



# THE CITY OF BRUNSWICK MARYLAND

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**Policy Title:** City of Brunswick Procedures for Compliance with the Maryland Public Information Act

**Effective Date:** August 11, 2015

**Policy Number:** 07-01

**Discussion:**

The City of Brunswick maintains certain files and records that are classified as public records. Generally, these public records may be made available to the public in accordance with the guidelines of the Maryland Public Information Act (MPIA)

**Policy:**

City documents that are designed for public use, and certain other documents designated by the City, may be provided to members of the public promptly without requiring that the applicant make a formal request. These include:

- 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

**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. E-mail requests on this form will be accepted. The request should be as clear and as 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. Staff may ask questions of the requestor to help clarify the request.

When a request is received, copies are to be distributed as follows:

Part 1: Upon receipt, routed to the Office Manager's office for logging in and tracking the request when it is received

Part 2: To the appropriate staff member for processing the request

Part 3: Upon completion, to the Office Manager's office for verifying that the request has been fulfilled, with copies attached, when required. Also, any fees incurred will be collected through the Office Manager's office. (See below.)

An applicant 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. (Section 10-614).

**Response to a Request:**

The request for record 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. If a record is found to be responsive to a request, but cannot be produced within 10 working days, the requestor must be notified as such. 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. Legal advice may be obtained prior to any denial of an MPIA request.

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

The following additional guidelines shall be followed:

- **Legal Advice:** Legal advice may be obtained for 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, files containing attorney-client communication, and any request involving an enforcement action. The Attorney should review any request that is to be denied. If in doubt, ask the Attorney.
- **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.
- **Copies of Records:** Copies generally do not need to be kept of the items provided to the requestor for standard requests. In the case of a request when the Attorney has been consulted, copies should be kept.
- **Creation of Records:** The City has no obligation to "create" records to satisfy a Public Information Act request, nor is an agency required to reprogram its computers or aggregate computerized data files so as to effectively create new records.
- 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:**

There are occasions when fees may be charged to produce documents requested under the Maryland Public Information Act. It is the policy of the City of Brunswick to notify the applicant of the fees that

