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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-13
November 25, 2025
Washington County, Custodian
Justin Holder, Complainant

Complainant Justin Holder alleges that Washington County (“County”) improperly denied inspection, under Maryland’s Public Information Act (“PIA”), of certain security camera footage from inside the County’s Administration Building. The County, through counsel, responds that it properly applied § 4-352¹ of the PIA to deny inspection of these records. After review of the submissions, we find that the County properly applied the exemption to deny inspection of the footage requested by the complainant.

Background

On April 26, 2025, the complainant sent a PIA request to the County asking for security camera footage of the Board of County Commissioners (“BOCC”) Meeting Room and a specific BOCC office taken on February 13, 2025, between 10:00 a.m. and 12:20 p.m. The complainant also asked for footage from “any and all cameras that depict BOCC main 1101 or BOCC Meeting Room East.” The complainant explained that he wanted “to see who Jeff and John had with them when they entered the conference room.” The County denied inspection of the records on May 27, 2025.

The complainant contacted the Public Access Ombudsman on May 28, 2025, to request dispute resolution assistance.² On August 18, 2025, the Ombudsman issued a final determination stating that the dispute was not resolved and the complainant filed this complaint with our Board. The complainant states that he “requested public records consisting of security camera footage of the local legislative body holding an alleged secret meeting with Pete Lazich of the Sheriff’s department and other[s], related to banning my proxy speaker, Shaun Porter from public meetings on February 13, 2025.” The complaint

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

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

alleges that the County improperly denied the PIA request, contending that the camera footage would not “show any blind spots because the entire building is covered, and [the complainant] already know[s] what it looks like inside, just as most do.” The complainant asserts that “[t]he County just does not want to be violated for holding secret meetings.”

In response to the complaint, counsel for the County first explains that the complainant “previously requested and received records related to employee keycard swipes in the County Administration Building on February 13, 2025.” After he received the records, counsel states, the complainant submitted the PIA request at issue here. Counsel for the County takes the position that the request “exclusively seeks footage from County security cameras strategically located within the County Administration Building.”

Counsel asserts that the County properly applied § 4-352 of the PIA, which concerns records related to emergency management, to deny the complainant inspection of the camera footage records. Counsel for the County argues that “the request implicitly requests ‘surveillance techniques,’ because mere production of the footage would necessarily reveal the field of view and placement of the relevant security cameras.” Counsel contends that “[r]evealing this information would jeopardize the security of the County Administration Building by compromising the efficacy of the security cameras at issue.” Counsel suggests that a “motivated individual could exploit blind spots or areas where the cameras do not record, to the detriment of building security and/or the security of individuals.” According to counsel for the County, given the complainant’s “history with the County,” and because the complainant “overtly and proudly threatens to harm County employees,” the County properly denied inspection to “protect the security of the building, and the lives and physical safety of its employees.” To support the County’s position, counsel attaches an email that the complainant sent on September 4, 2025, to his “proxy speaker,” Mr. Porter, with a copy to the County Commissioners, the County Attorney’s Office, and numerous other individuals, in which the complainant states that he is “just going to touch them all, just like Harvey touched [him], and send their bitch asses to the hospital because the State’s Attorney said [he] could.”

In reply, the complainant disputes the County’s assertions that the camera footage would show surveillance techniques and that he has threatened to harm County employees. The complainant “asserts as a matter of undisputed fact those facts are not true,” and “demands an evidentiary hearing on those facts, and the fact that three (3) commissioners are holding [a] quorum as will be revealed by the public records subject of this complaint.” The complainant states that when he “proves his facts to this [B]oard, he proves the merits of his complaint.”

Analysis

Under § 4-1A-04(a) of the PIA, 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). After we receive a complaint, we must forward it to the relevant custodian and ask for a written response. § 4-1A-06(a). We must then review the complaint, the response, and any other submissions and, if we determine that the custodian violated the PIA as alleged, we must issue a written decision and order a remedy as provided in the PIA. *See* § 4-1A-04(a)(2) and (3). When we find that a custodian has improperly denied inspection of a public record, we must “order the custodian to . . . produce the public record for inspection.” § 4-1A-04(a)(3)(i).

Maryland’s General Assembly enacted the PIA to enable “access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). This “access to information” is provided through inspection and copying of public records, which custodians generally must allow unless an exemption from disclosure applies. §§ 4-201(a), 4-205(b). Though the PIA favors disclosure, § 4-103(b), it also contains provisions that either require or allow a custodian to deny inspection of certain records or information, *Immanuel v. Comptroller*, 449 Md. 76, 88 (2016). When an exemption is mandatory in nature, a custodian generally has no choice but to deny inspection of the relevant record or information. *See, e.g.*, § 4-311 (individuals’ personnel records); § 4-336 (individuals’ financial information). However, when an exemption is discretionary, a custodian may deny inspection only if inspection would be “contrary to the public interest.” § 4-343; *see, e.g.*, § 4-351 (certain law enforcement records). Whenever inspection is denied, the custodian has the burden of justifying the denial. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

The exemption at issue here, § 4-352, is discretionary in nature. Relevant to this complaint, the exemption allows a custodian to deny inspection of “records of any other building, structure, or facility, the disclosure of which would reveal the building’s, structure’s, or facility’s . . . surveillance techniques.” § 4-352(a)(2)(ii). Subsection (b) provides that a custodian “may deny inspection of a part of a public record under subsection (a) . . . only to the extent that the inspection would: (1) jeopardize the security of any building, structure, or facility; (2) facilitate the planning of a terrorist attack; or (3) endanger the life or physical safety of an individual.” § 4-352(b). Thus, as we have observed before, a custodian’s discretion to deny inspection of records and information under this subsection is narrower than it is for other discretionary exemptions. *See* PIACB 23-04, at 4 (Nov. 9, 2022).

To appropriately apply the exemption, a custodian must be able to explain with some degree of specificity how disclosure of the information would, *e.g.*, jeopardize the security of a building or endanger the life or physical safety of individuals. *Id.* at 7-8. Generally, a bald assertion that disclosure would compromise security will not do, *id.* at 8, although under certain circumstances, the information itself may be of a nature that such risks are evident, *see, e.g.*, PIACB 25-64, at 11 (May 28, 2025) (Board Members Samuel Encarnacion and Debra Lynn Gardner, writing separately) (finding that denial of inspection under § 4-352 would be proper regarding certain information in a stadium security plan

containing “specific tactics” or “specific emergency procedures” that detailed, e.g., “where responders will be placed” during an emergency).

Turning to the complaint here, we first must determine if the security camera footage from the County’s Administration Building falls within the scope of records described in § 4-352. We needed more factual information to make that determination, so we asked the County to provide an affidavit from a person with knowledge attesting to certain information about the cameras, including how many cameras record footage responsive to the PIA request, whether those cameras are visible to the public and, if so, whether the public can detect the area of surveillance. We also asked that the affidavit address whether a camera captures different angles or views, and to state who has access to and uses the County Administration Building. In requesting the affidavit, we stated that the County should refrain from including any information that, in its view, would compromise the County’s security system.

In response, the County supplied an affidavit from Alan Matheny. (“Matheny Affidavit”). Mr. Matheny is the Director of Emergency Management and Communications for Washington County Government, and his responsibilities in that position include “oversight of personnel, ensuring creation, review, and revision of new and existing preparedness plans, as well as, creating and implementing training exercises and drills aimed to better prepare responders for emergency disasters and situations.” The Matheny Affidavit attests that the complainant’s PIA request “directly references various areas of the County Administration Building: the hallways to the main meeting room, the first stairwell, and the rear employee entrance.” In Mr. Matheny’s opinion, revealing exactly how many cameras are at issue would compromise the County’s security system by “providing exploitable information,” including possibly information that “the County does not possess any security cameras in a certain identified location.” However, the Matheny Affidavit does indicate that the security cameras are “generally visible” and “look like black domes protruding from the ceilings or walls.” The Matheny Affidavit states that it is “unlikely” that a member of the public would be able to “determine the full range of vision captured by the camera.”

As to who has access to and uses the County Administration Building, the Matheny Affidavit states that staff and employees working in many County Departments, including (but not limited to) Budget and Finance, Human Resources, and the County Attorney’s Office, are in the building on a daily basis. According to the affidavit, the building is also open to the public through entrances in the front and rear of the building. Members of the public who wish to enter are “subjected to a security screening, but are then generally permitted to move about the building.” The Matheny affidavit states that it is “not unusual to encounter a non-employee citizen conducting business inside the County Administration Building.”

Counsel for the County argues that the footage would disclose the “surveillance techniques” of the building because the footage reveals “the field of view and placement of the relevant security cameras.” Though the cameras are visible to the public, the Matheny Affidavit states that it is unlikely that one can “determine the full range of vision captured by the cameras.” In addition, Mr. Matheny, who has expertise in law enforcement and emergency management, takes the position that even revealing the number of cameras that capture footage of the areas identified in the PIA request, and whether those cameras capture different angles or views, would disclose information that could compromise the County’s security system. Section § 4-352(a)(2)(ii) concerns, among other things, records of a building’s “surveillance techniques,” but does not provide specific examples of what is meant by that term. However, when read in conjunction with the other types of records covered by the exemption—e.g., records of a building’s “safety . . . systems” or “alarm or security systems or technologies”—the security camera footage at issue here seems to fall within § 4-352(a)(2)(ii). This is especially so considering that an early version of the legislation that enacted § 4-352 permitted a custodian to deny inspection of information “disclosing or relating to public security.” See PIACB 23-04, at 4 (Nov. 9, 2022) (citing S.B. 240, 2002 Leg., Reg. Sess. (First Reader)). While the bill was later amended to narrow the exemption somewhat by specifying the types of records subject to non-disclosure, *id.*, the focus on public safety and security remained.

Our conclusion is also consistent with other states’ courts that have found security camera footage exempt under similar public security exemptions that include records that would reveal “surveillance techniques.” See, e.g., *Gilleran v. Twp. Of Bloomfield*, 149 A.3d 800, 802-03 (N.J. 2016) (township properly denied inspection of security camera recordings taken from outside Town Hall adjacent to a police station under an exemption for “security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data, or software”). *Gilleran* recognized that “the scope of the camera’s surveillance area (the width, depth, and clarity of the images, as well as when it operates, i.e., intermittently and, if so, at what intervals and are they regular) is the information that the Township seeks to protect.”³ *Id.* at 810. The same is true here. Thus, we find that the security camera footage the complainant requested is a record of the County Administration Building’s “surveillance techniques” and potentially subject to discretionary withholding under § 4-352, so long as the County can satisfy subsection (b).

³ We recognize that courts in different states have ruled that security camera footage does not fall within the state’s “security record” exemption. See, e.g., *Welsh-Huggins v. Jefferson County Prosecutor’s Office*, 170 N.E.3d 768, 779-80 (Ohio 2020) (footage of a shooting of a judge captured on an exterior security camera); *Does v. King County*, 366 P.3d 936, 939, 945-46 (Wash. Ct. App. 2015) (footage of shootings that occurred on a university campus). However, the “security records” exemptions in those states do not extend to records that would reveal a building’s “surveillance techniques.” See Ohio Rev. Code Ann. § 149.433(A)(1)-(3); Wash. Rev. Code Ann. § 42.56.420.

As to subsection (b), which provides the circumstances under which a custodian may deny inspection of records in subsection (a), counsel for the County points specifically to § 4-352(b)(1) and (3), which permit denial of inspection “only to the extent that the inspection would . . . jeopardize the security of any building, structure, or facility [or] . . . endanger the life or physical safety of an individual.” Counsel contends that disclosure of the footage would compromise “the efficacy of the security cameras at issue” by allowing a “motivated individual to exploit blind spots or areas where the cameras do not record.” The Matheny Affidavit elaborates to some extent, stating that “if the County does not possess any security cameras in a certain identified location,” revelation of that fact “may encourage individuals to commit crimes in those unmonitored areas.” In addition, the affidavit suggests that “[i]f the cameras as issue only captured limited angles or views,” disclosure of such information “could be used to the detriment of the security of the building” because “motivated individuals could ascertain the non-captured angles and exploit the unmonitored areas of the building.” Counsel for the County also implies that disclosure of the camera footage to this complainant would risk the safety of certain individuals in the County Administration Building, given the complainant’s statement, sent by email on September 4, 2025, that he will “touch them all” and “send their bitch asses to the hospital.”⁴

After consideration of the record before us, we find that the County has met its burden under § 4-352(b). First, the security cameras at issue are those in the County Administration Building, a building that is open to the public and frequently used by County personnel, including the County commissioners. The complainant has asked for two hours and twenty minutes of camera footage, during which the cameras’ angles, field of surveillance, and the clarity and duration of the footage from each view will likely be revealed. The complainant has also asked for footage depicting the BOCC meeting room and office—i.e., footage from an area in which the commissioners are likely to be found. We credit the Matheny Affidavit’s attestation that revealing the number and precise fields of view of the cameras would allow for exploitation of the information, potentially to the detriment of safety and security. Even limiting the footage to the precise moments that the Commissioners entered and exited the rooms might have this effect, especially if it is the case that there are no cameras capturing those areas. In addition, the County has provided an email, sent by the complainant, in which the complainant states he will “send their bitch asses to the hospital,” which we take to refer to the County Commissioners. While it may be that the complainant does not intend to make good on that statement, we cannot ignore it or the inferences that can be drawn from it.⁵ Disclosure of camera footage that would,

⁴ We take “them all” to refer to the County Commissioners, as the complainant refers to “Harvey”—presumably Commissioner Derek Harvey—and the preceding email from Mr. Porter refers to commissioners as well.

⁵ In his reply, the complainant “demands an evidentiary hearing on [the] facts.” Under § 4-1A-07(b), when we are “unable to reach a determination based on the written submissions,” we have discretion to hold an informal conference. Our regulations state that the parties may present oral

in the County’s words, show “blind spots or areas where the cameras do not record” could, in light of the complainant’s own words, risk the safety of the County Commissioners in particular and the public more generally. We therefore find no abuse of discretion in the County’s decision to deny inspection of the camera footage under § 4-352(b)(1) and (3).

Conclusion

After review of the submissions, including the Matheny Affidavit submitted by the County, we find no abuse of discretion in the County’s denial of inspection of the security camera footage requested by the complainant. Rather, the County has justified its application of § 4-352 to these records, which constitute records of the County Administration Building’s surveillance techniques, the disclosure of which may jeopardize the security of the building and endanger the life or physical safety of individuals within it. § 4-352(b).

Public Information Act Compliance Board

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

or written testimony, that the Board may ask questions and elicit testimony, and that cross-examination may be conducted if “required for full and true disclosure of the facts.” COMAR 14.02.04.05B. Because PIA disputes are so often capable of resolution based on the written submissions and the factual evidence supplied with those submissions, we rarely hold informal conferences and typically do so only when we need to hear from others with certain expertise or when there are many questions to be answered. *See, e.g.*, PIACB 24-23, at 6-7 (Feb. 14, 2024) (holding an informal conference when the fee dispute raised numerous questions); PIACB 24-05, at 8-10 (Nov. 1, 2023) (holding an informal conference to hear from a school system’s IT personnel). Here, we are able to resolve the complaint based on the written submissions. The additional factual evidence supplied by the County’s affidavit convinces us that the camera footage falls within the scope of § 4-352. As to subsection (b), the information in the affidavit combined with the complainant’s own words in his email of September 4, 2025—and the complainant does not dispute that he sent that email—are enough for us to determine that the County did not abuse its discretion by denying inspection of the camera footage the complainant requested.