

## **Maryland Public Information Act Policy**

*Adopted: October 14, 2015*

### **Records Immediately Available**

Much of the key information and documents for Section 3 of the Village of Chevy Chase are available on our website: [www.chevychasesection3.org](http://www.chevychasesection3.org).

The charter and ordinances are available on the website. All the minutes of Council meetings are published in our newsletter, **News & Views**. The annual budgets are printed every spring in our newsletter. The Village Manager maintains these records. Annual audit reports are readily available from the Village Manager. Requests for readily available information will not require an applicant to submit a formal request. The Village Manager is happy to assist those seeking information available on the website or publicly available.

Material not readily available through our website can be requested by filling out the Village's "Maryland Public Information Act" request form (available under Forms & Fees tab at this website). Email requests on this form will be accepted. The specific information required should be described in as much detail as possible. Staff may ask questions of applicants to clarify the request. The Village Manager is designated as the representative to whom all requests should be made. If you don't use email, requests can be made using the downloadable form and sent to:

Village Manager  
Section 3 of the Village of Chevy Chase  
P.O. Box 15070  
Chevy Chase, MD 20825  
or  
[villagemanager@chevychasesection3.org](mailto:villagemanager@chevychasesection3.org)  
[www.chevychasesection3.org](http://www.chevychasesection3.org)  
Phone: 301 656-9117

### **Procedures for handling public information requests:**

1. Requests will be logged in and tracked when the approved request form is received. Requests for information will be granted or denied no later than 30 days after receipt of the request.
2. In the event that the Village Manager is not the appropriate individual to respond, the request will be directed to the appropriate party.
3. If after some research, it appears that information requested cannot be produced within 10 working days, the applicant for the information must be notified in writing (which includes email) along with an estimate as to how much time it will take to gather the information requested, the reason for the delay, and the anticipated cost (per paragraph 4 below).
4. If the request involves more than 2 hours of research by the Village Manager, a cost estimate based on his or her hourly rate for research (to be set each year by the Council) and charges for copies of materials will be made and provided to the applicant before proceeding. If the request also requires the assistance of legal counsel, our auditor or other professional hired by the Village, their hourly fees will be passed on to the applicant and an estimate will be provided.

5. The applicant must agree in writing to the estimated charges before extensive research begins.
6. If the request is denied, the applicant will be notified as soon as that determination is made and within the 10 day period. The applicant will be advised as to (a) the reason for the denial; (b) why the denial was necessary, with respect to any denial of a part of a record; (c) the legal authority for the denial; (d) 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 (e) notice of the remedies under the Maryland Public Information Act 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.
7. Once the request is fulfilled, copies of the response will be retained. Any fees incurred as a result of the request will be collected from the applicant prior to releasing the information.

The following additional guidelines shall be followed:

**Legal Advice:** Legal advice may be obtained for certain MPIA requests before processing. These include requests that are complex or likely to involve controversy such as those that come from a party engaged in a dispute or litigation with the Village, files containing attorney-client communication and any request involving an enforcement action pertaining to Village ordinances. The Village attorney should review any request that is to be denied or involves extensive research and production fees.

**Integrity of Files:** When otherwise allowed, an applicant is entitled to review a file, but to maintain the integrity of the Village records, the original documents or files shall never be presented for review unless a designated Village representative is in constant attendance.

**Copies of Records:** Standard requests of easily accessible information do not need to be retained by the Village but a record of what was provided should be retained in the log. If an attorney has been consulted, then copies should be retained.

**Creation of Records:** The Village 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.

**Records Retention and Disposal Schedule:** Any request is subject to a prior agreement with the Maryland Department of General Services, Records Management Division regarding records retention and disposal. That schedule of what records are retained and for how long and what records have been disposed of is readily available for any applicant to view on our website [www.chevychasection3.org](http://www.chevychasection3.org). The Maryland Public Information Act does NOT require a staff person to explain or clarify documents being provided. However, questions may be asked of the requester to help clarify and narrow the scope of the request.

**Fees:**

It is the policy of Section 3 of the Village of Chevy Chase to notify an applicant if fees for copying documents will be incurred and require prepayment of such fees prior to release of the documents. All fees must be paid by check made out to Section 3 of the Village of Chevy Chase and delivered to the Village Manager.

**Fee Schedule:**

**Copies:** The first 10 pages are free, after that, the charge as of 2015 is \$.25 per page. When copying is outsourced, the actual cost will be charged.

**Staff Time:** The first two hours of research are free, thereafter, the hourly rate will be set each year by the Council for research, preparation and production of records for inspection and copying. If consulting professionals are required in order to respond to a request, their hourly fees will be passed on to the applicant. An estimate of those charges will be provided to any applicant.

**Attorney Review Costs:** The Village will charge the applicant the cost of consulting with their attorney at his or her hourly rate in order to review records in response to a request. An estimate of those charges will be provided to any applicant.

**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:** Payment shall be made in cash or check, payable to “Section 3 of the Village of Chevy Chase: and must be received prior to the release of any documents.

**Fee Waiver:** The Village Manager will review any written request for a fee waiver if the applicant asks that fees be waived and if the applicant is indigent, or if a waiver would be in the public interest. Consideration will be given as to whether the information sought for a broad public purpose or a narrow personal or commercial interest, as well as other relevant factors.

*A request form is available to download under the Forms and Fees tab on this website*