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**STATE OF MARYLAND**  
**PUBLIC INFORMATION ACT COMPLIANCE BOARD**

**PIACB 25-91**

**September 16, 2025**

**Department of Public Safety and Correctional Services, Custodian**  
**Michael Blevins, Complainant**

This complaint concerns complainant Michael Blevins's Public Information Act ("PIA") request to the Department of Public Safety and Correctional Services ("DPSCS") for records related to the hiring process for a certain position within DPSCS. Specifically, the complainant asked for "the interviewees, interview scores, and ranking" information, including his own, generated after a specific interview date. DPSCS denied inspection of the records, citing § 4-311(a)<sup>1</sup> (personnel records) and § 4-301(a)(1) (records privileged or confidential by law) of the PIA. DPSCS also took the position that the records were subject to the deliberative process privilege and therefore exempt from disclosure. The complainant challenges the application of those exemptions in this complaint. In response, DPSCS contends that it had no choice but to deny inspection of the names, scores, and rankings of the interviewees because such information constitutes a personnel record subject to § 4-311. After review of the submissions, we conclude that DPSCS has violated the PIA and explain below.

**Background**

We take the following facts from the parties' submissions. The complainant is a current DPSCS employee. Last year, he applied for a Correctional Dietary Regional Manager position and apparently participated in the interview process in March 2024. On December 18, 2024, the complainant sent DPSCS the PIA request below:

I'd like to know the interviewees, their score, and their ranking from the Correctional Dietary Regional Manager interviews on March 26, 2024 for the Jessup region Correctional Dietary Regional Manager position. This request is to check on the Maryland Fair Employment Practices Act to make sure that the interview process was, and is being handled fair and equitable in accordance with MD F.E.P.A. If you cannot give me all the interviewees names due to privacy issues, as an employee I am at least entitled to my name, ranking, and score in accordance with the Maryland Public

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<sup>1</sup> Statutory citations are to the General Provisions Article of Maryland's Annotated Code unless otherwise indicated.

Information Act as well as the ranking and other scores in comparison, even if the names are redacted.

On January 23, 2025, DPSCS sent the complainant a letter in which it requested a thirty-day extension to provide the requested information. DPSCS stated that the delay was due to DPSCS's "attempt to determine, access, review, and compile all records responsive to [the] request."

DPSCS issued its response to the complainant's PIA request in a letter dated February 28, 2025. DPSCS denied inspection of the responsive records, stating that the information "constitutes confidential personnel information" exempt from disclosure under § 4-311(a) of the PIA. DPSCS also cited § 4-301(a)(1), which requires denial of records or information that are privileged or confidential "by law." And, DPSCS took the position that "the requested information constitutes information under the deliberative process privilege," which "limits even the person in interest from receiving the information." After receiving DPSCS's response, the complainant pointed out that, under § 4-311(b), "the subject of interest is entitled to personnel information that relates to them." In addition, the complainant contended that DPSCS had provided "no clear distinction of what classifies this information under deliberative process," and that the response was "patently vague and the process for classification is unclear." The complainant asked for information about "the process in which to appeal this decision."

DPSCS sent the complainant an email in response in which it advised that the Public Access Ombudsman had a "mediation process for appeals,"<sup>2</sup> and provided the link to the Ombudsman's website. DPSCS also "quoted and highlighted [the] relevant portion" of guidance it had received, which advised that the complainant's PIA request "should be denied for two reasons." First, as confidential personnel information exempt under § 4-311(a). Second, as "information under the deliberative process privilege," which applied because "the information is part of the agency's decision-making process about who to hire and the disclosure of that information would chill interview panelists from making honest decisions and recommendations."

Upon receipt of this additional explanation, the complainant again pointed to § 4-311(b), stating that the subsection "expressly gives rights to the subject of interest." As to the deliberative process privilege, that complainant contended that it would apply to information about "who the panelists were and their individual scores." Noting that he asked for "total score which would not reveal the panelist individual scores," the

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<sup>2</sup> The PIA directs the Public Access Ombudsman to "make reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records." § 4-1B-04(a). Before submitting a complaint to our Board, a complainant must attempt to resolve a PIA dispute through the Ombudsman and receive a final determination that the dispute was not resolved. § 4-1A-05(a).

complainant contended that the privilege had been “purposely misapplied” and expressed his intent to seek an appeal. The complainant contacted the Office of the Public Access Ombudsman on March 11, 2025, to request dispute resolution assistance. On May 23, 2025, the Ombudsman issued a final determination stating that the dispute was not resolved and the complainant then filed this complaint with our Board.

In his complaint, the complainant challenges DPSCS’s denial of his PIA request, noting that he “acknowledged [DPSCS] might need to redact names, but still asked for the scores to see the rankings.” As to the personnel records exemption, the complainant cites § 4-311(b) and states that he is “the person of interest requesting information about [his] own score,” and that he is therefore entitled to the information about himself. The complainant expresses a belief that “the results will show that [he] scored the next highest or even higher than the dietitian with the degree,” and stresses that he (the complainant) has “23 years of experience.”<sup>3</sup> The complainant also states that he “met the interview panel,” and suggests that there is no personnel information to protect if DPSCS “redact[s] the names and just give[s] the final score, or give[s] the score of each panel member as Panel member 1, panel member 2, etc.”

The complainant also alleges that DPSCS is “using ‘deliberative process’ in an over-broad and sweeping manner,” and contends that there is case law to support the proposition that the deliberative process privilege “does not shield documents after a final decision has been made.”<sup>4</sup> Thus, the complainant argues that “communications and documents related to the decision-making process, like internal memos and draft opinions, are not protected from disclosure once a decision has been rendered.” According to the complainant, the court reasoned that “the deliberative process exemption is intended to protect ongoing decision-making, not to hide finalized decisions.”

In response to the complaint, DPSCS maintains that it properly denied the complainant’s PIA request for other interviewees’ names, scores, and rankings because it constitutes a “request for the personnel information of other individuals.” As to the complainant’s request for his own score and ranking, DPSCS recognizes that “[n]ormally, an individual’s request for his own personnel information should be granted,” as that person is the “person in interest” under § 4-311(b). But, DPSCS states, here it “denied the request based on the deliberative process privilege,” which “precludes even the ‘person in

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<sup>3</sup> The complainant repeatedly refers to Maryland’s Fair Employment Practices Act and suggests that the underlying hiring process at issue in his PIA request may have violated that Act. Though the complainant has not asked us to take any action with regard to that hiring process itself we nevertheless note that we have no jurisdiction in that area of the law.

<sup>4</sup> The complainant provided the case citation *Alliance v. Frederick*, 197 Md. App. 103 (2011). That citation to the Maryland Appellate Reports does not lead to a case by that name. In his reply, discussed below, the complainant provided a different citation, *Sugarloaf Alliance v. Frederick County*, No. 1617, Sept. Term. 2023 (Md. Ct. App. 2025).

interest’ from obtaining his own score and ranking.” DPSCS contends that “[t]his is true even with respect to overall scores and rankings, without interviewees’ names,” because “even that information provides insight into the interviewers’ decision-making process regarding hiring.”

In his reply, the complainant first addresses § 4-311, the PIA’s exemption for personnel records. The complainant “agree[s] that names can be withheld under this exemption,” but emphasizes that he requested “[t]he scores and rankings of all candidates—with names of other applicants redacted, leaving only [his] name and corresponding scores exposed.” The complainant argues that, “[u]nder this structure, no personal information of other applicants is revealed,” and that his request “mirrors prior rulings where numerical rankings and statistical summaries—when anonymized—were found not to be protected ‘personnel records.’” Noting that DPSCS has not provided support for its claim that “redacted scores still count as protected personnel records,” the complainant contends that DPSCS “leans on broad interpretation” of § 4-311, “which the PIA explicitly disallows in favor of government transparency.”

Turning to DPSCS’s application of § 4-344, which encompasses the deliberative process privilege, the complainant argues that the final scores he seeks are not deliberative but “the product of deliberation, not the deliberation itself.” The complainant characterizes the final scores as “numerical, factual, and conclusive.” Noting that the federal Freedom of Information Act case cited by DPSCS is not binding on our Board, the complainant argues that a recent opinion from the Appellate Court of Maryland, *see supra*, note 4, supports his arguments that the deliberative process privilege does not apply to “factual conclusions or final agency actions.” The complainant reiterates that he has not requested “commentary or draft reasoning, but factual results.” Even if the deliberative process privilege were to apply, the complainant argues, DPSCS has provided “no credible argument that disclosing anonymized scoring data—or [his] own score—would chill future decision-making,” and that “public trust in hiring is bolstered when outcomes are transparent and accountable.”

### **Analysis**

We are authorized to review and resolve complaints alleging certain violations of the PIA’s provisions, including that a custodian improperly denied inspection of a public record. § 4-1A-04(a)(1)(i). When we receive a complaint, we forward it to the relevant custodian and ask for a written response. § 4-1A-06(a). If, after review of the parties’ submissions, we find that a custodian has wrongfully denied inspection of a public record, we must “order the custodian to . . . produce the public record for inspection.” § 4-1A-04(a)(3)(i).

The PIA is rooted in the premise that “[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and

employees.” § 4-103(a); *see also* *Kirwan v. The Diamondback*, 352 Md. 74, 80 (1998) (“The Maryland Public Information Act establishes a public policy and a general presumption in favor of disclosure of government or public documents.”). At the same time, the PIA does not provide a right of access to *all* public records, but rather contains exemptions from disclosure for certain types of records or information that “are intended to address the reasonable expectation of privacy that a person in interest has” in those records or information. *Immanuel v. Comptroller*, 449 Md. 76, 81-82 (2016) (citation omitted). Some exemptions are mandatory. For example, § 4-311, one of the exemptions at issue here, requires a custodian to “deny inspection of a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.”<sup>5</sup> § 4-311(a). Other exemptions are discretionary, permitting a custodian to deny inspection of certain records or information only if inspection would be “contrary to the public interest.” § 4-343; *e.g.*, § 4-351 (certain law enforcement records). Whenever a custodian applies an exemption to deny inspection of records entirely or redact information in records that are otherwise disclosed, that custodian bears the burden of demonstrating that the exemption was appropriately applied. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

Turning to the complaint here, we start with § 4-311, the PIA’s mandatory exemption for “a personnel record of an individual.” § 4-311(a). There is no question that the names, scores, and rankings of interviewees for a particular position within DPSCS qualify as “personnel records” if those records can be tied to a specific “individual.” *See Montgomery County v. Shropshire*, 420 Md. 362, 378 (2011) (explaining that personnel record are records related to “hiring, discipline, promotion, dismissal, or any matter involving an employee’s status”). DPSCS rightly acknowledges that § 4-311 does not forbid disclosure of the complainant’s own personnel information to the complainant, as he is the “person in interest” as to that information, *see* § 4-311(b), but contends that the exemption precludes release of any information regarding the other applicants interviewed.

Thus, the issue is whether the complainant’s request for the final scores and rankings of the other interviewees, without their names, falls within the scope of the PIA’s personnel records exemption. As stated above, if that information can be tied to a specific individual, then it is clear that the exemption applies. However, as our State’s Supreme Court has observed, when all identifying information in what would otherwise be a personnel record is redacted such that the information that remains cannot be traced back to an individual, then the record ceases to be a personnel record “of an individual” and § 4-311 is no longer implicated. *See Maryland Dep’t State Police v. Maryland State Conf. of NAACP Branches*, 430 Md. 179, 195 (2013); *see also* PIACB 24-56, at 6-7 n.8 (May 30, 2024) (noting that a custodian had produced records related to a hiring process with redactions to “personal

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<sup>5</sup> As discussed more below, under § 4-311(b) a custodian must allow inspection of a personnel record by “the person in interest,” typically the person “that is the subject of a public record,” § 4-101(g)(1).

identifying information for an employee/applicant other than the requester”). Here we find that § 4-311 does not apply to the records as the complainant has requested them—i.e., with redactions to all information but the final scores and rankings of the other applicants interviewed—because “[t]here would be no ‘individual’ identified in the redacted records.”<sup>6</sup> *NAACP Branches*, 430 Md. at 195. We therefore conclude that DPSCS improperly applied § 4-311 to deny inspection of the records the complainant requested.

Even if § 4-311 does not apply, DPSCS argues that the records the complainant seeks are subject to the deliberative process privilege and thus DPSCS may deny inspection under § 4-344. We disagree. Under § 4-344, a custodian may deny inspection of “any part of an interagency or intra-agency letter or memorandum that would not be available by law to a private party in litigation with the unit” if disclosure would be “contrary to the public interest.” § 4-343. Courts have interpreted § 4-344 to encompass the deliberative process privilege, which may permit a custodian to deny inspection of records reflecting pre-decisional and deliberative material used in government decision-making. *See Stromberg Metal Works, Inc. v. Univ. of Maryland*, 382 Md. 151, 165 (2004); *see also Admin. Office of the Courts v. Abell Found.*, 480 Md. 63, 92 (2022) (observing that § 4-344 is a “conditional exemption” that may be invoked only if the custodian believes that “the requested inspection would be contrary to the public interest”). Generally, “purely factual data” does not fall within the scope of the exemption. *Stromberg*, 382 Md. at 166. Rather, the exemption concerns information such as “advisory opinions, recommendations, and deliberations,” *id.* at 165, and “completely candid advice” and “tentative but rejected thoughts,” *Abell Found.*, 480 Md. at 92.

In our view, the final scores and rankings sought by the complainant reveal no deliberations or confidential opinions or candid advice. We find the following portion of *Stromberg*, regarding disclosure of aggregate construction project costs that incorporated an individual’s “estimates, predictions, or evaluations,” instructive on this point:

If we were dealing with any clear articulation of those views—if, in his report, [the individual] set forth his analysis of pending or possible claims, or what remained to be done, or the extent to which further construction would likely occur on schedule, or whether additional funding was necessary or should be sought, or whether the project should be scaled back, enhanced, or changed in some material way—we might well regard that information as deliberative and consultative in nature. If the deliberative aspects could be separated from the purely factual aspects, they might be subject to shielding. The one aggregate number that allegedly incorporates but does not identify

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<sup>6</sup> We are aware that, under § 4-205(c)(4)(iii), a custodian is not required to “create, compile, or program a new public record.” DPSCS has not argued that it would be required to create a new record to respond to the complainant’s PIA request, thus we presume that the records exist in a form that permits production of only the applicants’ final scores and rankings.

or segregate [the individual's] consultative views does not have that status, however. It is impossible to tell from that number what [the individual's] views are with respect to any particular claim, much less whether the project should be altered or additional funding should be sought. The redacted number does not, therefore, constitute a memorandum that would not be available to a private party in litigation with the University and, accordingly, is not subject to shielding under the deliberative process privilege.

*Id.* at 167. Much like the aggregate number at issue in *Stromberg*, the information sought here is “largely factual in nature,” *id.* at 166 and therefore does not fall within the scope of § 4-344. DPSCS misapplied that exemption and improperly denied inspection the final scores and rankings sought by the complainant.<sup>7</sup> We thus direct DPSCS to disclose the complainant’s own final score and ranking, along with his name, as well as the final scores and rankings of the other applicant’s interviewed on the date identified in the complainant’s PIA request, with the names and all identifying information of those applicants redacted.

### **Conclusion**

After consideration of the submissions before us, we find that DPSCS violated the PIA when it denied inspection of the final scores and rankings of the applicants interviewed for a certain position within DPSCS, including the complainant’s own final score and ranking. For the reasons discussed above, we determine that this information is not exempt from disclosure under §§ 4-311 or 4-344 of the PIA. We direct DPSCS to produce the final scores and rankings of those interviewees, as well as the complainant’s name, final score, and ranking, to the complainant within thirty days of receipt of this decision and order.

### **Public Information Act Compliance Board**

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<sup>7</sup> DPSCS takes the position that it may withhold the complainant’s personnel records from the complainant (i.e., the “person in interest”) under § 4-344, notwithstanding the mandatory disclosure required by § 4-311(b). We are not so sure this is the case. We acknowledge that, in *Office of the Att’y Gen. v. Gallagher*, the Supreme Court of Maryland held that a “person in interest” may not “avoid all other exemptions under the [PIA] simply because he is seeking disclosure of an investigatory file,” and no basis for withholding in that exemption applies. 359 Md. 341, 355 (2000). However, we note that §§ 4-343 and 4-344 are *discretionary* exemptions that apply “[u]nless otherwise provided by law.” Section 4-311(b), which provides that a custodian must disclose a personnel record to a “person in interest” would seem to be a “law” that provides “otherwise.” But, there is no need for us to resolve this issue, in light of our determination that the final scores and rankings sought by the complainant are not deliberative in nature to begin with and therefore not subject to the deliberative process privilege and § 4-344.

*Sareesh Rawat, Chair*  
*Samuel G. Encarnacion*  
*Debra Lynn Gardner*  
*Nivek M. Johnson*