PROCEDURE TITLE: **SUBMITTING, PROCESSING, AND RESPONDING TO MARYLAND PUBLIC INFORMATION ACT ("MPIA") REQUESTS**		
ADOPTION/EFFECTIVE DATE: July 16, 2024	MOST RECENTLY AMENDED: October 27, 2026	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY:		

I. Purpose

The Maryland Public Information Act ("MPIA) gives citizens the right to access public records without unnecessary cost or delay while protecting the school system's legitimate interests and the privacy rights of its employees. Harford County Public Schools ("HCPS") is committed to transparency in its operations and providing existing records to the public in a timely manner. The purpose of this procedure is to provide guidance to HCPS and the Board of Education of Harford County (the "Board") to ensure compliance with MPIA, which is found in Title 4 (§§ 4-101 through 4-601) of the General Provisions Article of the Annotated Code of Maryland.

II. Statement of Procedure

As noted in Policy Number 20-0038-000, HCPS and the Board affirm their commitment to compliance with MPIA. This procedure details the steps for submitting requests, summarizes the school system's obligations to respond to MPIA requests, and outlines procedures for processing and responding to requests in a timely manner.

III. Definitions

The following terms have the meanings indicated:

A. "Copy" means any form of reproduction using a photocopying machine or other reproduction technology, including a paper copy, an electronic copy, a printout, or an image.
B. "Custodian" means (as defined in MPIA § 4-101(d)):
    1. the official custodian; or
    2. any other authorized individual who has physical custody and control of a public record.
C. "HCPS" means the Harford County Public School and the Board of Education for Harford County.
D. "Indigent" means (as defined in MPIA § 4-206(a)(2)) an individual's family household income is less than 50% of the median family income for the State as reported in the Federal Register.
E. "Metadata" means (as defined in MPIA § 4-205(a)) information, generally not visible when an electronic document is printed, describing the history, tracking, or management of the electronic document, including information about data in the

electronic document that describes how, when, and by whom the data is collected, created, accessed, or modified and how the data is formatted.

F. "MPIA" means the Maryland Public Information Act under General Provisions Article, §§ 4-101 to 4-601, Annotated Code of Maryland ("MPIA").

G. "MPIA Representative" means the HCPS employee/department responsible for processing requests for public records. Currently, the MPIA Representative is the Office of General Counsel.

H. "Official custodian" means (as defined in MPIA § 4-101(f)) an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

I. "Person in interest" means (as defined in MPIA § 4-101(g)):
   1. a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;
   2. if the person has a legal disability, the parent or legal representative of the person; or
   3. as to requests for correction of certificates of death under § 5–310(d)(2) of the Health–General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

J. "Public record" means (as defined in MPIA § 4-101(j)) the original or any copy of any documentary material that:
   1. is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and
   2. is in any form, including:
      a. a card;
      b. a computerized record;
      c. correspondence;
      d. a drawing;
      e. film or microfilm;
      f. a form;
      g. a map;
      h. a photograph or photostat;
      i. a recording; or
      j. a tape.

K. "Reasonable Fee" means (as defined in MPIA § 4-206(a)(3)) a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.

L. "Requester" means a person or governmental unit that asks to inspect a public record.

M. "Sociological information" means:
   1. Information about an individual's personal or family history including benefit and dependent designations, age, race, national origin, creed, color, sex, pregnancy, sexual orientation, ethnic background, ancestry,

physiology, religion, academic achievement, gender identity or expression, genetic information, veteran status, or physical or mental ability;
2. Class or employment attendance information;
3. Identifying information from employment coaching and surveys;
4. Student education records of a deceased student;
5. Personal addresses, personal phone numbers, personal electronic mail addresses, and personal social media account information;
6. Date of birth;
7. Social security, visa, passport, driver's license, or other government issued identification numbers;
8. Applicant, student, employee, or other HCPS issued identification numbers;
9. Employee, student, or visitor identification system information, including identification photographs;
10. Internet or other electronic network activity information, including browsing history, search history, wireless network location data, and information regarding an individual's interaction with an internet website, electronic application, or a security entry system; and
11. Other data that, if released, could pose a risk to safety or privacy.

N. "Superintendent" means the Superintendent of the Harford County Public Schools.
O. "Working day" means a day when the HCPS Central Office is open.

IV. Who May Request Public Records

Any person or governmental unit may request to inspect or copy HCPS public records.

V. HCPS Public Records

A. Public records created or received by the HCPS Board of Education, an HCPS school or office, or a school system official in connection with the transaction of HCPS business, and subject to the MPIA, will include any form of documentary material, including but not limited to paper documents, electronic documents, microfilm, drawings, maps, pictures and any other documentary material in any format, in which business information is created or maintained.
B. Records covered under the MPIA are only those in existence at the time of the request.
C. Requests to write, generate, or create documents/data, as well as answer direct questions not contained in a document, are not covered under the MPIA.

VI. Exemptions

A. Certain HCPS public records must be withheld or redacted if confidential by law, including, but not limited to:
    1. Those subject to attorney-client privilege under MPIA § 4-301(1);
    2. Those subject to state and federal statute under MPIA § 4-301(2)(i), (ii);
    3. Those subject to court orders and rules under MPIA § 4-301(2)(iii), (iv);
    4. Personnel records under MPIA § 4-311;

5. Student records under both the Family Educational Rights and Privacy Act of 1974 and MPIA § 4-313;
6. Medical information under MPIA § 4-329(b);
7. Sociological information under MPIA § 4-330;
8. Confidential commercial and financial information under MPIA § 4- 335; and
9. Individual finance records under MPIA § 4-336.

B. Other records may be exempt from disclosure if determined by HCPS to be contrary to the public interest after careful consideration of the possible consequences of disclosure, such as, but not limited to:
   1. Interagency or intra-agency letter or memorandum that would not be available by law to a private party in litigation with HCPS under MPIA § 4-344;
   2. Ongoing research projects under MPIA § 4-346;
   3. The content of academic examinations under MPIA § 4-345;
   4. Investigative and intelligence materials, or security procedures, including those compiled for ongoing litigation under MPIA § 4-351; and
   5. Emergency procedures and response plans under MPIA § 4-352.

C. In certain cases, a person in interest – typically the subject of the document or information – may have a greater right of access than citizens at large to otherwise exempt documents.

D. If a request is denied for access to HCPS public records, or information within a record is redacted, requesters will be notified as to the specific statutory provision(s) for each exemption.

VII. General Information Documents

A. HCPS will proactively disclose records that are frequently used and are in the general welfare of the public which do not require a request under the MPIA or other formal procedures. This will be done through:
   1. The use of the school system's public website which can be searched by topic or keyword and will contain information such as the school system policies and student handbooks, Minutes of Board meetings, Board Meeting Agendas, organizational structures and contact information, school calendars, academic and student services overviews, budget overviews, and topical news announcements; and
   2. The use of the Board's public website, which contains information such as official meeting information, schedules, agenda and minutes as well as reports to the Board to inform and support decisions made under its authority.

B. All documents that may be viewed on these sites at the time of the request are designated as general information documents and may, at the discretion of the custodian of such records or the Superintendent, be released:
   1. Immediately;
   2. Upon written or verbal request;
   3. Without a request under the MPIA;

4. Without fee or charge; and
5. Either by forwarding same to the requester, with or without charge, either by mail, hand delivery, or electronically without requiring the requester to personally appear and inspect the document.

VIII. Electronic Records

A. Except as provided in D(1) and (2) of this section, HCPS will provide requesters with a copy of the public record in a searchable and analyzable electronic format if:
   1. The public record is in a searchable and analyzable electronic format;
   2. The requester requests a copy of the public record in a searchable and analyzable electronic format; and
   3. HCPS is able to provide a copy of the public record, in whole or in part, in a searchable and analyzable electronic format that does not disclose information that is exempt from disclosure under the MPIA.

B. HCPS will provide a portion of the public record in a searchable and analyzable electronic format if:
   1. Requested by the requester, and
   2. HCPS is able to do so by using the existing functions of the database or software program that contains the searchable and analyzable data.

C. HCPS is not required to:
   1. Create or reconstruct a public record in an electronic format if the public record is not available in an electronic format; or
   2. Release an electronic record in a format that would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained.

D. HCPS may remove metadata from an electronic document before providing the electronic record to a requester by:
   1. Using a software program or function; or
   2. Converting the electronic record into a different searchable and analyzable format.

IX. Public Records Destroyed or Lost

If HCPS knows that a requested public record has been destroyed or lost, the custodian shall promptly notify the requester that the public record is not available and explain the reason(s) why the public record cannot be produced.

X. Initiating Requests

As of November, 2026, HCPS uses an electronic submission system for MPIA requests (https://www.hcps.org/boe/mpialist.aspx - click on the green "Submit new request" button in the right corner). A request submitted through the above submission system will materially assist HCPS in responding to MPIA requests in an efficient manner. However, MPIA requests will also be accepted via mail or through alternative electronic means.

A. Requester Guidelines.
    1. All requests shall:
        a. Contain the requester's contact information; and
        b. Reasonably identify, by brief description, the public record(s) sought.
    2. Requests without valid contact information are unable to be processed.
    3. Requesters are able to submit electronic requests or mail requests to Harford County Public Schools, Attention: Maryland Public Information Act Request, Office of General Counsel, 102 S. Hickory Avenue, Bel Air, MD 21014. All requests, regardless of the manner of the request, will be processed through the system in the same manner in accordance with Section XI.
    4. Requests submitted after 4:00 p.m. on a working day, or anytime on a non-working day, will not be considered received until the next working day.

B. HCPS Staff Guidelines.
    1. As a general practice, HCPS staff will refer members of the public to file an MPIA request via the electronic submission system.
    2. If an HCPS office or school receives a written request for public records under the MPIA via mail or email it should be forwarded to mpia@hcps.org for processing in accordance with Section XI.
    3. Where an HCPS office or school receives a request for public records that does not specifically reference the MPIA, staff should indicate to the requester that the request will be handled per the MPIA and follow the instructions for initiating a request pursuant to part (A) of this section when:
        a. There is not currently a HCPS process in place to handle the records request outside the MPIA;
        b. The office or school will not be able to handle the request within the timeframe requested;
        c. The search for, preparation, and reproduction of responsive records will take beyond two hours, or the requester has asked for copies exceeding the $10.00 minimum fee outlined in Section XVI; or
        d. The MPIA or any other law may prevent disclosure of one or more HCPS public records to the requester.
    4. Where an HCPS office or school receives a request for public records that does not specifically reference the MPIA, and none of the parameters in part (B)(3) of this Section apply, staff should:
        a. Indicate the request will be handled per regular operational procedures; and
        b. Give the requester the option to submit an MPIA request in accordance with part A of this section.

XI. Processing Requests

Once an MPIA request satisfying the requirements under Section X(A)(1) has been received by HCPS, the MPIA Representative or a designee shall:

A. Correspond with requesters.
    1. The MPIA Representative will correspond directly with the requester while processing the request as needed to:
        a. Clarify records sought;
        b. Relay fees to search for, review, and prepare responsive documents; and
        c. Consider fee waiver requests.
    2. The MPIA Representative will provide a formal MPIA response to the requester in accordance with Section XII.
B. Contact HCPS offices and schools who are custodians of the requested public records. Custodians will be asked to:
    1. Confirm no responsive public records exist;
    2. Indicate public records were destroyed or lost;
    3. Confirm existence of responsive public records;
    4. Indicate the time needed by staff to search for, review, and prepare responsive records; and/or
    5. Discuss potential exemptions for responsive public records.

XII. Responding to Requests

A. When providing formal MPIA responses, HCPS will produce the public record by copy or for inspection within a reasonable time period, not to exceed 30 days after the date of the request or, in cases where clarification from the requester is sought, within 30 days from acknowledgement of the clarification and determination of the final scope of the request.
B. If HCPS reasonably believes that it will take more than 2 hours of staff time to determine what records are responsive to the request, HCPS will indicate to the requester in writing or by electronic mail within 10 working days after receipt of the request:
    1. The amount of time that the custodian anticipates it will take to produce the public record; and
    2. An estimate of the range of fees that may be charged to comply with the request for public records.
C. If HCPS decides to deny a request for inspection, HCPS will:
    1. Notify the requester of the denial promptly and not more than 30 days after the finalized request, except as otherwise provided by law; and
    2. Provide the requester, at the time of the denial, a written statement that gives:
        a. The reasons for the denial, including, for records denied under MPIA § 4-343, a brief explanation of:
            i. Why denial is necessary; that is, why disclosure of the public record would be contrary to the public interest; and
            ii. Why redacting information would not address the reasons for the denial;
        b. The legal authority for the denial;

c. Without disclosing the protected information, a brief description of the undisclosed records that will enable the applicant to assess the applicability of the legal authority for the denial; and
d. Notice of the remedies available for review of the denial.

D. Any time limit imposed by A through C of this section may be extended:
1. With the consent of the requester, for an additional period of up to 30 days; and
2. For the period of time during which a dispute is pending before the Public Access Ombudsman under MPIA § 4-1B-04, or before the State Public Information Act Compliance Board under § 4-1A-05.

XIII. Notice to and Consideration of Views of Person Potentially Affected by Disclosure

A. Unless prohibited by law, HCPS may provide notice of a request for inspection or copying of any public record of the school system to any person who, in the judgment of HCPS, could be adversely affected by disclosure of that public record.
B. HCPS may consider the views of the potentially affected person before deciding whether to disclose the public record to a requester.

XIV. Availability of Judicial and Administrative Review

A. If HCPS denies a request to inspect or copy a public record of the school system, the requester may file an action for judicial enforcement under MPIA § 4-362 without pursuing the remedies set forth in B and C of this section.
B. The requester or HCPS may contact the Public Access Ombudsman, under MPIA § 4-1B-04, to resolve a dispute relating to requests for public records.
C. The requester or HCPS may, within 30 days after receiving a final determination from the Public Access Ombudsman stating a dispute was not resolved, file a written complaint with the State Public Information Act Compliance Board under MPIA § 4-1A-05.

XV. Disclosure Against Public Interest

A. Denial Pending Court Order.
1. If, in the opinion of the Superintendent, disclosure of an HCPS public record otherwise subject to disclosure under the Act would do substantial injury to the public interest, the Superintendent may temporarily deny the request and seek a court order allowing continued nondisclosure.
2. A temporary denial shall be in writing.

B. Circuit Court Review.
1. Within 10 working days after the denial, the Superintendent shall apply to the appropriate circuit court for an order permitting continued denial or restriction of access.
2. Notice of the Superintendent's complaint shall be served on the requester in the manner provided for service of process by the Maryland Rules.

XVI. Fees and Inspection of Records

Under MPIA § 4-206, an official custodian may charge reasonable fees to process MPIA requests. The fees for a response will be calculated based on actual expenses incurred by HCPS to process the request.

A. Search and Preparation Fees.
    1. Except as provided in (A)(4) of this Section, HCPS may charge a reasonable fee for time that employees spend:
        a. Searching for requested public records;
        b. Reviewing requested public records for potential disclosure; and
        c. Preparing public records for inspection or copying.
    2. Fee estimates will include time spent by all involved in the review and preparation of responsive documents, including HCPS staff and/or legal counsel.
    3. HCPS will calculate the fee under (A)(1) of this Section based on the current hourly salary of employees as reported by the HCPS Payroll Office multiplied by the hours estimated.
    4. HCPS will not charge fees for the first two hours employees spend to search for, review, and prepare responsive documents.
    5. Prior to any response being produced, a cost estimate will be sent to the requester, who may elect to:
        a. Pay the fees in full before work will begin;
        b. Narrow the requested records; or
        c. Withdraw the MPIA request.
    6. If a cost estimate is provided pursuant to (A)(5) of this Section, HCPS will not begin or continue processing the request until the estimated fee is paid in full or the request is sufficiently amended to eliminate the need for a fee.
    7. After receipt of fees by HCPS, if it becomes apparent processing will take longer than estimated, HCPS will stop work and notify the requester of additional costs.
    8. Upon completion of processing, if the request took less time than estimated, the difference will be refunded to the requester.
    9. If no response is received from the requester in accordance with (A)(5) of this Section within ten (10) working days of sending a cost estimate, HCPS will close the request.

B. Copy Fees.
    1. The fee for each copy made by a standard printer or photocopying or scanning machine within the school system is 20 cents per page.
    2. If records are not susceptible to photocopying (for example, punch cards, videos, magnetic tapes, blueprints or microfilm), the fee for copies will be based on the actual cost of reproduction.
    3. 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.
        a. If the fee for copies or certified copies of any public record is

specifically set by a law other than the Act or this regulation, HCPS will charge the prescribed fee.

4. Before copying a public record of the school system, HCPS will estimate the cost of reproduction and require prepayment of the costs.
5. HCPS will engage the requester in discussions regarding mutually agreeable options for the reproduction of records, including the need to produce copies at public or private facilities outside the school system to enhance cost and time efficiencies. When outside reproduction services are needed, HCPS will:
    a. Collect from the requester a fee to cover the actual cost of reproduction; or
    b. Direct the requester to pay the cost of reproduction directly to the facility making the copy.
6. If the requester asks that copies of a public record be mailed or delivered to the requester or to a third party, HCPS may charge the requester for the cost of postage or delivery.
7. HCPS will make every attempt to send available documents electronically to reduce copy fees for requesters.
8. No charge will be made if the total fee is $10 or less.

C. Waiver or Reduction of Fee.
    1. HCPS may waive or reduce any fee set under this section if the requester asks for a waiver and HCPS determines that:
        a. The waiver or reduction is in the public interest; or
        b. The requester is indigent and files an affidavit verifying the facts that support a claim of indigence.
    2. In determining whether a fee is in the public interest, HCPS will consider, among other relevant factors, the ability of the applicant to pay the fee.

D. Inspection of Records
    1. With reasonable advance notice, a requester may inspect any releasable HCPS records at a mutually agreeable time during the normal working hours of the school system.
    2. The inspection shall take place in the presence of the custodian or the custodian's designee at such location as the custodian, Superintendent, or Board's General Counsel deem practical.

Approval By:

Dyann R. Mack Ed.D.

Dyann R. Mack, Ed.D.
Superintendent of Schools

Procedure Action Dates		
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Responsibility for Procedure Maintenance & References	
LAST EDITOR/DRAFTER NAME: Lauren R. Driver	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
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REFERENCES [1-]

Legal references are set forth in the procedure.

[1] All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy/procedure.