



Public Information Act Requests

I. POLICY

This order sets out procedures under the Public Information Act for filing and processing requests to the Ridgely Police Department regarding public records of the Ridgely Police Department for the inspection and copying.

It is the policy of the Ridgely Police Department to facilitate access to the public records of the Ridgely Police Department, when access is allowed by law, by minimizing costs and time delays to applicants.

II. DEFINITIONS

A. In this general order, the following terms have the meanings indicated.

B. Terms Defined.

- 1) "Act" means the Public Information Act, State Government Article, §§10-611 through 10-628, Annotated Code of Maryland.
- 2) "Applicant" has the meaning stated in §10-611(b) of the Act. Can also mean "requestor" interchangeably.
- 3) "Custodian" has the meaning stated in §10-611(c) of the Act.
- 4) "RPD" means the Ridgely Police Department.
- 5) "Official custodian" has the meaning stated in §10-611(d) of the Act.
- 6) "Public record" has the meaning stated in §10-611(g) of the Act.
- 7) "The Chief" means the Chief of Police of the Ridgely Police Department.
- 8) "Working day" means a day other than Saturday, Sunday, or a State/County holiday.
- 9) "*Confidential*" Classification means documents/items will **NOT** be disseminated nor existence acknowledged if it pertains to an operational nature and/or an ongoing investigation conducted by this agency or any allied agency working with the Ridgely Police Department.

III. "THE CHIEF" AS OFFICIAL CUSTODIAN

Unless otherwise provided by law, the Chief is the official custodian of the public records of the RPD. The Chief may delegate the distribution of RPD documents to his/her designee.

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IV. WHO MAY REQUEST PUBLIC RECORDS

Any person may request to inspect or copy public records of the RPD. The exception to this would be if the document or item in question has a "*confidential classification*" pertaining to an operational nature and/or an ongoing investigation conducted by this agency or any allied agency working with the RPD.

V. NECESSITY FOR WRITTEN REQUEST

A. Inspection.

1. Except as otherwise provided in this general order, the RPD shall make public records of the RPD available for inspection by an applicant in the form of a written request on the RPD "Public Information Act Request Form". A written request will materially assist the RPD in responding and better serving the applicant.

VI. CONTENTS OF WRITTEN REQUEST

A written request by the applicant shall be made on the RPD "Public Information Act Request Form".

VII. ADDRESSEE FOR ALL PIA REQUESTS

A request to inspect or copy a public record of the RPD shall be addressed to the "*Ridgely Police Department - Records Division*".

VIII. OFFICIAL NOTIFICATION TO RPD COMMAND OF A PIA REQUEST

All PIA requests on RPD "Public Information Act Request Form" (and attached documents requested) shall be forwarded to the Chief of Police for review prior to distribution of said requested documents.

IX. RESPONSE TO REQUEST

A. If the RPD decides to grant a request for inspection, the RPD shall produce the public record for inspection:

1. Immediately; or
2. Within a reasonable time period, *not to exceed 30 days* after the date of the request, if that period is needed to retrieve the public record and conduct any necessary review.

B. If the custodian decides to deny a request for inspection:

1. The custodian shall do so within 30 days after the request; and
2. Immediately notify the applicant of the denial.

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C. If a request is denied, the custodian shall provide the applicant, at the time of the denial or within *10 working days*, a written statement that gives:

1. The reasons for the denial;
2. The legal authority for the denial; and
3. Notice of the remedies available for review of the denial.

D. If a requested public record is not in the custody or control of the RPD to whom application is made, that person shall, within *10 working days* after receipt of the request, notify the applicant:

1. That the RPD does not have custody or control of the requested public record; and
2. If the RPD knows:
 - a. The name of the custodian of the public record; and
 - b. The location or possible location of the public record

E. *With the consent* of the applicant, any “*time limit*” imposed by subsections “A” through “C” of this section may be extended for an additional period of up to 30 days. This consent **must** be given in writing and included in the specific PIA request packet for future documentation. This request for extension may be completed on official RPD letter head.

X. NOTICE TO AND CONSIDERATION OF VIEWS OF PERSON POTENTIALLY AFFECTED BY DISCLOSURE

A. Unless prohibited by law, the RPD **may** provide notice of a request for inspection or copying of any public record of the RPD to any person who, in the judgment of the RPD, could be *adversely* affected by disclosure of that public record. All notices to third parties **will** be kept in the specific PIA request packet for future documentation.

B. The RPD may consider the views of the potentially affected person before deciding whether to disclose the public record to an applicant.

XI. PUBLIC RECORD TEMPORARILY UNAVAILABLE

If a requested public record of the RPD is in the custody and control of the RPD but is not immediately available for inspection or copying, the custodian shall promptly:

1. Notify the applicant that the public record is not immediately available; and
2. Schedule a date within a reasonable time for inspection or copying.
3. Document all notifications to the applicant on official RPD letter head and kept with the specific PIA request packet.

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XII. PUBLIC RECORD DESTROYED OR LOST

If the RPD to whom application is made knows that a requested public record of the RPD has been destroyed or lost, the RPD shall promptly:

1. Notify the applicant that the public record is not available; and
2. Explain the reasons why the public record cannot be produced.
3. Document all notifications to the applicant on official RPD letter head and kept with the specific PIA request packet.

XIII. REVIEW OF DENIAL - RPD ADMINISTRATIVE HEARING

A. If the custodian denies a request to inspect or copy a public record of the RPD the applicant may, *within 30 days after receipt* of the notice of denial, request an administrative hearing.

B. If the applicant requests a hearing:

1. The hearing shall be governed by *Title 10, Subtitle 2 of the State Government Article*; and
2. The Chief shall issue the final decision of the RPD unless the Chief delegates final decision authority.

C. If the hearing results in a total or partial denial of the request, the applicant may file an appropriate action in the Circuit Court of Caroline County under *§10-623 of the Maryland Public Information Act*.

D. If the applicant does not request a hearing, the applicant may file an action for judicial enforcement under *§10-623 of the Maryland Public Information Act* without exhausting that administrative remedy.

XIV. DISCLOSURE AGAINST PUBLIC INTEREST

A. Denial Pending Court Order.

1. If, in the opinion of the RPD, disclosure of a public record of the RPD otherwise subject to disclosure under the Maryland Public Information Act would do substantial injury to the public interest and/or operational security of the RPD and its units, the RPD may temporarily deny the request to obtain a court order allowing nondisclosure.
2. The temporary denial **shall** be in writing.

B. Circuit Court Review.

1. Within *10 working days* after the denial, the Chief, and/or his/her designee shall apply to the Caroline County Circuit Court for an order permitting continued denial or restriction of access.
2. Notice of the Chief's complaint shall be served on the applicant in the manner provided for service of process by the Maryland Rules of Procedure.

XV. FEES

A. The fee schedule for copying and certifying copies of public records of the RPD is as follows:

1. Copies.

- a. The fee for each copy made by a photocopying machine within the RPD is **.50 cents per page** over three pages.
- b. The fee for each copy made otherwise shall be based on the actual cost of reproduction.

2. Certification of Copies.

- a. If a person requests that a copy of a public record be certified as a true copy, an additional fee of **\$1 per page (or if appropriate, per item)** shall be charged. All copies will be certified via the RPD designated "Notary Public" assigned to the Ridgely Town Hall.

B. Notwithstanding subsection "A" of this section, if the fee for copies or certified copies of any public record of the RPD is specifically set by a law other than the *Maryland Public Information Act* or this regulation, the RPD shall charge the prescribed fee.

C. If the RPD cannot copy a public record within the RPD, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the RPD. The RPD shall:

1. Collect from the applicant a fee to cover the actual cost of reproduction; or
2. Direct the applicant to pay the cost of reproduction directly to the facility making the copy.

D. Before copying a public record of the RPD, the custodian shall estimate the cost of reproduction and either:

1. Obtain the agreement of the applicant to pay the cost; or
2. Demand prepayment of the cost.

E. Except as provided in subsection "F" of this section, the RPD may charge a reasonable fee for time that an official or employee of the RPD spends:

1. To search for requested public records; or
2. To prepare public records for inspection and copying.

F. The RPD may not charge a search or preparation fee for **the first 2 hours** that an official or employee of the RPD spends to respond to a request for public records.

G. Waiver or Reduction of Fee.

1. The RPD may waive or reduce any fee set under this regulation if:
 - a. The applicant requests a waiver in writing; and
 - b. The RPD determines that the waiver or reduction is in the public interest.

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2. The RPD shall consider, among other relevant factors, the ability of the applicant to pay the fee.

H. If the applicant requests that copies of a public record be mailed or delivered to the applicant or to a third party, the RPD may charge the applicant for the cost of postage or delivery.

XVI. TIME AND PLACE OF INSPECTION

A. An applicant may inspect any public record of the RPD that the applicant is entitled to inspect during the normal working hours of the RPD.

B. The inspection shall occur where the public record is located, unless the custodian, after taking into account the applicant's expressed wish, determines that another place is more suitable and convenient.

XVII. WHO MAY REQUEST A PIA CORRECTION OR AMENDMENT

A person in interest may request that the RPD correct or amend any public record that:

A. The RPD keeps; and

B. The person in interest is authorized to inspect.

XVIII. CONTENTS OF REQUEST FOR CORRECTION OR AMENDMENT

A. A person in interest shall make a request to correct or amend a public record in writing on RPD "Public Information Act Request form".

B. The request shall:

1. Identify the public record to be corrected or amended;
2. State the precise correction or amendment requested;
3. State the reason for the correction or amendment; and
4. Include a statement that, to the best of the requester's belief, the public record is inaccurate or incomplete.

C. A request to correct or amend a public record shall be addressed to the Ridgely Police Department Records Division.

XIX. RETURN OF NONCONFORMING REQUEST

A. The RPD shall accept a request to correct or amend a public record when it is received if it reasonably complies with this general order.

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B. If the request does not reasonably comply with this general order, the RPD shall return the request to the requester with:

1. An explanation of the reason for the return; and
2. A statement that, on receipt of a request that reasonably complies with this general order, the request will be accepted.

XX. RESPONSE TO REQUEST FOR AMENDMENT OR CORRECTION

Within 30 days after the RPD receives a request for correction or amendment that reasonably complies with this general order, the RPD shall:

A. Make the requested correction or amendment, and inform the requester in writing of the action; or

B. Inform the requester in writing that the RPD will not:

1. Make the requested correction or amendment, and the reason for the refusal; or
2. Act on the request because:
 - a. The requester is not a “person in interest”;
 - b. The requestor is not authorized to inspect the record; or
 - c. Of any other reason authorized by law.

XXI. REFUSAL OF REQUEST FOR AMENDMENT OR CORRECTION

If the RPD refuses to make a requested correction or amendment, a person in interest may file with the RPD a concise statement of the reasons for:

A. The requested correction or amendment; and

B. The person’s disagreement with the refusal of the RPD to make the correction or amendment.

XXII. REQUIREMENTS FOR STATEMENT OF DISAGREEMENT BY APPLICANT/PERSON OF INTEREST

The statement submitted by the requestor shall:

A. Be on pages no larger than 8½ x 11 inches in size;

B. Use only one side of each page; and

C. Consist of **no more** than 5 pages.

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XXIII. PROVIDING STATEMENT OF DISAGREEMENT TO THIRD PARTY

If a person in interest files a statement of disagreement concerning a public record under this general order, the RPD shall provide a copy of the statement whenever the RPD discloses the public record to a third party.

XXIV. ADMINISTRATIVE REVIEW OF DISAGREEMENT

A. A person may request administrative review under this regulation if the RPD:

1. Has refused the person's request to correct or amend a public record under this general order;
2. Has rejected the person's statement of disagreement under this general order; or
3. Has not provided a statement of disagreement to a third party this general order.

B. A request for review shall be filed with the RPD within 30 days after the requester is advised of the RPD's action.

C. The review proceedings shall be conducted in accordance with *State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland*, and the RPD.