



ADMINISTRATION: Administrative Operations

Public Information Act Requests

I. Purpose

- A. To ensure that Baltimore County Public Schools (BCPS) complies with the Maryland Public Information Act, *Annotated Code of Maryland*, General Provisions Article, Title 4 when responding to requests for public information.
- B. To establish procedures for processing requests for the inspection or copying of school system records.
- C. To inform the public of the fee schedule.

II. Scope

- A. The Maryland Public Information Act permits a governmental agency to set reasonable fees for the search, preparation, and copying of public records. BCPS, as the custodian of the governmental record, must provide access to qualifying records, unless the record requested is exempted from disclosure by the Act.
- B. This rule shall be followed by all BCPS employees and offices when responding to requests for public information presented under the Act.
- C. Requests for student records, including student directory information and student transcripts, are not covered by this rule. (See Superintendent's Rule 5230, *Student Records*)

III. Definitions

- A. *Act* – Means the Maryland Public Information Act, *Annotated Code of Maryland*, General Provisions Article, Title 4.

- B. *Applicant* – Means a person or governmental unit that asks to inspect a public record.
- C. *Business Day* – Means any day that the central offices of the school system are open for business or as provided on the official school system calendar.
- D. *Custodian* – Means the official custodian or any other authorized employee of the school system who has physical custody and control of a public record of the school system.
- E. *Indigent* – Means an individual’s family household income is less than 50% of the median family income for the state.
- F. *Official Custodian* – Means an officer or employee of the school system who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.
- G. *Person in Interest* – Means:
 - 1. A person or governmental unit that is the subject of a public record or a designee of the person or governmental unit; or
 - 2. If the person has a legal disability, the parent or legal representative of the person.
- H. *Public Records* – Means the original or any copy of any documentary material that is made by or received by the school system in connection with the transaction of public business and is in any form, including, but not limited to:
 - 1. Correspondence;
 - 2. A computerized record;
 - 3. A card;
 - 4. A photograph or Photostat;
 - 5. Films or Microfilms;
 - 6. A recording;
 - 7. A tape;
 - 8. A map;
 - 9. A drawing; and
 - 10. Both printed and electronically stored versions of electronic mail messages.

A “public record” includes a document that lists the salary of any employee of the school system.

- I. *School System* – Means the Baltimore County Public Schools and Board of Education of Baltimore County.

IV. Right to Access

- A. Except as otherwise provided by law, a custodian shall permit a person or governmental unit to inspect any public record at any reasonable time.
- B. The Act provides that existing records, not otherwise privileged or confidential, which are deemed public are to be released. There is no obligation to create records to satisfy a public information request, and the school system will not do so.
- C. Privileged and/or confidential information is not subject to release. This includes, but is not limited to such documents and records as: student records with personally identifying information; employee home addresses and telephone numbers; personnel evaluations and employment recommendations; trade secrets; and test questions.

V. Procedures

- A. Initiating Written Requests
 1. Requests for public records made under the Act must be in writing and specify the documents which are within the custody of the school system that are being sought. If the applicant chooses to make a request via electronic mail, the applicant assumes the risk that such transmittal may be compromised due to unanticipated technological errors, which may render the electronic mail transmittal undeliverable.
 2. The written request should be addressed to the custodian of record of the document sought, or if not known, addressed to the General Counsel, Office of Law.
- B. Contents of Written Request
 1. All written requests for public records must include the applicant’s full name, mailing address, and telephone number.
 2. Be signed by the applicant; and

3. Reasonably identify, by brief description, the public record sought.

C. Processing Written Requests

1. All public information act requests received by the school system should be forwarded to the Office of Law no later than 24 hours of receipt for review and response. The General Counsel shall coordinate with the appropriate staff to provide the requested information.

D. Fees for Research, Preparation, and Compilation Time

1. Applicants will be charged for the time involved in research, preparation, and compilation of documents responsive to requests filed pursuant to the Act.
 - a. As provided by the Act, no charge will be assessed for the first two hours that an employee spends to respond to a request for public records.
 - b. When staff time to search for requested public records or to prepare public records for inspection and copying exceeds two hours, the charge for such search and preparation shall be assessed prorated for each employee's salary and actual time attributable to the search for and preparation of the public record.
2. When it is anticipated that a request will consume more than two hours of labor, BCPS will notify the applicant and provide a cost estimate. The applicant must agree to the fee amount before compiling of documents begins. BCPS will require a deposit of 75 percent of the estimate before initiating any research, preparation, and compilation. In all cases, fees must be paid in full before any documents are delivered or access to the documents is authorized.

E. Time of Inspection

1. With reasonable advance notice, an applicant may inspect any public record that he/she is entitled to inspect during the business day and during normal business hours of the school system. The inspection shall take place in the presence of the custodian or the custodian's designee.
2. Records identified for inspection will be made available for inspection for 45 days. If the applicant has failed to make an appointment to inspect the records within that timeframe, the records will be returned to the custodian for filing.

F. Time and Place of Copying

1. The custodian may set a reasonable time schedule for the making of copies, printouts, and photographs. The copy, printout, or photograph shall be made while the public record is in the custody of the custodian and, whenever practicable, where the public record is kept.

G. Copying and Other Fees

1. Documents of 10 or fewer pages will be copied free of charge.
2. The fee for each copy made by a photocopying machine owned or operated by the school system is 25 cents per page.
3. If copying must be done at a commercial facility for any reason, the applicant will be charged the actual fee assessed by that facility and shall be required to reimburse directly the agency or facility making the copy.
4. When an applicant requests that a copy of a public record be certified officially by the Superintendent or by a member of his administrative staff, an additional fee of \$1.00 per page shall be charged.
5. An applicant will be charged \$2.00 each for a CD or DVD and \$8.00 for a USB flash drive.
6. 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.

H. Electronic Documents

1. To conserve resources and ensure the integrity of the requested records, BCPS may elect to deliver documents responsive to a request for information in an electronic format that cannot be manipulated or reconfigured.
2. When available, BCPS will provide a copy of the public record in a searchable and analyzable electronic format in accordance with the Act.

- I. BCPS reserves the right to impose reasonable fees for other materials not listed herein.

VI. Payment

- A. Payment shall be remitted to the Baltimore County Public Schools by money order, cashier's check, or business check; a personal check will not be accepted.

VII. Waiver of Fees

- A. The official custodian, as authorized by the Superintendent, may waive or reduce any fee charged pursuant to this rule if:
 - 1. The applicant asks for a waiver; and
 - 2. The applicant is indigent and files an affidavit of indigency or
 - 3. After consideration of the applicant's ability to pay the cost or fee and other relevant factors, the official custodian determines that a waiver would be in the public interest.

VIII. Withdrawal of Application

- A. An application for public records will be deemed withdrawn if the applicant fails to respond to or provide payment for records within 60 days of the school system's response to the request for records.

Legal References: *Annotated Code of Maryland*, Title 4, General Provisions Article
(Public Information Act)

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