or denied promptly, and in any event, no later than 30 days after the City's receipt of the PIA Request. If a public record is found to be responsive to a PIA Request and is recognized to be open to inspection, it must be produced promptly after receipt of the PIA Request, and in any event, within 30 days of the City receiving the PIA Request. If a public record is found to be responsive to a PIA Request, but cannot be produced within 10 working days, the Applicant must be so notified within 10 working days after the City's receipt of the PIA Request. This notification shall include (i) the amount of time the City anticipates it will take to produce the public record; (ii) an estimate of the range of fees that may be charged to comply with the PIA Request; and (iii) the reason for the delay. When a PIA Request is denied, the Applicant must be notified immediately, and a written statement must be provided to the Applicant within 10 working days stating the reason for denial, the legal authority for the denial, and notice of the remedies for review of the denial. The City may obtain legal advice from the City Attorney prior to any denial of a PIA Request.

The above-referenced time limits may be extended for not more than 30 days with the consent of the City and the Applicant.

The responsive public records should be forwarded to the City Clerk's office, which will process the response. Certain records are specifically excluded from public review pursuant to MPIA, such as personnel records, confidential records, attorney-client documents, etc. This is not a complete list. If you have any questions, please contact the City Clerk.

The following additional guidelines shall be followed:

- **Legal Advice:** Legal advice may be obtained for certain PIA Requests before processing. These include PIA Requests deemed by the City to be complex or likely to involve controversy, those that come from a party engaged in a dispute or litigation with the City, files containing attorney-client or other privileged communication, and any PIA Request involving an enforcement action.

The City Attorney should review any PIA Request that is to be denied. If in case of doubt or uncertainty regarding the grant or denial of a PIA Request, the City's policy is to request the City Attorney for advice prior to responding.

- **Integrity of Files:** When otherwise allowed, an Applicant is entitled to review a public record file. To maintain the integrity of the City's records, the original documents or files shall not be produced for review unless a designated City employee is in constant attendance with the Applicant.
- **Copies of Records:** Copies generally do not need to be kept of the items provided to the Applicant for standard PIA Requests. In the case of a PIA Request when the City Attorney has been consulted, copies will be retained by the City.
- **Creation of Records:** The City has no obligation to "create" records to satisfy a PIA Request, nor is the City required to reprogram its computers or aggregate computerized data files so as to effectively create new records.
- **Electronic Format:** The Custodian shall provide the Applicant with a copy of the public record in a searchable and analyzable electronic format if the public record is in a searchable and analyzable electronic format and the Applicant requests the public record in a searchable and analyzable electronic format and the Custodian is able to provide a copy of the public record, in whole or in part, in a searchable and analyzable electronic format that does not disclose confidential or protected information or information the Custodian has chosen to deny inspection. The City reserves the right to remove metadata from any public record being produced in electronic format or convert the public records from one electronic format to another so long as they are searchable and analyzable.
- The MPIA does NOT require a staff person to explain or clarify the documents being produced and provided. However, questions may be asked of the Applicant to clarify and, where appropriate and allowed under MPIA, narrow the scope of the PIA Request.

PIA Fees:

The City has the right under the MPIA to charge fees for the production of public records. It is the policy of the City to notify the Applicant of the fees that will be incurred, require prepayment of such fees, and that said fees must be paid in full prior to the production of the public records. The fee schedule is set forth below and is subject to adjustment by resolution of the Mayor and Council of Brunswick. All fees should be paid at City Hall.

- **Copies of documents:** There is no charge or fee for copies of the first 10 pages of produced documents; additional copies thereafter are 25 cents per page. The actual cost incurred by the City for copies made by third party vendors will be charged to the Applicant.
- **Staff Time:** There is no charge or fee for the first 2 hours of City Staff time required to process and respond to the PIA Request; thereafter, up to \$25/hour is charged for City Staff time (Staff and attorney review costs included in the costs will be prorated for each individual's salary and actual time attributable to the search for and preparation of the public record(s)). to process and respond to the PIA Request for research, preparation, and production of records for inspection and copying. Depending upon the scope and complexity of the PIA Request, different charges may apply if City Staff members with particular expertise or the City Attorney are utilized.
- **Payment:** Payment of all fees related to the PIA Request shall be made in cash, by credit card, or check payable to the "City of Brunswick" and must be received before the public records are produced.

- **Fee Waiver:** The Custodian may waive the PIA fees if (i) the Applicant requests that they be waived, and (ii) the Applicant is indigent and files an affidavit of indigency with the Custodian, or (iii) after considering the ability of the Applicant to pay the fee and other relevant factors, the Custodian determines that the waiver of fees would be in the public interest.

If you have any questions about the administration of the above guidelines, please do not hesitate to contact the City Clerk at 301-834-7500 or CityHall@BrunswickMD.gov.

Jeffrey Smith 8/28/19
Mayor Date

David B. Rees 8/28/19
City Administrator Date

Carrie A. Myer 8/27/19
City Clerk/ Date
Public Information Act Coordinator
"Custodian"