

City of Glenarden

Maryland Public Information Act (MPIA) Policy

Maryland Public Information Act

The Maryland Public Information Act (MPIA), (§10-611 *et seq.* of the State Government Article, Annotated Code of Maryland, as amended), generally provides that any person has a right of access to information about the affairs of government, unless the records (or any portion of the records) are protected from disclosure. The City of Glenarden has issued legislation (R-98-2011) implementing the City's MPIA policy.

Chief MPIA Officer and MPIA Public Liaison

The City Manager has responsibility for efficient and appropriate compliance with the MPIA. The Public Liaison serves as the administrator of all requests and is the person to whom an MPIA requestor can raise concerns about the service the MPIA requestor has received. The MPIA Public Liaison for the City of Glenarden is the Executive Assistant.

Making a MPIA Request to the City of Glenarden

Requests for records must be submitted in writing to the Executive Assistant. Requests should be marked "Maryland Public Information Request," "MPIA Request," or the like.

Requests may be mailed or delivered to: The City of Glenarden, Attn: Executive Assistant, 8600 Glenarden Parkway, Glenarden, MD 20706

Requests may be sent by facsimile to (301) 773-4833 or emailed to COGMPIA@cityofglenarden.org.

Contents of Request: All requests should clearly describe the records requested. In addition, requests should contain the following information: the name and mailing address of the requestor, an email address, if available, and the telephone number at which the requestor may be reached during normal business hours. Requests should also indicate the format in which responsive records are to be provided, i.e., paper copy, compact disk, etc. Requestors should keep a copy of the request for their own record. A requestor cannot be required to provide his/her name, address, organization, or reason for request as a precondition for making an MPIA request. 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 request. (§10-614).

Fees: All requests must contain a statement agreeing to pay all applicable fees or a statement identifying any desired fee limitation.

The City of Glenarden policy is that standard requests for documents that are *designed in-house* for public use, and certain other documents designated by the City, may be provided to members of the public promptly, and in any event, no later than 10 working days from the date of the request. Standard requests may be provided to members of the public at no cost and without requiring the applicant make a formal request using the MPIA Request Form. These include:

- Landlord-Tenant Publications
- Copies of Sections of the City Code
- Standard Forms
- City Policies
- Resolutions and Ordinances
- Council Meeting Minutes - Agenda Items and Non-Confidential Supporting Material
- Annual Operating Budget
- “Monthly Report” of departmental activities
- Documents designed to be provided to the public
- Documents available on the City’s website

Receiving A Request:

A request for a document that does not fall into the categories listed above must be made in writing using the City’s “Maryland Public Information Act” Request Form (see Attached A). E-mail and facsimile requests are acceptable. The request should be as clear and detailed as possible. For example, it should include the specific date and/or time frames, the subject and/or document names, and specific addresses, when relevant. City Administration staff may ask questions of the requestor to assist with clarification of the request.

An MPIA request should be submitted to the Executive Assistant in the City Administration Office. A copy of the request must be immediately forwarded to the Department Head for processing. The request will be processed as follows:

- Upon receipt, the request is logged/tracked by the Executive Assistant in the City Administration Office. A copy of the initial request should be filed in the City Administration Office until the processed request is complete.
- The request is forwarded to the Department Head or to the Council Clerk for processing.
- Upon completion by the Department Head or Council Clerk, the request is forwarded to the Executive Assistant in the City Administration Office for verification of completion (with supporting documentation attached), notification to the requestor that the request has been completed and notifying him/her of any fee, and distribution to the requestor within the policy timeline.
- The completed request is forwarded to the Treasurer’s Department for processing any fees collected through the City Administration Office. A copy of the request should be filed in the Treasurer’s Department and the original request returned to the Executive Assistant for filing in the City Administration Office.

Response To A Request:

The request for records shall be granted or denied promptly, and in any event, no later than 30 days after receipt of the request. If a record is found to be responsive to a request and is recognized to be open to inspection, it must be produced promptly after receipt of the written request, and in any event, within 30 days of receiving the request. When a 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 (§10-623, State Government Article, Annotated Code of Maryland). The City Attorney shall be consulted prior to any denial of an MPIA request.

The Executive Assistant is responsible for overseeing the processing of the request with the Department Head or the Council Clerk and the collection of fees with the Treasurer's Department. The Department Head or Council Clerk shall be responsible for responding directly to the request, unless the request involves the City Attorney. In these cases, the responsive material shall be forwarded by the City Attorney to the City Administration Office. In cases where the Department Head or Council Clerk responds directly, the response must go through the proper channels in the City Administration Office to ensure proper documentation of the response and payment of fees.

Certain records are specifically excluded from public review such as personnel records, confidential records, attorney-client documents, etc. This is not a complete list. City staff should contact the City Attorney or refer to the Maryland Public Information Act regarding any questions.

The following additional guidelines shall be followed:

- Review by City Attorney: The City Attorney must review certain MPIA requests before processing. These include requests deemed to be complex or likely to involve controversy, those that come from a party engaged in a dispute or litigation with the City of Glenarden, files containing attorney-client communication, and any request involving an enforcement action. The City Attorney must review any request that is to be denied. The City Attorney shall be consulted regarding any questions.
- Integrity of Files: When otherwise allowed, a requestor is entitled to review a file. To maintain the integrity of the records, the original documents or files shall never be presented for review unless a designated City employee is in constant attendance.
- Delayed release of studies, reports and other documents addressed to the Mayor and/or City Council: To ensure the orderly process of government, the City Manager may, by Administrative Directive, withhold certain documents for a reasonable period of time, not to exceed 10 working days, from public disclosure so as to ensure the Mayor and/or City Council has had an opportunity to review the documents before they are provided to the requestor. Such documents shall include the Mayor's Annual Budget Proposal, reports from consultants that are otherwise disclosable, and similar documents. With regard to

in-house documents such as the Annual Budget, the reasonable period of time shall begin from the day of physical assembly through completion of the request or the date of request for review and inspection.

- Copies of Records: Copies of formal requests (and supporting documentation) and requests reviewed and responded to by the City Attorney shall be maintained in the City Administration Office.
- Creation of Records: The City of Glenarden has no obligation to “create” records to satisfy a Maryland Public Information Act request, nor is the City of Glenarden required to reprogram its computers or aggregate computerized data files so as to effectively create a new record.
- The MPIA does NOT require a staff person to explain or clarify the documents being provided. However, questions may be asked of the requestor to help clarify and narrow down the scope of the request.

Fees:

When fees are charged to produce documents requested under the MPIA, it is the policy of the City of Glenarden to require prepayment of such fees, notification to the applicant of fees incurred, and that said fees must be paid in full prior to the release of the documents. The fee schedule is attached (see Attachment B). All fees shall be paid through the City Administration Office.