



THE TOWN OF CENTREVILLE 101 LAWYERS ROW CENTREVILLE, MD 21617  
410-758-1180 FAX 410-758-4741 WWW.TOWNOFCENTREVILLE.ORG

**Policy Title:** Town of Centreville Procedures for Compliance with the Maryland Public Information Act

**Effective Date:** Approved by Town Council – March 2, 2017

**Discussion:**

The Town of Centreville 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:**

Town documents that are designed for public use, and certain other documents designated by the Town, 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 Town Code
- Standard forms
- Resolutions and Ordinances
- Council Agendas and Minutes
- Boards / Committees Agendas and Minutes
- Annual Operating Budget
- Documents designed to be provided to the public
- Documents available on the Town'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 Town's "Maryland Public Information Act" request form. Email 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, it should be distributed to the Town Clerk for logging in, tracking, and scanning the request. The Town Clerk will correspond with the appropriate staff person and collect and verify that the request has been fulfilled, with copies attached. The Town Clerk will determine any fees incurred by the request. The Town Manager will review all information prior to issuing the requested material. The Town Attorney may be consulted, when needed. The Town Clerk or designee will collect all fees owed prior to the release of the requested information.

An applicant cannot be required to provide his/her name, address, organization, or reason for request as a precondition for making a 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.

### **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 producing the responsive records will take more than ten (10) working days, notice must be provided in writing or by email within ten (10) working days of receipt of the request. The notice must tell the applicant how much time it will take to produce the record, the reason for the delay, and an estimate of the range of fees that might be involved in producing the record.

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 any MPIA request.

The responsive material should be forwarded to the Town Clerk'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 Town Clerk.

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 Town, files containing attorney-client communication, and any request involving an enforcement action. The Town Attorney should review any request that is to be denied. If in doubt, ask the Town 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 Town employee is in constant attendance. This may also be at the discretion of the Town Manager or other designee.
- ***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 Town Attorney has been consulted, copies should be kept.
- ***Creation of Records:*** The Town 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 Town of Centreville to notify the applicant of the fees that will be incurred, require prepayment of such fees, and that said fees must be paid in full prior to the release of documents. Any documents that are able to be sent electronically do not require a fee.

Prepayment of fees are required if the final fee amount is determined to be greater than \$20.00. If the requestor refuses to commit to pay fees in accordance with this policy, the Town has the authority to stop processing the request.

**Request for Waiver of Fees:**

An applicant may ask for a total or partial waiver of fees. Any requests for waivers should be forwarded to the Town Clerk to determine eligibility as defined in the Maryland Public Information Act.

The fee schedule is as follows:

|                                 |   |
|---------------------------------|---|
| Copying costs                   | \$0.20/copy (2 sided pages are considered 2 copies)<br><u>plus</u> preparation time as specified below if over two (2) hours  |
| Duplication of electronic files | Actual cost of disk or flash drive <u>plus</u> preparation time as specified below if over two (2) hours  |
| Search and Preparation          | The cost for the search and preparation of documents for inspection and copying are calculated by prorating the salaries of the staff and attorney involved in the response by the actual time spent searching for and preparing the record for disclosure. The first two (2) hours of search and preparation are at no cost. |

If you have any questions about the administration of the above guidelines, please do not hesitate to contact the Town Clerk at 410-758-1180 or [townhall@townofcentreville.org](mailto:townhall@townofcentreville.org).