



# FREDERICK COUNTY GOVERNMENT

## OFFICE OF THE COUNTY ATTORNEY

---

### Policy and Procedures for Responding to Maryland Public Information Act Requests

#### Table of Contents

	<u>Page No.</u>
I. Policy .....	3
II. Purpose.....	3
III. Definitions.....	3
IV. Procedures.....	4
A. Right of access to public records .....	4
B. Who may request public records .....	5
C. Persons to contact for public records .....	5
D. Necessity for a written request.....	6
1. Public records identified as immediately available for inspection .....	6
2. Other public records.....	6
3. Information to be provided in the written request ....	6
E. Timelines for a response .....	7
F. Notice to persons potentially affected by disclosure .....	8
G. Special provisions for electronic records .....	9
H. Inspection of public records.....	10
V. Denials .....	10
A. General.....	10
B. Required denials for specific public records.....	10
1. Library records.....	10
2. Letters of reference .....	11
3. Personnel records .....	11
4. Retirement records .....	11
C. Required denials for specific information.....	12
1. Medical or psychological information .....	13
2. Information about County employees.....	13
3. Licensing records .....	13
4. Trade secrets and commercial information.....	14
5. Financial information.....	15

	<u>Page No.</u>
6. Security of information systems .....	15
7. Senior citizen activities centers.....	15
D Permissible denials.....	16
1. Public interest standard.....	16
2. Interagency and intra-agency records .....	16
3. Examination records .....	16
4. Real estate appraisals .....	17
5. Investigations .....	17
6. Emergency management records .....	18
E. Temporary denial pending a court order.....	19
VI. Review of denials.....	20
A. Judicial enforcement .....	20
B. Compliance Board .....	20
C. Public Access Ombudsman.....	20
VII. Fees .....	21

(Policy and Procedures begin on the following page)

I. Policy

The County Attorney's policy is to provide timely access to the County's public records, in accordance with the law and with the least cost and delay to the applicant.

II. Purpose

This policy sets out procedures for filing requests with the County for the inspection and copying of public records and informs the public about their rights under the MPIA.

III. Definitions

- A. APPLICANT means a person requesting disclosure of a public record.
- B. COMPLIANCE BOARD means the State Public Information Act Compliance Board.
- C. COUNTY means Frederick County, Maryland.
- D. CUSTODIAN means the official custodian or any other authorized individual who has physical custody and control of a public record.
- E. INDIGENT means an applicant's family household income is less than 50% of the median family income for the State as reported in the Federal Register.
- F. METADATA means information, generally not visible when an electronic record is printed, describing the history, tracking or management of the electronic record, including information about data in the electronic record that describes how, when and by whom the data is collected, created, accessed or modified and how the data is formatted. METADATA does not include a spreadsheet formula, a database field, an externally or internally linked file, or a reference to an external file or a hyperlink.
- G. MPIA means the Maryland Public Information Act in Sections 4-101 to 4-601 of the General Provisions Article in the Annotated Code of Maryland.
- H. MPIA COORDINATOR means the person in the County Attorney's Office responsible for accepting requests for public records.
- I. OFFICIAL CUSTODIAN means the person responsible for keeping a public record, whether or not the person has physical custody and control of the public record.

- J. PERSON IN INTEREST means a person or governmental unit that is the subject of a public record or a designee of that person or governmental unit. If the PERSON IN INTEREST has a legal disability, that person's parent or legal representative is a PERSON IN INTEREST.
- K. PUBLIC ACCESS OMBUDSMAN means the person the Maryland Attorney General appoints to attempt to resolve disputes between applicants and custodians over requests for public records.
- L. PUBLIC RECORD means the original or any copy of a documentary material that the County makes or receives in connection with the transaction of public business. The PUBLIC RECORD can be in any form, including a card; a computerized record, including social media; correspondence; a drawing; a film or microfilm; a form; a map; a photograph or photostat; a recording or a tape. A PUBLIC RECORD includes a document listing the salary of a County employee.
- M. REASONABLE FEE means a fee bearing a reasonable relationship to the recovery of actual costs incurred by the County.
- N. WORKING DAY means a day other than a Saturday, Sunday, a County holiday or other day when the County government's offices are closed. A request received after the normal close of business on a WORKING DAY will be considered to have been received on the next WORKING DAY.

#### IV. Procedures

- A. Right of access to public records
  - 1. Except as otherwise provided by law or in subsections 1 and 2 below, a custodian must permit a person or governmental unit to inspect any public record at any reasonable time during regular business hours.
  - 2. Except for those types of public records that have been designated as available to any applicant immediately upon request, an applicant must provide adequate advance notice of the request to the County in order to prevent unnecessary interference with official business and allow questions about whether a public record is subject to production to be resolved before the inspection or copying of the public record takes place.
  - 3. The County is not required to create a new public record to satisfy a MPIA request.

B. Who may request public records

Any person may ask to inspect or copy a County public record.

C. Persons to contact for public records

1. If the applicant knows which County Division possesses the public records, the applicant may make the request to the Director of that Division or the Director's designee.
2. An applicant may submit a written request to the MPIA Coordinator directly. The contact information for the MPIA coordinator is:

Linda Thall, Senior Assistant County Attorney  
Office of the County Attorney  
12 East Church Street, Frederick, MD 21701  
301-600-1030  
[lthall@FrederickCountyMD.gov](mailto:lthall@FrederickCountyMD.gov).

The request form may also be completed and submitted online at:  
<https://www.frederickcountymd.gov/FormCenter/County-Attorney-30/Public-Information-Act-Request-Form-184>.

3. Requests for public records maintained by the Law Enforcement Bureau of the Office of the Sheriff must be submitted directly to the Frederick County Sheriff's Office. A form for submitting a MPIA request to the Sheriff's Office is available through the following link found on the Law Enforcement Bureau's webpage: <https://www.frederickcountymd.gov/DocumentCenter/Home/View/2440>.
4. Requests for public records maintained by the County's Health Department must be made directly to the Health Department. A list of specific contacts for the different types of records maintained by the Health Department is available on that Department's webpage: <http://md-frederickcountyhealth.civicplus.com/185/Public-Information>.
5. Requests for public records maintained by the Division of Emergency Management should be made directly to that Division. A Business Records Request form is available on the Division's webpage (under Forms) at: <https://www.frederickcountymd.gov/DocumentCenter/Home/View/7625>.

D. Necessity for a written request

1. Public records identified as immediately available for inspection

- a. Each Division must designate the types of public records for which the Division is the official custodian that are to be made available to any applicant immediately upon request. A list identifying those public records must be provided to the Communications Department for posting on the County's website. This list should be reviewed and updated, if necessary, on at least an annual basis.
- b. The official custodian should generally make a public record that is identified on this list of public records available for inspection without requiring a written request. If an employee has questions about whether the record should be provided, however, the employee may first consult with the employee's supervisor or the MPIA Coordinator in the County Attorney's Office.
- c. If the custodian has previously designated the requested public record as available to the public immediately upon request, the custodian should not require a written request for that record.

2. Other public records

- a. The custodian should generally require a written request for a copy of a public record, particularly when the custodian reasonably believes that the MPIA or another law may prevent the disclosure of the public record or when having a written request will materially assist in responding to the request.
- b. The custodian has the discretion to waive the requirement for a written MPIA request when the custodian has the information necessary to identify and provide the requested public record and it is clear to the custodian that the record is subject to disclosure under the MPIA.

3. Information to be provided in the written request

- a. A written request should contain:
  - (1) the applicant's name, mailing address, email address (if available) and telephone number; and

(2) a description of the record sought.

b. A sample request form is attached to this policy.

E. Timelines for a response

1. In general, the custodian must grant or deny the record request promptly, but not more than 30 days after receiving the request.
2. If a requested public record is not in the custody or control of the person to whom the request is made, the person receiving the request must notify the applicant of the following, within 10 working days after receipt of the request:
  - a. that the person does not have custody or control of the requested public record; and
  - b. the name of the custodian of the public record and the location or possible location of the public record, if known.
3. If the custodian determines that the requested record does not exist, the custodian must notify the applicant of this determination:
  - a. If the custodian makes this determination on initial review of the request, the custodian must notify the applicant immediately.
  - b. If the custodian makes this determination after a search for the record, the applicant must be notified in writing promptly after the search is completed, but not more than 30 days after receiving the request.
4. A custodian who approves the request must produce the public record immediately or within a reasonable period that is needed to retrieve the public record and conduct any necessary review, but not more than 30 days after receipt of the request.
5. If the custodian reasonably believes that it will take more than 10 working days to produce the public record, the custodian must indicate in writing or by email within 10 working days after receipt of the request:
  - a. the amount of time that the custodian anticipates it will take to produce the public record;

- b. an estimate of the range of fees that may be charged to comply with the request; and
  - c. the reason for the delay.
- 6. A custodian who denies the request must provide a written statement to the applicant within 10 working days from the date of the denial informing the applicant of:
  - a. the reasons for the denial;
  - b. the legal authority for the denial;
  - c. without disclosing the protected information, a brief description of the undisclosed public record that will enable the applicant to assess the applicability of the legal authority for the denial;
  - d. an explanation of why redacting information from the public record would not be sufficient to address the reasons for the denial; and
  - e. notice of the remedies available for review of the denial.
- 7. If the custodian denies the request under MPIA Sections 4-344 through 4-355, which permit denial of access to certain types of public records when the custodian believes that inspection by the applicant would be contrary to the public interest, the written statement to the applicant must also include a brief explanation of why the denial is in the public interest.
- 8. If a public records request is denied in full or in part, the notice of the denial must be prepared or reviewed by the County Attorney's Office before the response is made in order to ensure compliance with the MPIA.
- 9. Any time limit may, with the applicant's consent, be extended for an additional period not to exceed 30 days.
- 10. Any time limit is extended for the period of time during which an applicant's dispute is pending before the Public Access Ombudsman.

F. Notice to persons potentially affected by disclosure

- 1. Unless prohibited by law, the custodian may provide notice of a request for a public record to any person who, in the custodian's judgment, could be adversely affected by disclosure of that public record.



2. The custodian may consider the views of the potentially affected person before deciding whether to disclose the public record to an applicant.

G. Special provisions for electronic records

1. Except as otherwise provided, the custodian of a public record must provide an applicant with a copy of that record in a searchable and analyzable electronic format if:
  - a. the record is in a searchable and analyzable electronic format;
  - b. the applicant requests a copy of the record in a searchable and analyzable electronic format; and
  - c. the custodian is able to provide a copy of the record, in whole or in part, in a searchable and analyzable electronic format that does not disclose information that the MPIA exempts from disclosure.
2. A custodian may remove metadata from an electronic record before providing the electronic record to an applicant by:
  - a. using a software program or function; or
  - b. converting the electronic record into a different searchable and analyzable format.
3. The custodian is not required to:
  - a. reconstruct a public record in an electronic format if the record is no longer available in an electronic format;
  - b. create, compile or program a new public record; or
  - c. release an electronic record in a format that would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the public record is maintained.
4. If a public record exists in a searchable and analyzable electronic format, having the custodian provide a portion of the public record in a searchable and analyzable electronic format does not constitute creating a new public record.

H. Inspection of public records

1. With reasonable advance notice, an applicant may inspect a public record that the applicant is entitled to inspect during the County's normal working hours.
2. An inspection taking place at the County Attorney's Office must be scheduled for a mutually convenient time after the applicant is notified that the record is available for inspection.
3. An inspection of a public record should generally take place in the presence of the custodian or the custodian's designee.

V. Denials

A. General

A custodian is required to deny inspection of a public record, or any part of a public record, if:

1. by law, the record is privileged or confidential; or
2. the inspection would be contrary to:
  - a. a state statute;
  - b. a federal statute or a regulation issued under the statute having the force of law;
  - c. the rules adopted by the Court of Appeals; or
  - d. a court order.

B. Required denials for specific public records

Unless otherwise provided by law, a custodian is required to deny inspection of the public records listed in MPIA Sections 4-305 through 4-326. This list includes:

1. Library records

- a. Except as provided below in subsection "b," a custodian must deny inspection, use or disclosure of a public library circulation record or other information about an individual that:

- (1) a library maintains;
  - (2) contains an individual's name or other identification; and
  - (3) identifies the use a patron makes of that library's materials, services or facilities.
- b. A custodian must allow inspection, use or disclosure of a public library's circulation record only:
- (1) in connection with the library's ordinary business; and
  - (2) for the purposes for which the record was created.

2. Letters of reference

A custodian must deny access to a letter of reference.

3. Personnel records

- a. Except as provided below in subsection "b," a custodian is required to deny inspection of an individual's personnel record, including an application, performance rating or scholastic achievement information.
- b. A custodian must allow inspection by:
- (1) the person in interest; or
  - (2) an elected or appointed official who supervises the individual's work.

4. Retirement records

- a. Except as provided below in subsections "b" through "e," a custodian must deny inspection of an individual's retirement record.
- b. A custodian must allow inspection:
- (1) by the person in interest;
  - (2) by the individual's appointing authority;

- (3) after the death of the individual, by a beneficiary, personal representative or other person who satisfies the administrators of the retirement system that the person has a valid claim to the benefits of the individual; and
- (4) by any law enforcement agency to obtain the home address of a retired employee of the agency when contact with the retired employee is documented to be necessary for official agency business.

c. Elected or appointed officials

- (1) On request, a custodian must state whether the official receives a retirement or pension benefit.
- (2) On written request, a custodian must:
  - (a) disclose the amount of the part of a retirement or pension benefit that is derived from employer contributions and that is granted to:
    - (i) a retired elected County official; or
    - (ii) a retired County appointed official who is a member of a separate system for elected or appointed officials; and
  - (b) disclose the benefit formula and the variables for calculating the retirement or pension benefit of:
    - (i) a current County elected official; or
    - (ii) a current County appointed official who is a member of a separate system for elected or appointed officials.

C. Required denials for specific information

Unless otherwise provided by law, a custodian is required to deny inspection of a part of a public record listed in MPIA Sections 4-328 through 4-340. This list includes:

1. Medical or psychological information

- a. Except as provided below in subsection “b(3),” this section does not apply to:
  - (1) a nursing home as defined in Section 19-1401 of the Health-General Article; or
  - (2) an assisted living program as defined in Section 19-1801 of the Health-General Article.
- b. Subject to the provision in subsection “c” below, a custodian must deny inspection of the part of a public record that contains:
  - (1) medical or psychological information about an individual other than an autopsy report of a medical examiner;
  - (2) personal information about an individual with, or perceived to have, a disability as defined in Section 20-701 of the State Government Article; or
  - (3) any report on human immunodeficiency virus or acquired immunodeficiency syndrome submitted in accordance with Title 18 of the Health-General Article.
- c. A custodian must allow the person in interest to inspect the public record to the extent allowed under Section 4-304(a) of the Health General Article.

2. Information about County employees

A custodian must deny inspection of the part of a public record that contains the home address or telephone number of a County employee unless:

- a. the employee consents to the inspection; or
- b. the County determines that inspection is needed to protect the public interest.

3. Licensing records

- a. Subject to the provisions below in subsections “b” through “d,” a custodian must deny inspection of the part of a public record that

contains information about the licensing of an individual in an occupation or a profession.

b. A custodian must allow inspection of the part of a public record that gives:

- (1) the name of the licensee;
- (2) the business address of the licensee or, if the business address is not available, the home address of the licensee after the custodian redacts any information that identifies the location as the home address of an individual with a disability as defined in Section 20-701 of the State Government Article;
- (3) the business telephone number of the licensee;
- (4) the educational and occupational background of the licensee;
- (5) the professional qualifications of the licensee;
- (6) any orders and findings that result from formal disciplinary actions; and
- (7) any evidence that has been provided to the custodian to meet the requirements of a statute as to financial responsibility.

c. A custodian may allow inspection of other information about a licensee if:

- (1) the custodian finds a compelling public purpose; and
- (2) the rules or regulations of the official custodian allow the inspection.

d. Except as otherwise provided by law, a custodian must allow inspection by the person in interest.

4. Trade secrets and commercial information

A custodian must deny inspection of the part of a public record that contains any of the following information provided by or obtained from any person or governmental unit:

- a. a trade secret;
- b. confidential commercial information;
- c. confidential financial information; or
- d. confidential geological or geophysical information.

5. Financial information

- a. This section does not apply to the salary of a public employee.
- b. Subject to subsection “c” below, a custodian must deny inspection of the part of a public record that contains information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities or creditworthiness.
- c. A custodian must allow inspection by the person in interest.

6. Security of information systems

A custodian must deny inspection of the part of a public record that contains information about the security of an information system.

7. Senior citizen activities centers

- a. Senior Citizen Activities Center has the meaning stated in Section 10-513 of the Human Services Article of the Annotated Code of Maryland.
- b. Except as provided below in subsection “c,” a custodian must deny inspection of the part of a public record that contains the name, address, telephone number or email address of any individual enrolled in or any member of a senior citizen activities center.
- c. A custodian must allow inspection by:
  - (1) a person in interest;
  - (2) law enforcement personnel; or
  - (3) emergency services personnel, including:

- (a) a career firefighter;
- (b) an emergency medical services provider, as defined in Section 13-516 of the Education Article;
- (c) a rescue squad employee; and
- (d) a volunteer firefighter, rescue squad member or advanced life support unit member.

D. Permissible denials

1. Public interest standard

Unless otherwise provided by law, if a custodian believes that the applicant's inspection of a part of a public record described in MPIA Sections 4-344 through 4-355 would be contrary to the public interest, the custodian may deny inspection of that part, as provided in the MPIA.

2. Interagency and intra-agency records

A custodian may deny inspection of any part of an interagency or intra-agency letter or memorandum that:

- a. would not be available by law to a private party in litigation with the County; or
- b. contains confidential opinions, deliberations, advice or recommendations from one employee or official to another for the purpose of assisting the latter in a decision-making function.

3. Examination records

- a. Subject to subsection "b" below, a custodian may deny inspection of test questions, scoring keys, and other examination information that relates to the administration of licenses or employment.
- b. After a written promotional examination has been given and graded, a custodian must allow a person in interest to inspect the examination and the results of the examination, but may not allow the person in interest to copy or otherwise reproduce the examination.



4. Real estate appraisals

- a. Subject to subsection “b” below or applicable law, until the County acquires title to property, a custodian may deny inspection of a public record that contains a real estate appraisal of the property.
- b. A custodian may not deny inspection to the property owner.

5. Investigations

- a. Subject to subsection “b” below, a custodian may deny inspection of:
  - (1) records of investigations conducted by the Attorney General, a State’s Attorney, a city or county attorney, a police department or a sheriff;
  - (2) an investigative file compiled for any other law enforcement, judicial, correctional or prosecution purpose; or
  - (3) records that contain intelligence information or security procedures of the Attorney General, a State’s Attorney, a city or county attorney, a police department, a State or local correctional facility or a sheriff.
- b. A custodian may deny inspection by a person in interest only to the extent that the inspection would:
  - (1) interfere with a valid and proper law enforcement proceeding;
  - (2) deprive another person of a right to a fair trial or an impartial adjudication;
  - (3) constitute an unwarranted invasion of personal privacy;
  - (4) disclose the identity of a confidential source;
  - (5) disclose an investigative technique or procedure;
  - (6) prejudice an investigation; or
  - (7) endanger the life or physical safety of an individual.

6. Emergency management records

a. Subject to subsections “b” and “c” below, a custodian may deny inspection of:

(1) response procedures or plans prepared to prevent or respond to emergency situations, the disclosure of which would reveal vulnerability assessments, specific tactics, specific emergency procedures or specific security procedures;

(2) building plans, blueprints, schematic drawings, diagrams, operational manuals, records of ports and airports and any other mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are stored, arenas, stadiums, waste and water systems, and any other building, structure, or facility, the disclosure of which would reveal the building’s, structure’s, or facility’s internal layout, specific location, life, safety, and support systems, structural elements, surveillance techniques, alarm or security systems or technologies, operational and transportation plans or protocols, or personnel deployment; or

(3) records that:

(a) are prepared to prevent or respond to emergency situations; and

(b) identify or describe the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories.

b. The custodian may deny inspection of a part of a public record under the above subsection “a” only to the extent that the inspection would:

(1) jeopardize the security of any building, structure, or facility;

(2) facilitate the planning of a terrorist attack; or

(3) endanger the life or physical safety of an individual.

- c. This subsection does not apply to the records of any building, structure, or facility owned or operated by the State or a county.
  - (1) A custodian may not deny inspection of a public record under subsection “a” or “b” of this section that relates to a building, structure, or facility that has been subjected to a catastrophic event, including a fire, an explosion, or a natural disaster.
  - (2) Subject to subsections “a” and “b” of this section, a custodian may not deny inspection of a public record that relates to an inspection of or issuance of a citation concerning a building, structure, or facility by an agency of the State or a county.

E. Temporary denial pending a court order

- 1. When the custodian believes that disclosure of a public record otherwise subject to disclosure under the MPIA would do substantial injury to the public interest, the custodian may temporarily deny the request and seek a court order allowing continued nondisclosure.
- 2. A temporary denial must be in writing.
- 3. Within 10 working days after the denial, the official custodian must file a petition with the appropriate circuit court for an order permitting continued denial or restriction of access.
- 4. Notice of the custodian’s complaint must be served on the applicant in the manner provided for service of process in the Maryland Rules.
- 5. The applicant is entitled to appear and be heard on the petition.
- 6. If, after a hearing, the court finds that inspection of the public record would cause substantial injury to the public interest, the court may issue an appropriate order authorizing the continued denial of inspection.

VI. Review of denials

A. Judicial enforcement

If the custodian denies a request to inspect or copy a public record, the applicant may file a complaint with the Circuit Court where the applicant resides or has a principal place of business or where the public record is located.

B. Compliance Board

1. If the custodian charges a fee of more than \$350, the applicant may file a written complaint with the Compliance Board alleging that the fee is unreasonable.
2. The complaint must be filed within 90 days after the action that is the subject of the complaint occurred.
3. The complaint must:
  - a. identify the custodian;
  - b. describe the custodian's action, the date of the action and the circumstances of the action;
  - c. be signed by the applicant; and
  - d. if available, include a copy of the original record request.
4. The Compliance Board will send the complaint to the custodian, who has 15 days from receipt of the complaint to respond. The response will include the basis for the fee that was charged. (More information about the Compliance Board and the complaint process can be found in MPIA Sections 4-1A-01 through 4-1A-10.)
5. A decision of the Compliance Board may be appealed to the Circuit Court where the applicant resides or has a principal place of business or where the public record is located, as provided in MPIA Section 4-1A-10.

C. Public Access Ombudsman

The applicant and the custodian each have the right to contact the Public Access Ombudsman to resolve a dispute relating to a request for a public record, including:

1. the custodian's application of an exemption;
2. redactions of information;
3. the custodian's failure to produce a public record in a timely manner or to disclose a public record relevant to the request;
4. an overly broad request for public records;
5. the amount of time a custodian needs, given available staff and resources, to produce a public record;
6. a request for, or denial of, a fee waiver; and
7. repetitive or redundant requests from an applicant.

VII. Fees

- A. The County may charge an applicant a reasonable fee for:
  1. the search for, preparation of and reproduction of a record prepared at the applicant's request in a customized format; and
  2. actual costs for the search for, preparation of and reproduction of a record in standard format, including media and mechanical processing costs.
- B. Staff and attorney review costs included in the calculation of actual costs incurred must be prorated for each individual's salary and actual time attributed to the search for and preparation of a record.
- C. The County may not charge a search or preparation fee for the first two hours of time needed to respond to a record request.
- D. The County's fee schedule for copying records is contained in a policy adopted on January 17, 2018. If that policy is amended or replaced, the revised or new fee schedule will apply. The current fees are as follows:
  1. Print copies
    - a. Black and white copies
      - (1) The fee for a page up to 11 by 17 inches is \$0.25 per page.

(2) The fee for a page over 11 by 17 inches up to 24 by 36 inches is \$3.00 per page.

(3) There is an additional fee of \$0.35 per square foot over 6 square feet.

b. Color copies

The fee for a copy up to 11 by 17 inches is \$1.00 per page.

c. Blueprint reproductions

(1) The fee for blueprint reproductions up to 18 by 24 inches is \$1.00.

(2) The fee for blueprint reproductions above 18 by 24 inches up to 42 by 56 inches is \$3.00

d. A record that is printed on the front and back is considered to be a single page.

2. Electronic copies

a. A record that already exists in an electronic format will be provided via email at no charge for copies.

b. Any electronic record exceeding the storage limit to email will need to be provided via CD or flash drive. A CD or flash drive must be provided by the applicant. If the applicant is not able to provide a CD or flash drive, a fee of \$5.00 will be charged.

E. If the County is unable to copy a record within its offices, the County must make arrangements for the prompt reproduction of the record elsewhere. The County must 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 entity making the copy.

F. Before searching for or copying a public record, the County may estimate the cost of the search and copying and obtain prepayment of the estimated fee or a portion it from the applicant.

- G. Requests for a deposit towards anticipated staff costs and requests for payment for staff time above the two hours provided at no charge to the applicant must be referred to the MPIA Coordinator.
- H. Upon request, the County may waive a fee if the applicant asks for a waiver and:
  - 1. the applicant is indigent and files an affidavit of indigency; or
  - 2. after consideration of the applicant's ability to pay the fee and other relevant factors, the County determines that a waiver would be in the public interest.
- I. The MPIA Coordinator is authorized to grant or deny a request for a fee waiver.

This policy replaces the Administrative Policy and Procedures on Maryland Public Information Act Requests adopted by the Chief Administrative Officer on July 26, 2018.

Effective date: November 12, 2019

**FREDERICK COUNTY, MARYLAND**  
**PUBLIC INFORMATION ACT REQUEST FORM**

**Please type or print the following information:**

Date of request: \_\_\_\_\_

Applicant's name: \_\_\_\_\_

Applicant's mailing address

Street name and number: \_\_\_\_\_

City, State and zip code: \_\_\_\_\_

Applicant's email address: \_\_\_\_\_

Applicant's telephone number(s): \_\_\_\_\_

Describe the records being requested. (Be as specific as possible in describing the name, type of record, subject matter, date and any other information that will help us to quickly identify the records. If you are requesting records from a particular County division or agency, include this information in the description of the records.)

---

---

---

---

---

---

---

---

How do you want to receive the records:

By mail: \_\_\_\_\_

Will pick up: \_\_\_\_\_

Inspection only: \_\_\_\_\_

Electronic: \_\_\_\_\_

Submit this form to the custodian of the records, if known, or to the following:

Daniel Furman, Assistant County Attorney  
Office of the County Attorney  
12 East Church Street, Frederick County, MD 21701  
(301) 600-1030  
[dfurman@FrederickCountyMD.gov](mailto:dfurman@FrederickCountyMD.gov)