

Policy Title: Town of Chevy Chase View Policy
Procedures for Timely Production and Inspection of Public Records under the
Maryland Public Information Act

Effective Date: April 20, 2022

Discussion:

The Town of Chevy Chase View 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 provisions 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 submit a formal request. The Town proactively discloses these documents by posting them on the Town website. These include:

- Current copies of sections of the Town Code
- Standard forms
- Town policies
- Current Monthly Agenda, Minutes from Town Council Meetings for the past 12 months
- Most recent annual Operating and CIP Budget
- Other documents designated to be provided to the public on the Town website

Receiving a Request:

A request for a document that does not fall into the categories listed above may be made in writing using the Town'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.

The Town Manager is designated as the Town's representative who a member of the public should contact, using the following contact information, to request a public record from the Town:

Town Manager
P.O. Box 136
Kensington, MD 20895
301-949-9274
townmanager@chevychaseviewmd.gov
<https://chevychaseviewmd.gov/>

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

Part 1: Upon receipt, the Town Manager will log and track the request when it is received

Part 2: Designate the appropriate person for processing the request

Part 3: Upon completion, the Town Manager will verify that the request has been fulfilled, with copies attached, when required. Also, any fees incurred will be collected through the Town 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. (MD Code, Gen. Provs. Art., Sec. 4-204)).

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 in writing (or by e-mail) within 10 working days after the request, of the following: (1) the amount of time it may take to produce the record; (2) an estimate of the range of fees that may be charged, and; (3) the reason for the delay.

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 following: (1) the reason for denial; (2) why the denial was necessary, with respect to any denial of a part of a record; (3) the legal authority for the denial; (4); without disclosing the protected information, a brief description of the undisclosed record that will enable the applicant to assess the applicability of the legal authority for the denial; and (5) notice of the remedies under the MPIA for review of the denial. With the consent of the applicant, any time limit imposed under MPIA may be extended for no more than 30 days.

The responsive material should be forwarded to the Town 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 Town 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 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 or involves research, preparation, and production fees in excess of \$350.00. If in doubt, ask the Town attorney.

- Integrity of Files: When otherwise allowed, a requester 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.
- Copies of Records: Copies generally do not need to be kept of the items provided to the requester for standard requests. In the case of a request when the 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 requester to help clarify and narrow 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 Chevy Chase View 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 the documents. The fee schedule is below. All fees must be delivered to the Town Manager.

- Copies: The first 10 pages are free; thereafter, copies are 25 cents per page. The actual cost will be charged when outsourced.
- Staff Time: The first 2 hours are free; thereafter, up to \$40/hour is charged for staff time (prorated for each individual’s salary and actual time spent) for research, preparation, and production of records for inspection and copying. Different charges may apply if staff members with certain expertise are deemed necessary, and depending on scope and complexity of request.
- Attorney review costs: a fee for the Town attorney’s time in reviewing records in response to a request may be charged, as bearing a reasonable relationship to the recovery of actual fees incurred by the Town.
- Customized Format: Additional fees may apply for the production of a public record in a customized format prepared at the request of an applicant.
- Payment: Shall be made in cash or check payable to the “Town of Chevy Chase” and must be received before the documents are released.
- Fee Waiver: If the requester asks that fees be waived and if the applicant is indigent or a waiver would be in the public interest. Consider whether the information is sought for a broad public purpose or a narrow personal or commercial interest, as well as other relevant factors.

If you have any questions about the administration of the above guidelines, please do not hesitate to contact the Town Manager at 301-949-9274 or janacoe@chevychaseview.org

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