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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-15
December 23, 2025
University of Maryland, College Park, Custodian
Tianyi Zhang, Complainant

This dispute arises in connection with complainant Tianyi Zhang's Public Information Act ("PIA") request, sent to the University of Maryland, College Park ("UMCP"), for records related to the review and processing of her applications to a PhD program. UMCP denied inspection of the records, citing § 4-344¹ of the PIA, which is an exemption that encompasses the deliberative process privilege, as well as § 4-330, the PIA's exemption for sociological information. The complainant challenges UMCP's application of these exemptions in this complaint. In response, UMCP, through counsel, maintains that it properly applied §§ 4-344 and 4-330 to withhold the responsive records. After review of the submissions, we find that § 4-310, regarding letters of reference, applies to some of the responsive records. We also find no abuse of discretion in UMCP's application of § 4-344 to deny inspection of the remaining records. And, as explained in more detail below, we reach no definite conclusion regarding § 4-330.

Background

On May 21, 2025, the complainant sent a PIA request to UMCP asking for "access to all records related to the review and processing of [her] application" to a PhD program in computer science. The complainant advised that she applied in the Fall 2025 and Fall 2024 admission cycles and provided her application identification number. The complainant specified that she was requesting:

1. **All non-exempt materials** related to the evaluation of [her] application, including but not limited to:
 - Reviewer comments and evaluations
 - Application scoring or rating sheets
 - Internal summaries, recommendations, or decisions concerning [her] application

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

- Communications involving admissions officers or committee members concerning [her] application
2. **Original electronic versions** of the above records, to the extent they are maintained, including:
- Original file formats
 - Associated metadata, such as creation and modification timestamps, author/editing history, and submission times in application systems
3. **Any logs or workflow records** indicating when my application was accessed, reviewed, modified or advanced in the system.

UMCP responded by letter dated May 27, 2025, and denied the request under § 4-344, explaining that the exemption protected “records that contain confidential opinions, deliberations, advice or recommendations from one governmental employee to another for the purpose of assisting officials in the decision-making function.” UMCP took the position that disclosure of the records would be contrary to the public interest because it would “inhibit free and frank debate and discussion, would chill governmental decision-making, and would impair the integrity of the decision-making process.” Referring to parts two and three of the complainant’s PIA request in particular, which UMCP characterized as seeking “an individual’s electronic network activity interaction” including “associated metadata, author/editing history, [and] application access in systems,” UMCP also denied inspection under § 4-330, which applies to sociological information.

The complainant asked UMCP to reconsider its response to her PIA request.² Thus, on June 11, 2025, UMCP sent the complainant another letter in which it provided more information about the responsive records and UMCP’s decision to deny inspection of those records. UMCP stated that there were “no rating sheets, lengthy evaluations, or internal summaries,” or “volleys of communications, including emails, involving committee members.” UMCP described the responsive records as comprising “[r]eviewer comments and evaluations,” “[s]coring,” the “[d]ecision concerning application,” and “[l]etters of recommendation.” As to review comments and evaluations, which were contained in an entry on a spreadsheet, and the complainant’s score, UMCP advised that § 4-344 and 4-330 supported denial of inspection. As to the letters of recommendation, of which there were three, UMCP advised that “[a]pplicants waive the right to see such records at the time

² The complainant also apparently sent UMCP an email on June 9, 2025, in which she provided more information about the reasons for her PIA request and asked a series of questions about how UMCP searched for responsive records. Because those questions are not relevant to the allegations before us, we do not detail them, or UMCP’s responses, here.

of application.”³ UMCP reiterated its position that disclosure of these records would be contrary to the public interest for the reasons outlined in its May 27, 2025, letter.

The complainant was dissatisfied with UMCP’s response to her PIA request, so on June 24, 2025, she contacted the Public Access Ombudsman to request dispute resolution assistance.⁴ Through that process, UMCP issued a supplemental response to the complainant in which it provided more information about the application process and the records the process generates. UMCP advised that there was “no single summary evaluation record for each applicant,” and that “[s]everal levels of review including evaluation of applicant qualifications, and an evaluation of applicant fit/faculty interest are used.” Stressing that “[e]ach application is carefully reviewed in a holistic manner by humans,” UMCP explained that “applications are not rejected based on test score ‘cut offs’ or other technicalities.” After receiving UMCP’s supplemental response, the complainant continued to dispute the denial of inspection. Thus, the Ombudsman issued a final determination stating that the dispute was not resolved and the complainant filed this complaint with our Board.

In her complaint, the complainant alleges that UMCP violated the PIA by denying inspection of the records responsive to her PIA request, including “two Excel spreadsheets that contain application records.” The complainant asserts that “[s]everal other public universities have provided full records to similar requests,” which the complainant argues “underscores that [her] request is not unreasonable and that compliance is both feasible and consistent with transparency obligations.” The complainant asks that we either order UMCP to “produce the requested admissions review records” or “for each withheld record, clearly state the specific statutory exemption relied upon.”

In response to the complaint, UMCP, through counsel, denies that it has violated the PIA. Counsel for UMCP describes the records the complainant requested as “internal records reflecting the University’s deliberative process related to the review of her application for admission.” Counsel divides those records into two categories, i.e., “(1) records an applicant provides and (2) records the University creates or acquires,” and notes that the complainant already possesses the records from the first category, e.g., “the application, transcripts, and test scores.” As to the second category, counsel for UMCP represents that there are “very few records,” stating that “[t]here are no rating sheets,

³ UMCP advised that the “[d]ecision concerning application” was the “[c]ommunication notifying [the complainant] that [she] was not offered admission,” and that the complainant already possessed that record.

⁴ 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).

lengthy evaluations, or internal summaries,” and “no communications, including emails, involving committee members.” According to counsel for UMCP, the only responsive records consist of reviewer comments and evaluations in a spreadsheet, a score, a communication that notified the complainant that she was not admitted, and three letters of recommendation. Counsel notes that the complainant already has the communication that notified her that she was not admitted to the program.

As to the remaining responsive records, all of which were withheld from inspection, counsel for UMCP maintains that § 4-344 justifies denial. Counsel contends that the records are pre-decisional and deliberative, and that disclosure would be contrary to the public interest because “University decision-makers must be able to freely discuss the strengths and weaknesses of an applicant’s graduate application,” and disclosure of the records would “chill debate and discussion about the merits of an application.” In addition, counsel for UMCP argues that requiring disclosure of these records would harm UMCP because “[m]any students would be hesitant to apply to the University and other public universities in Maryland if they knew their application materials—including their identities—would be open to the general public if they were rejected for admission or chose not to attend the institution.” This is so, counsel contends, because “federal privacy law does not protect records of applicants who do not ultimately attend the institution to which they have applied.” To shield the “confidential opinions, deliberations, and advice,” counsel argues, “the records would require redaction of all substantive material.”

In addition to § 4-344, counsel defends UMCP’s application of § 4-330, stating that UMCP has defined “sociological information” to include “applicant information for admission, scholarships, employment or awards, including those of applicants who were either not selected/admitted or chose not to matriculate.” Counsel for UMCP also addresses the complainant’s contention that, because other universities have provided her with records, UMCP should do so here, pointing out that “those institutions may be subject to different laws and policies,” while UMCP is “obligated to comply with its own policies and Maryland law.”

In reply, the complainant contends that “disclosure of the requested records would not diminish the vibrancy of internal discussion in graduate evaluations, but rather would promote transparency, fairness, and public trust,” which is “fully consistent with the spirit of MPIA.” The complainant suggests that, rather than chilling discussion and debate, disclosure would encourage participants to “engage in thorough, evidence-based discussions and decisions and to document their reasoning clearly,” ultimately promoting “fairness, consistency, and the continuous improvement of academic standards.” Disclosure would also, the complainant maintains, strengthen “public confidence in academic institutions” by “[a]llowing the public to understand how evaluations are conducted.” The complainant attaches records she obtained from the University of Washington, which she describes as “procedural and anonymized,” to support her position that disclosure would not compromise “reviewer confidentiality or the integrity of internal

deliberations,” but rather assist applicants to “better understand and prepare their applications.”

Analysis

The PIA directs us to review and resolve complaints alleging certain violations of its 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 the complaint and response do not supply enough information to reach a resolution, we may seek additional information, including “a copy of the public record,” from the custodian. § 4-1A-06(b)(2). After review of the parties’ submissions, if 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 General Assembly enacted the PIA to provide “access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). In doing so, the Legislature directed that the PIA’s provisions “be construed in favor of allowing inspection of a public record.” § 4-103(b); *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.”). Upon receipt of a written request, a custodian must allow inspection and copying of a public record, unless an exemption from disclosure applies. §§ 4-201(a), 4-205(b). The PIA does not, however, provide an unfettered right of access to all public records, but instead contains exemptions from disclosure for certain types of records and information. *Immanuel v. Comptroller*, 449 Md. 76, 81-82 (2016). Some exemptions are mandatory, requiring a custodian to deny inspection.⁵ *See, e.g.*, § 4-311 (individuals’ personnel records); § 4-336 (individuals’ financial information). Other exemptions are discretionary and permit 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). A custodian has the burden of demonstrating that an exemption applies. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

Turning to the complaint here, we were unable to resolve the complainant’s allegations based on the written submissions alone, so we asked UMCP to provide a copy of the “entry in a spreadsheet” responsive to the complainant’s request for “review comments and evaluations.”⁶ *See* § 4-1A-06(b)(2)(ii). As required by law, we will

⁵ As discussed more below, some mandatory exemptions, *e.g.*, § 4-311 and 4-336, require that a custodian allow inspection by “the person in interest,” typically the person “that is the subject of a public record,” § 4-101(g)(1).

⁶ We did not ask UMCP to provide the three letters of reference that were withheld because those records are exempt under § 4-310, which is mandatory in nature and contains no exception for

maintain the confidentiality of the record we received from UMCP. *See* § 4-1A-06(b)(5); COMAR 14.02.06 (regulations governing treatment of confidential records or information provided by a custodian). Any references to the record in this decision will be general in nature so as not to disclose information that UMCP maintains is exempt from disclosure under the PIA. COMAR 14.02.06.05.

We start with § 4-344. Counsel for UMCP contends that the records the complainant seeks are subject to the deliberative process privilege and thus UMCP may deny inspection under § 4-344. That exemption 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 disclosure would be “contrary to the public interest.” §§ 4-343, 4-344. Courts have interpreted § 4-344 to include the deliberative process privilege, under which a custodian may deny inspection of records reflecting pre-decisional and deliberative material used in government decision-making, if disclosure is not in the public interest. *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” or “tentative but rejected thoughts,” *Abell Found.*, 480 Md. at 92.

Recognizing that the spreadsheet itself was generated before a final decision as to whether to admit the complainant to the PhD program was made, we have little trouble concluding that the record is pre-decisional. Focusing for the moment on the reviewer comments and rating scores, of primary interest to the complainant, we also find that those comments and scores are deliberative in nature. The comments provide opinions about the complainant’s candidacy for admission as well as recommendations related to any further action, and thus may fall within the deliberative process privilege so long as UMCP can demonstrate that disclosure of those comments would be contrary to the public interest, as it must under § 4-343. We also view the rating scores as deliberative as well, albeit in a more objective form that allows for a clearer ability to compare candidates. Counsel for UMCP urges that, because those reviewing applications for admission “must be able to freely discuss the strengths and weaknesses of an applicant’s graduate application,”

the person in interest. *See* PIACB 25-94, at 5 (Oct. 29, 2025) (discussing § 4-310). It is clear that letters of recommendation are submitted as part of UMCP’s graduate school admissions process. *See* University of Maryland, Admissions Policies, <https://academiccatalog.umd.edu/graduate/policies/admissions-policies/#text> (last visited Dec. 22, 2025). Thus, we see no need to review the reference letters submitted as part of the complainant’s applications.

disclosure of reviewer comments would “chill debate and discussion about the merits of applications.” Counsel even suggests that “[e]valuators would not be willing to participate in the application review process if they knew their internal deliberations would be subject to public disclosure.” The purpose of the deliberative process privilege is important to the public interest analysis—the privilege exists to encourage government decision-makers to “give completely candid advice by reducing the risk” that their opinions, advice, and recommendations will be “subject to public disclosure, criticism and reprisals.” *Abell Found.*, 480 Md. at 92. After review of the spreadsheet record UMCP withheld, we think UMCP’s public interest justifications are supported by the record and align with the deliberative process privilege’s purpose.

We recognize that there is some additional information in the spreadsheet other than the reviewer’s comments and scores, but, in our view, the entire spreadsheet itself constitutes a record used in the deliberative process of making a decision as to which candidates to admit to the PhD program. Redaction of the material intertwined with the deliberative process would leave little, if anything, left. We are also mindful that we have observed that “the passage of time may be relevant to the public interest analysis,” to the extent that, under some circumstances, disclosure of the deliberative material much later in time may have little deleterious effect. *See* PIACB 25-88, at 11 (Oct. 1, 2025). Here, however, the information is fresh, the applications having been considered in 2024 and 2025. Moreover, the effect of the stated harm would be felt more broadly than as to the complainant’s applications alone; rather, it is the harm to the process of evaluating and selecting candidates for admission to a small graduate program itself that may be compromised. We thus can find no abuse of discretion in UMCP’s application of § 4-344 to the spreadsheet record.⁷

Having determined that § 4-344 applies to the records here, we need not definitively resolve the application of § 4-330, which requires a custodian to deny inspection of “the part of a public record that contains sociological information,” but only if “the official custodian has adopted rules or regulations that define sociological information.” We do,

⁷ As noted above, the complainant attaches a record she received from the University of Washington, which contains comments, from an unidentified reviewer, about her application materials. The complainant contends that UMCP must therefore disclose similar information about her application to that institution. We note that Washington State’s “deliberative process exemption” does not apply “[o]nce the policies or recommendations are implemented.” Nor does it apply to “[s]ubjective evaluations” when “they are treated as raw factual data and are not subject to further deliberation and consideration.” *Citizen Action Defense Fund v. Wash. State Office of Financial Mgmt.*, 552 P.3d 341, 346 (Wash. Ct. App. 2024). Maryland courts have not similarly limited the deliberative process privilege as applied via § 4-344, although, as stated above, the passage of time may affect the public interest calculus. *See, e.g., Cranford v. Montgomery County*, 300 Md. 759, 772 (1984) (noting that a record might meet the elements of what is now § 4-344, but that “withholding it might serve no public interest” if the record concerns “agency action taken so long ago that disclosing it no longer makes any difference”).

however, provide some observations. We found little, if any, in the way of case law interpreting § 4-330. However, an opinion of Maryland’s Attorney General suggests that the “apparent intent” of § 4-330 is to “permit the protection of the kind of personal information that a person would disclose only under the conditions of confidentiality that customarily attend sociological studies.” 71 Md. Op. Att’y Gen. 288, 293 (1986). As example, the opinion notes, the definition of “sociological data” adopted by the Department of Public Safety and Correctional Services (“DPSCS”) includes “[p]ersonal relationships, beliefs, values, etc.” and “[r]eligious preference and attendance,” when such information is contained in a record maintained by the Division of Parole and Probation. *Id.*; *see also* COMAR 12.11.02.02B(13) (providing DPSCS’s current definition of “sociological data,” which includes the information cited in the Attorney General’s 1986 opinion).

UMCP has adopted “rules on public records containing sociological information.”⁸ Those rules list twenty-eight categories covering an extremely broad variety of records and information, e.g., “[i]nformation regarding marital status, domestic partnership, dependents, or relatives, to include related employment benefits elections,” information about “[p]ersonal relationships, beliefs and values,” and records concerning “[p]rogram participation and community experiences and activities” or that “contain political opinions, philosophical beliefs, and club/union membership.”⁹ Much—but, in our view, not all—of the listed information is akin to “personal information that a person would disclose only under the conditions of confidentiality that customarily attend sociological studies,” 71 Md. Op. Att’y Gen. at 293, but in the university context. In that way, UMCP’s rules are somewhat similar to regulations adopted by other agencies that provide a definition of “sociological information” tailored to the kind of records and information that those agencies might keep and collect. *See, e.g.*, COMAR 32.01.02.02B(10) (regulation of the Department of Aging that defines “sociological information” to include an “[a]ssessment of participant’s ability to perform routine activities of daily living” if disclosure would identify the participant); COMAR 13B.04.03.02B(9) (regulation of the Maryland Higher Education Commission that defines “sociological information” to include “[r]ecords about the biography, family, race, ethnic background, physiology, religion, academic achievement, or physical or mental ability of a student”). Notably, the regulations for both the Department of Aging and the Maryland Higher Education Commission allow for disclosure of sociological information to the person in interest. *See* COMAR 32.01.02.13A(3), COMAR 13B.04.03.10B(1).

⁸ *See* University of Maryland, Office of General Counsel, Public Information Requests, <https://ogc.umd.edu/public-information-requests> (last visited Dec. 22, 2025) (“Sociological Rules”) (scroll down to click on link to “Rules on Public Records Containing Sociological Information”).

⁹ We note that some of the listed information would be exempt under other provisions in the PIA. For instance, “[m]edical or psychiatric history” is exempt under § 4-329(b), and “[f]inancial information, including income (excluding state salary), assets, and liabilities” is exempt under § 4-336.

Maryland's Appellate Courts have instructed that the PIA's exemptions must be construed narrowly to effectuate the PIA's pro-disclosure purpose. *See, e.g., Office of the Governor v. Wash. Post Co.*, 360 Md. 520, 545 (2000). We think this mandate extends to the definitions of sociological information that custodians adopt for purposes of § 4-330. Thus, though § 4-330 might apply to some of the information here, such as the complainant's name and application ID, we are not sure that it applies to all. Moreover, it seems somewhat pointless to deny inspection of the complainant's sociological information to the complainant, although we are aware that § 4-330 itself contains no "person in interest" exception. As noted above, some agencies have adopted rules or regulations that allow disclosure of sociological information to the person in interest. UMCP has not, but it could obviously choose to do so. Such an exception would not be inconsistent with the rules' stated purpose to "preserve the privacy of personal information and combat identity theft victimization of the University community." *See Sociological Rules, supra*, note 8. Whether and to what extent a custodian *should* permit inspection of sociological information by a person in interest is ultimately a policy choice for the Legislature to make, as is whether the exemption should provide additional guidance as to what a definition of "sociological information" may properly encompass.

Conclusion

After review of the submissions, including confidential review of a copy of certain records that were withheld, we conclude that UMCP properly denied inspection of the responsive letters of recommendation under § 4-310. We also conclude that UMCP did not abuse its discretion in applying § 4-344, specifically the deliberative process privilege, to deny inspection of the responsive spreadsheet containing reviewer comments and rating scores. Because it is not necessary to resolve the complaint, we do not decide definitively whether § 4-330 also applies to some or all of the records withheld.

Public Information Act Compliance Board*

Samuel G. Encarnacion
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* Board Chair Sareesh Rawat did not participate in the preparation or issuing of this decision.