I. Policy

It is the policy of the University of Maryland, College Park (“University”) to permit the inspection of public records at reasonable times and at a reasonable cost by any person in interest consistent with the Maryland Access to Public Records Act, State Government Article, §10-601 et seq., Annotated Code of Maryland.

II. Definitions

"Act" means the Public Information Act, State Government Article, Annotated Code of Maryland, §10-611 et seq.[1984].

"Applicant" means any person requesting disclosure of a public record.

"Custodian" means any authorized University employee who has physical custody and control of a public record.

"Official Custodian" means the person who is responsible for keeping the public record, whether or not that person has physical custody and control of the public record.

"Person" means any natural person, corporation, partnership, firm, or association, or governmental unit.

"Person in Interest" means:

1. a person, as defined above, who is the subject of a public record or the designee of the person; or

2. if the person has a legal disability, the parent or legal representative of the person.

"Public Record" means the original or any copy of documentary material that:

1. is made or received by the University in connection with the transaction of public business; and
2. is in any form, including a card, a computerized record, correspondence, a drawing, film or microfilm, a form, a map, a photograph or photostat, a recording, or a tape; and

3. includes a document that lists the salary of an official or employee of the University.

"Personal Record" means any public record that names or with reasonable certainty otherwise identifies an individual by an identifying factor such as address, social security number or other identifying number, description, finger or voice print, or picture.

"Working Day" means any day between the hours of 8:30 a.m. and 4:30 p.m., except Saturday, Sunday, scheduled University holidays, and emergency closings.

III. Persons Entitled to Request Access

Subject to the limitations set forth below and except as otherwise provided by law, the University shall permit any person to inspect or copy any public record in its custody and control.

IV. Necessity for Written Request

A. All requests for inspection of public records shall be in writing, via surface mail or email unless the custodian of the record being requested specifically waives the requirement.

B. Requests shall contain the applicant's name, address, and daytime telephone number or email in order that the custodian may be able to contact the applicant.

C. The applicant shall reasonably identify by brief description the record sought.

D. The custodian is entitled to seek clarification in writing whenever records are not identified with reasonable specificity, and is not obligated to respond until the request is sufficiently specific to permit identification of the requested record.

E. The custodian may inquire as to the purpose of the request, among other reasons, in order to determine if a request is made for commercial purposes pursuant to §10-618(m); when considering whether fees should be waived pursuant to §10-621(e) of the Act; or to assist in identification of the requested record.

V. Filing the Request

A written request for inspection of a public record shall be sent by surface mail or email and addressed to the custodian having physical custody and control of the record.
VI. Response to a Request

A. Upon receipt of a request to inspect or copy public records, the custodian shall make a search for potentially responsive public records, and grant or deny the request promptly within a reasonable period, not to exceed 30 days. The custodian should respond in accordance with the guidelines set forth below, and in consultation with the University’s Office of Legal Affairs, as appropriate.

B. If a requested public record is not in the custody and control of the person to whom the written application is made, that person shall notify the applicant of that fact within 10 working days of receipt of the request, and provide the name of the custodian and the location or possible location of the record, if known.

C. If a requested public record does not exist or has been destroyed or lost, the custodian shall notify the applicant of that fact.

D. In the event a request to inspect or copy a public record is denied, within 10 working days of the denial the custodian shall provide the applicant with a written statement that includes the following:

1. the reasons for the denial;

2. the legal authority for the denial; and

3. notification of the right to seek judicial review in accordance with §10-623 of the Act.

This 10 day period is in addition to the maximum 30 day period for granting or denying a request.

E. Inspection of any reasonably severable portion of a record shall be permitted after redaction of those portions that may be withheld from disclosure.

F. With the consent of the applicant, any time period for response may be extended for up to 30 additional calendar days.

G. The University has no obligation under the Act to perform research or create records to satisfy a request for inspection and copying. Nor does the Act require the University to provide information in a format other than that which is, in fact, the existing record.

H. Unless prohibited by law, the custodian may, in his or her discretion, notify any person in interest that a request for inspection of a public record has been made.
VII. Guidelines for Determining Access

A. Denial of Access

The custodian shall deny access to the following records as required by §10-615 through §10-617 of the Act:

1. letters of reference for employees and students;
2. library circulation records;
3. library, archival, or museum material given by a donor who limits disclosure as a condition of the gift;
4. sociological information if the custodian has adopted rules or regulations defining the term;
5. confidential commercial, financial, geological or geophysical information or trade secret provided by or obtained from another;
6. public employees' home addresses or telephone numbers, unless permission is given or inspection is deemed necessary to protect the public interest;
7. information about the security of an information system;
8. student educational records;

NOTE: Disclosure is restricted by the Federal Family Educational Rights and Privacy Act; the UNIVERSITY POLICY ON CONFIDENTIALITY AND DISCLOSURE OF STUDENT RECORDS should be consulted.

9. retirement records;

NOTE: Inspection is permitted by the person in interest; the appointing authority of the individual; after the death of the individual by a beneficiary, or personal representative; and by any law enforcement agency in order to obtain the home address of a retired employee when contact with the retired employee is deemed necessary for official agency business.

10. personnel records.

NOTE: Inspection is permitted by the person in interest; or an elected or
appointed official who supervises the work of the individual.

B. Permissible Denials

Unless otherwise provided by law, a custodian may deny inspection of part of the following public records if it is believed that inspection would be contrary to the public interest:

1. inter-agency and intra-agency documents that would not be available by law to a private party in litigation;

2. examinations including test questions, scoring keys;

   NOTE: A person in interest may inspect an examination after it has been given and graded, but may not copy the document.

3. research projects, except the name, title, expenditures and date when the final project summary will be available;

4. appraisals of University owned real property;

5. records of investigations by the Attorney General, a State's Attorney, a city or county attorney, a police department or a sheriff.

C. Temporary Denials

If the custodian of a public record believes that inspection would cause substantial injury to the public interest, inspection may be denied temporarily even if the document is one which is authorized for inspection under the Act.

NOTE: The custodian should contact the President's Legal Office for guidance.

VIII. Review of a Denial

Judicial Review

If the custodian denies an applicant's request, the applicant may file a complaint with the circuit court for the county where the applicant resides or has a principal place of business; or the public record is located.

IX. Inspection

A. Time of Inspection
Access is generally allowed during normal working hours at the University, as defined above. At the discretion of the custodian, a reasonable date and time may be specified to prevent undue interference with University business.

B. Place of Inspection

The record shall be inspected at the location where it is normally kept, unless the custodian determines that another place of inspection is more suitable.

C. Costs

1. The custodian may charge fees to compensate for the direct and indirect costs incurred by the University in making the documents available for inspection or copying, including reimbursement for labor, materials, and travel expenses incurred in searching, reviewing, preparing, copying and refiling documents. Labor cost shall be based on the hourly rate and associated benefits of the personnel involved. The custodian may not charge for the first two hours needed to search for a public record and prepare it for inspection or copying, provided, however, that in accounting for this time, serial requests from the same applicant for the same or related records shall be considered as one request.

2. In addition to charging fees for labor costs, when the applicant requests a copy of a public record, the University shall charge 25 cents a page to cover direct and indirect material costs of copying the document using a University photocopy machine.

3. If a copy of a record cannot be made using a University photocopy machine, the custodian shall make arrangements for reproduction to occur outside the institution, provided, however, at no time shall custody of the records be given to an applicant for this purpose. The applicant shall be charged the actual costs charged by the non-University copying service.

4. If the applicant requests that copies be mailed or delivered, the University shall charge the applicant the cost of postage or delivery.

5. An applicant should be informed of the estimated costs of search, preparation, and copying and shall be required to pay the estimated costs, unless de minimus, prior to the University taking further action to respond to the request. The applicant shall be refunded the difference, if any, between the estimated and actual costs.

6. The custodian may waive the fee for searching, preparation, or copying if: (i) the applicant requests a waiver and, (ii) after consideration of the
ability of the applicant to pay the fee and other relevant factors, the custodian determines that the waiver would be in the public interest.

NOTE: THE PROCEDURES SET FORTH ABOVE DO NOT APPLY TO REQUESTS FOR INFORMATION CONTAINED IN SUBPOENAS OR SOUGHT BY GOVERNMENTAL AGENCIES PURSUANT TO INVESTIGATIONS OR AUDITS.