

WES MOORE
GOVERNOR

ARUNA MILLER
LT. GOVERNOR



SAREESH RAWAT, CHAIR
SAMUEL G. ENCARNACION
DEBRA LYNN GARDNER
NIVEK M. JOHNSON
VACANT

STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-09
November 25, 2025
Montgomery County Public Schools, Custodian
Philip Hill, Complainant

Montgomery County Public Schools (“MCPS”) charged complainant Philip Hill a \$9,363.55 estimated fee for the work of responding to his Public Information Act (“PIA”) request for certain records pertaining to him or his immediate family members, including his wife and three children. After the complainant narrowed his PIA request, MCPS reduced the estimated fee to \$819.85. The complainant challenges the estimated fees in this complaint, focusing on the second fee for his narrowed request and alleging that it is unreasonable. MCPS responds through counsel and maintains that it has worked in good faith with the complainant and that the estimated fees are reasonable under § 4-206¹ of the PIA. As explained below, we find that the \$819.85 estimated fee is reasonable as that term is defined in the PIA.

Background

The following facts are supplied by the parties’ submissions, including email correspondence related to the complainant’s PIA request. On January 27, 2025, the complainant sent MCPS a PIA request asking for “a copy of all documents pertaining to any member of the Hill Family (listed below) from 01 December 2023 to present.” The complainant provided a list of his family members’ names in the various forms that they might appear in the records, e.g., “Philip Hill” or “Phil Hill” or “Mr. Hill.” The complainant explained that the documents should include:

- 1) Email exchanges between, to, and/or from MCPS employees or representatives and:
 - Seven Locks Elementary School faculty (including but not limited to teachers, principals, school counselors, etc.)
 - Montgomery County Board of Education

¹ Statutory citations are to the General Provisions Article of Maryland’s Annotated Code unless otherwise stated.

- Seven Locks PTA
 - Members of the MCPS community or other Seven Locks/MCPS parents not part of the Hill family
- 2) Text messages made/received on MCPS cell phones regarding any member of the Hill Family listed above.

After receiving his PIA request, MCPS contacted the complainant and asked him to “provide the MCPS email addresses and/or MCPS employee names for the teachers referenced in [the] request,” and the Seven Locks PTA email address. MCPS advised that it could only search MCPS email address accounts, although it could use an outside email address as a search term.

In response to MCPS’s request, the complainant provided a list of eighteen MCPS email addresses and fourteen personal email addresses, all but one of which were Gmail addresses. The complainant stated that he found MCPS’s request for email addresses “unusual,” noting that “[t]o attempt to identify email addresses that could potentially contain information puts limitations on the search,” and that “[t]here could well be additional MCPS email accounts that contain information regarding [his] family” that would not be captured. The following day, MCPS sent the complainant another email asking him to “narrow the scope due to the large volume of work involved, potential results and affiliated costs.” MCPS explained that the complainant could narrow “the timeframe, email addresses provided, and/or keywords.” The complainant then narrowed the dates to “between 17 December 2024 to present,” which represented a “43 day period vs a 425 day period.”

On January 30, 2025, MCPS sent the complainant a letter providing an estimated fee of \$9,363.55 for production of records responsive to his PIA request. MCPS advised that the “search resulted in 5,441 pages (not including links and attachments) requiring review and redaction work.” MCPS estimated that it would take a communications specialist, paid an hourly rate of \$43.15, 217 hours of work to prepare the response. Once it received payment of the estimated fee, MCPS stated, it would proceed to fulfill the PIA request. MCPS also stated that if it became apparent that it would take longer to fulfill the request, MCPS would “stop [its] work and notify [the complainant] of any additional costs.” On the other hand, MCPS stated, “if fulfilling the request takes less time than estimated, the difference will be refunded.”

The complainant disputed the \$9,363.55 estimated fee that MCPS charged, so he contacted the Public Access Ombudsman to request dispute resolution assistance.² On

² 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

June 30, 2025, the Ombudsman issued a final determination stating that the dispute was not resolved. A few days before the final determination issued, on June 27, 2025, MCPS sent the complainant a revised fee estimate calculated after the complainant narrowed his PIA request yet again, this time asking that only one email account be searched with the search term “Hill” and a timeframe of December 7, 2024, to February 1, 2025. That search apparently resulted in 1,152 pages of records, again not including links or attachments. MCPS estimated that it would take a communications specialist nineteen hours to review the records, thus resulting in a \$819.85 estimated fee. MCPS asked that the complainant pre-pay the estimated fee before work would begin.

About a week later, on August 3, 2025, the complainant filed this complaint with our Board. The complainant alleges that the estimated fees are unreasonable, contending that the \$819.85 revised estimate actually reflects a higher “per-page cost assessment,” thus “making access to these public records even more burdensome and cost-prohibitive.”³ Stressing that the information sought is “directly tied to the safety and wellbeing of [the complainant’s] three children,” the complainant suggests that the “extended delays in producing the requested records, the imposition of exorbitant and arbitrary fees, and the inclusion of duplicate records in cost calculations appear to be a deliberate attempt to deter [him] from obtaining critical information.” The complainant maintains that MCPS’s approach “directly contradicts the intent of the MPIA.”

In response to the complaint, counsel for MCPS first states that “[t]here seems to be a misunderstanding or miscommunication,” as “MCPS did not quote a fee of \$800 for 66 pages” and “did not perform a search that resulted in 66 pages and has never referenced a quote for 66 pages.” Counsel states further that the “quote of \$81[9].85 was a reduced per-page cost assessment (\$.71 per page) when compared to the original quote of \$9,363.55 for 5,441 pages (\$1.72 per page).” Counsel for MCPS advises that, “[i]f the search was able to be narrowed down to 66 pages, the fee, if any, would be further dramatically reduced.”

Counsel for MCPS asserts that the \$819.85 estimated fee is reasonable under § 4-206 of the PIA. Counsel explains that processing the records the complainant asked for—i.e., records of email communication—includes “reviewing for duplicates or non-responsive records and reviewing for any legally appropriate exemptions under law.” Counsel for MCPS explains further that, “[w]hen the IT department runs the email search, Microsoft does have the option to have the program remove duplicates,” and that this option is “always selected.” However, counsel continues, “the search program errs on the side of caution so that responsive data is not mistakenly removed,” which means that

submitting a complaint to our Board, a complainant must attempt to resolve a dispute through the Ombudsman and receive a final determination that the dispute was not resolved. § 4-1A-05(a).

³ The complainant’s argument is based in part on a belief that the \$819.85 revised fee was for sixty-six pages of records, which, as discussed more below, appears to be a misunderstanding.

“search results still result in many duplicates that then need manual review.” In addition to reviewing for duplicates, counsel for MCPS states that the email records must also “be reviewed for exempted content such as content protected by attorney-client privilege or analyzed under GP § 4-344 or FERPA.”⁴ Counsel for MCPS emphasizes that the \$819.85 estimated fee was “only the communications specialist’s time on this matter,” and “did not include the time spent by the IT department or the additional time a MCPS attorney would need [to] spend reviewing the records for any legal issues.”

Analysis

We are authorized to review and resolve complaints alleging certain violations of the PIA’s provisions, including that a custodian charged an unreasonable fee higher than \$350 to produce public records. § 4-1A-04(a)(1)(ii). When we receive a complaint, we forward it to the relevant custodian for a written response. § 4-1A-06(a). If, after review of the parties’ submissions, we find that a custodian charged an unreasonable fee, we must order the custodian to “reduce the fee to an amount determined by the Board to be reasonable and refund the difference,” if applicable. § 4-1A-04(a)(3)(ii).

Generally, the PIA must be interpreted in favor of disclosure of public records with “the least cost and least delay.” § 4-103(b). At the same time, § 4-206 of the PIA allows a custodian to charge a “reasonable fee” for the work associated with responding to a PIA request. § 4-206(b). For purposes of the PIA, a “reasonable fee” is one that bears a “reasonable relationship to the recovery of actual costs incurred by a governmental unit.” § 4-206(a)(3). Actual costs include the costs of searching for, preparing, and reproducing the responsive records. § 4-206(b)(1). The PIA explicitly requires that “staff and attorney review costs” be “prorated for each individual’s salary and actual time attributable to the search for and preparation of a public record.” § 4-206(b)(2). A custodian may not charge a fee for the first two hours of labor “needed to search for a public record and prepare it for inspection.” § 4-206(c).

We needed additional information to resolve this complaint, so we asked MCPS to provide an affidavit from a person with knowledge detailing: (1) the steps that MCPS takes to remove duplicate records from search results and, if known, the approximate number of

⁴ Section 4-344 of the PIA is a discretionary exemption that permits a custodian to “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 inspection would be “contrary to the public interest.” § 4-343. The exemption encompasses what is commonly known as the deliberative process privilege, which may apply to communications in public records that are both pre-decisional and deliberative. *See Admin. Office of the Courts v. Abell Found.*, 480 Md. 63, 92 (2022). The Family Educational Rights and Privacy Act, or “FERPA,” is a federal law that concerns student education records. *See* 20 U.S.C.A. § 1232g. Typically, under FERPA, parents have the right to inspect and review the education records of their children. *Id.* § 1232g(a)(1).

duplicates that might remain even after those steps are taken; and (2) the exempt information MCPS expects to find in the responsive records, and why FERPA, *see supra*, note 5, might apply to exempt the records if the records pertain to the complainant's own children. *See* § 4-1A-06(b)(4) (allowing our Board to request "an affidavit or a statement containing the facts that are at issue in the complaint"). In response, MCPS provided two affidavits. One affidavit is from Christopher Urban, who is an IT Systems Engineer for MCPS. ("Urban Affidavit"). Mr. Urban is responsible for "responding to all requests from the Division of Communications to recover electronic mail messages responsive to a MPIA request." The second affidavit is from Christopher Cram, Deputy Chief of the Division of Communications ("Cram Affidavit"), who manages MCPS's responses to PIA requests.

The Urban Affidavit states that MCPS has the "ability to search all MCPS email accounts based on specific search parameters," and that "[w]hen writing a search query, the more detailed the query, the narrower the search results." According to the Urban Affidavit, MCPS needs certain parameters to perform an email search, including a "list of specific inboxes to search," dates, and key words. Mr. Urban explains that, while the program that MCPS uses can remove duplicates, "the search program errs on the side of caution so that responsive data is not mistakenly removed." This means, Mr. Urban states, that "though an email may look substantively the same, if it has a unique identifier, the search program produces it as a unique record," thus manual review for duplicates is still required. As example, the Urban Affidavit states that "if the search includes 10 mailboxes, and an email was sent by one person to multiple people including the 10 mailboxes—that same email will be seen uniquely in each of the 10 mailboxes," and "[t]here will then be 10 exact emails, one for each mailbox that all have unique message identifiers." The Urban Affidavit states that "[t]here is no way to estimate the number of duplicates."

In his affidavit, Mr. Cram refers to an exhibit attached to MCPS's response to this complaint, and notes that "the search term for the most recent email query was 'Hill.'" The Cram Affidavit acknowledges that the PIA permits MCPS to "produce records about a student to the parents of the student," but stresses that "all emails with the search term 'Hill' may not exclusively be about Mr. Hill's child." The Cram Affidavit points out that "if a search result produced an email that mentions Mr. Hill's child and another child," FERPA would require that MCPS "redact information pertaining to the other child."

With this additional information, we turn to the \$819.85 fee that MCPS has charged under § 4-206. MCPS anticipates that it will take a communications specialist, paid at an hourly rate of \$43.15, nineteen hours to review 1,152 pages of potentially responsive email records, not including any attachments. This works out to just under one minute of review per page, and less if the email records contain many attachments. MCPS notes that it did not charge for the IT specialist's time, or for any anticipated attorney review time. Fees for staff review under § 4-206(b)(2) must be based on the "actual time attributable to the search for and preparation of a public record." When a custodian charges that fee in advance of actually performing the work—a practice that our Appellate Court has said may

be permissible when costs are “likely to be substantial,” *Glass*, 453 Md. 201, 212-13 (2017)—the custodian must be able to show that the anticipated “actual time” is a reasonable estimate of how long the work will actually take.

Here, we cannot find that MCPS’s estimate that it will take, on average, approximately one minute of review per page unreasonable. While there might be duplicates present among the 1,152 email records, we note that the Urban Affidavit states that “[r]educing the number of mailboxes searched” will “reduce the number of duplicates.” Only one mailbox was searched, thus MCPS’s de-duplication software will likely be more effective. In addition, the Cram Affidavit makes it clear that the responsive email records will need to be carefully reviewed to ensure that only information about the complainant’s children is released to the complainant, and that any information about other students is redacted. Looking at the complainant’s narrowed PIA request, it appears that the email account searched was that of a school principal. It would not be surprising that information about students, potentially students other than the complainant’s, would appear in a principal’s email communications—nor would it be surprising to find other potentially exempt information, such as attorney-client privileged communications. Finally, given that we generally “refrain from any attempt to micromanage an agency’s search and retrieval process,” PIACB 24-10, at 7 (Nov. 13, 2023) (cleaned up), we typically do not disturb a custodian’s time estimate unless it strikes us as particularly excessive in light of the work to be done, which is not the case here, *compare* PIACB 23-33, at 6 (Oct. 5, 2023) (finding it unreasonable to charge for five hours of anticipated search time per Bankers Box when the PIA request asked only for certain agreements, which represented a very small fraction of the box’s contents).

While we do not find MCPS’s \$819.85 estimate fee unreasonable, MCPS must carefully track the actual amount of time that staff spends reviewing and preparing the records for production. Should the actual amount of time be less than nineteen hours, then the complainant will be owed a refund. Conversely, should the actual amount of time exceed nineteen hours, then MCPS may charge the complainant the overage.

Conclusion

Based on the information in the record before us, including the affidavits provided by MCPS, we cannot find the \$819.85 estimated fee unreasonable as the PIA defines the term. MCPS has demonstrated that the estimated fee is reasonably related to the actual costs that MCPS may anticipate incurring as it prepares the response to the complainant’s PIA request.

Public Information Act Compliance Board*

Sareesh Rawat, Chair

Samuel G. Encarnacion
Debra Lynn Gardner

* Board Member Nivek M. Johnson did not participate in the deliberation, preparation, or issuing of this decision.