

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 26-20

January 29, 2026

Department of Public Safety and Correctional Services, Custodian
John O'Connor, Complainant

Complainant John O'Connor requested, under Maryland's Public Information Act ("PIA"), certain records concerning himself from the Department of Public Safety and Correctional Services ("DPSCS"), including email communications, notes, and documents related to training certifications, discipline, and termination that were in the possession of the Maryland Police Training and Standards Commission ("MPTSC"). DPSCS produced some records in response, including the complainant's "MPCTC Employee Profile," however the complainant believed that there were additional records responsive to his PIA request that were not produced. After engaging in further correspondence with DPSCS, the complainant sought dispute resolution assistance through the Public Access Ombudsman and then filed this complaint with our Board. The complaint alleges that DPSCS has violated the PIA by, among others, withholding certain records without sufficient explanation and failing to provide records beyond the complainant's own personnel file, such as meeting minutes and email communications.

In response to the complaint, counsel for DPSCS acknowledges that it misapplied §§ 4-311 and 4-333,¹ which govern disclosure of personnel and licensing records, respectively, to the complainant's own personnel and licensing records. Counsel advises that DPSCS has conducted another search for responsive records and has provided additional records to the complainant as a result. Counsel for DPSCS represents that DPSCS has now produced all responsive personnel records and communications it has, with redactions only to certain privileged information or the personal, personnel, or licensing information of other individuals. After review of the submissions, we find that DPSCS performed an unreasonable search for responsive records and thus may have constructively denied inspection of certain records. We explain below.

Background

The Maryland Police Training and Standards Commission is an "independent commission that functions in [DPSCS]." Md. Code Ann., Pub. Safety § 3-202. The

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

MPTSC has twenty members, including the President of the Maryland Chiefs of Police Association, the Maryland Attorney General, the Police Commissioner of Baltimore City, and several civilian representatives, some of whom have certain expertise, e.g. in “community policing” and “policing standards.” *Id.* § 3-203(a). In addition to its general powers and duties related to police training, *see id.* § 3-207, the MPTSC is also responsible for the certification of police officers, *id.* § 3-209, and, when certain circumstances are present, has the power to suspend or revoke an officer’s certification, *id.* § 3-212. Generally, a law enforcement agency may not employ an individual as a full-time police officer unless that individual is certified by the MPTSC. *Id.* § 3-216. And, if an individual’s certification “has lapsed or has been suspended or revoked” by the MPTSC, then that individual may not serve as a police officer. *Id.* § 3-217. The MPTSC meets on a quarterly basis. *See* Maryland Police and Correctional Training Commissions, Police Training & Standards Commission, <https://mpctc.dpscs.maryland.gov/ptsc.htm> (last visited Jan. 26, 2025).

We take the following facts from the parties’ submissions, including copies of email correspondence submitted by the complainant with his complaint. On January 9, 2025, the complainant sent the following PIA request to DPSCS:

I respectfully request access to all records in the possession of the Maryland Police Training and Standards Commission related to Mr. John O’Connor[.]

This request specifically includes, but is not limited to:

1. Emails, correspondence, and electronic communications (including text messages) to or from Commission employees, **members of the current board**, and external sources regarding Mr. O’Connor.
2. All incoming and outgoing mail, including letters and packages received from or sent to external sources, referencing Mr. O’Connor or any related matters.
3. Notes (including handwritten or electronic) such as post-it notes, meeting notes, or annotations referencing Mr. O’Connor.
4. Documents or records maintained in any database utilized by the Commission, including training certifications, disciplinary records, or termination documents.
5. Faxes, memoranda, and hard-copy files concerning Mr. O’Connor.
6. **All phone records and related communications for Wayne Silver and the head of certifications** (including logs of calls made to or from external

entities, notes, and any communications referencing or related to Mr. O'Connor).

The complainant stated that his PIA request qualified for “heightened access” because he was “the person directly affected by the requested records.” Several days later, on January 14, 2025, DPSCS responded to ask for information that confirmed the complainant’s identity. That same day, the complainant sent a copy of his driver’s license by email.

DPSCS sent the complainant a response to his PIA request on February 4, 2025,² and disclosed certain records via a link sent by email. DPSCS explained that, while it could provide records related to misconduct investigations, it was “prohibited from disclosing other personnel records of John O’Connor,” and thus DPSC did not provide “demographic information pertaining to employees.” DPSCS also took the position that it “must deny inspection of records that contain information about the licensing of an individual.” At the same time, DPSCS advised that it had “received a copy of the requested employee records from [MPTSC],” and that the information would be sent separately. After reviewing the records he received, the complainant sent an email expressing his belief that the response was incomplete. The complainant noted a lack of email records, and stated that the records did “not contain any documents from 2009 that were sent or meeting minutes from 2009 and 2010.” The complainant also stated that the records did not include “the records released to Mr. Moses or the email from staff to him.” DPSCS responded the same day, stating that the custodian—presumably MPTSC—was contacted and advised that there were no meeting minutes because “[t]his issue never went to the Commission.” The custodian further advised that it did not keep phone logs or have access to emails of former employees, and that it had produced “emails pertaining to [the complainant] between The Executive Director of the Police Training and Standards Commission and the Director of Certification and Compliance.”

After receiving this additional explanation from DPSCS, the complainant sent another email contesting DPSCS’s response to his PIA request. The complainant noted that he had not received any email records. The complainant asked, “[i]f public records, including emails of previous employees, have been destroyed, deleted, or were otherwise not retained as required,” that DPSPC “please provide the certificate of destruction for said records.” The complainant also listed numerous records that he believed DPSCS had an obligation to provide, including: (1) meeting minutes from 2009 through 2010; (2) emails related to PIA requests for records concerning the complainant; (3) “[i]nbound and outgoing phone call records,” which the complainant asserted were recorded by the State; (4) “[c]ellphone records and text messages on government phones, as well as records related to public business that might be on personal phones”; and (5) “ALL emails, the actual emails.” The complainant requested that, for any records that DPSCS “states it does not have, please provide the certificate of destruction or justification for the denial.”

² The response letter attached to that email was dated January 31, 2025.

On February 18, 2025, the complainant sent an email to check on the status of his PIA request, noting that DPSCS provided only “a few documents” that were redacted without explanation for the redactions.³ On May 7, 2025, the complainant contacted the Public Access Ombudsman to request dispute resolution assistance,⁴ contending that DPSCS’s response to his PIA request was incomplete. Through that process, DPSCS issued a “corrected final response letter,” that included “citations that were inadvertently omitted” from the January 31, 2025, letter. Those citations were to § 4-311 and § 4-333 of the PIA, which provide disclosure exemptions for personnel and licensing records, respectively. DPSCS acknowledged that the “missing citations do not change the records provided,” but stated that it hoped they would “provide additional clarity.” In early September 2025, the Ombudsman issued a final determination stating that the dispute was not resolved and the complainant then filed this complaint with our Board.

The complaint raises several allegations. First, the complainant alleges that DPSCS applied §§ 4-311 and 4-333 without explaining what material was redacted or what records were withheld in full, and that DPSCS’s response lacked the detail required to “evaluate the legitimacy of the claimed exemptions or understand whether any non-exempt material was reasonably segregated and released.” The complainant also asserts that there is a “serious inconsistency” in DPSCS’s treatment of the same records, noting that the MPTSC previously released his “complete employee profile to a third party with no redactions,” but now claims that the information must be withheld. Turning to the records he received, the complainant alleges that DPSCS produced only his personnel file, and not the other records he requested, including “notes, correspondence, schedules, phone records, and communications.” The complainant contends that DPSCS’s “conclusory statements” that it does not have minutes, that no phone logs were kept, and that it lacks access to former employees’ emails are insufficient in light of DPSCS’s failure to describe its search efforts. Finally, the complainant challenges DPSCS’s failure to provide records destruction certifications.

In response to the complaint, counsel for DPSCS states that, after additional review and analysis of the complainant’s PIA request and DPSCS’s response, DPSCS, via the MPTSC, “conducted a de novo search for information responsive” to the PIA request.

³ The complainant also attaches correspondence he exchanged, in February and March of 2025, with counsel for DPSCS concerning the complainant’s belief that DPSCS improperly disclosed records about him (the complainant) to other individuals via PIA requests. Because, as discussed briefly below, we lack any authority over alleged improper disclosure of public records, we do not detail that correspondence here.

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 dispute through the Ombudsman and receive a final determination that the dispute was not resolved. § 4-1A-05(a).

Counsel advises that DPSCS has identified and will transmit additional records to the complainant. According to counsel, DPSCS has produced records responsive to each part of the complainant's PIA request, including his request for email records. Counsel for DPSCS states that there are no responsive phone records or recordings as telephone conversations themselves are not recorded and the MPTSC was "unable to determine what telephone calls, if any, may have related to [the complainant]." Counsel concedes that DPSCS "erroneously applied the personnel records exception . . . to [the complainant's] request for his own records," because, as the person in interest, the complainant is entitled to inspect those records. While counsel for DPSCS states that DPSCS "cannot speak to any prior disclosures," it "can confirm that it has released . . . the personnel records and communications" that the complainant requested, subject to certain redactions for "attorney-client privileged information and personally identifying, personnel, and/or licensing information of individuals other than [the complainant]." At this point, counsel takes the position that DPSCS has "fully complied with the provisions of the PIA."

Analysis

The PIA authorizes 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). Consistent with our courts' direction, *see, e.g., Glenn v. Maryland Dep't Health & Mental Hygiene*, 446 Md. 378, 384-85 (2016), we have construed § 4-1A-04(a) broadly to effectuate the PIA's "broad remedial purpose" and thus also to include allegations that a custodian's insufficient search resulted in a failure to locate all responsive public records—i.e., a constructive denial, *see, e.g., PIACB 23-05* (Nov. 23, 2022). If, after review of the submissions, we determine that a custodian has improperly denied inspection of a public record, we must issue a written decision and "order the custodian to . . . produce the public record for inspection." § 4-1A-04(a)(2) and (3)(i). When we find that an unreasonable search may have led to a constructive denial, we may direct the custodian to perform an additional search and "produce any non-exempt responsive records to the complainant." PIACB 24-08, at 6 (Sept. 28, 2023).

The PIA requires custodians to allow inspection and copying of public records unless the records are legally exempt from disclosure. §§ 4-201(a), 4-205(b). Thus, a custodian who receives a written request to inspect public records must "conduct a search in good faith that is reasonably designed to capture all responsive records," and that uses "methods that can be reasonably expected to produce the information requested." *Glass v. Anne Arundel County*, 453 Md. 201, 232 (2017) (quoting *Oglesby v. Dep't of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)). Reasonableness is "measured prospectively by how the agency designed the effort to find responsive records, not retrospectively by its success in locating every responsive record." *Id.* If, after a reasonable search for responsive records, the custodian determines that the records do not exist, the custodian must notify the requester of that fact "promptly after the search is completed but not more than 30 days after receiving the [PIA request]." § 4-202(d)(2). When a custodian locates responsive

public records but denies inspection of a record or certain information within the record, the custodian must, within ten working days of the denial, provide a written statement with certain information, including the reason and legal authority for the denial and “a brief description of the undisclosed record that will enable the [requester] to assess the applicability of the legal authority for the denial.” § 4-203(c)(1).

According to counsel’s response to this complaint, DPSCS no longer relies on §§ 4-311 and 4-333 as a basis for denial of inspection. In fact, it appears that DPSCS has performed a second search for responsive records and produced additional records to the complainant, presumably including records previously withheld under those exemptions. As counsel correctly notes, the complainant is a person in interest as to his own personnel and licensing records, and the PIA thus provides him a right to inspect those records. *See* § 4-311(b)(1) (personnel records); § 4-333(d) (licensing records). The complaint and DPSCS’s response to the complaint did not give a clear picture of what records were actually produced,⁵ so we asked counsel for DPSCS to provide additional information about what records were produced to the complainant initially in February 2025, and more recently, in response to this complaint. In response to our request, counsel for DPSCS stated that the records produced in February 2025 “included the same documents sent in response to a 2024 PIA request filed by Shawn Moses for [the complainant’s] police certification records,” which were “limited to a 2009 disciplinary incident,” including “all of the investigatory records and findings.”

According to counsel, DPSCS’s most recent search “resulted in substantially more documents,” including: (1) the complainant’s complete employee profile; (2) records related to a 2025 Open Meetings Act complaint that the complainant filed; (3); records relating to the revocation of the complainant’s police certification; (4) Mr. Moses’s 2024 PIA request; (5) police department rosters that included the complainant’s name; (6) a 2022 PIA request from a different individual for records concerning the complainant’s police certification; (7) records related to the complainant’s police certification, including applications and recertification; and (8) notices of personnel action that were issued to the complainant. Additionally, counsel for DPSCS advised that DPSCS produced email records that “discussed or referenced” certain topics, including: (1) the complainant’s Open Meetings Act complaint; (2) the 2024 PIA request; (3) the revocation of the complainant’s police certification; (4) the complainant’s PIA request; (5) a media inquiry into the

⁵ As noted above, the complainant attached a document labeled “MPCTC Employee Profile,” along with a letter dated March 29, 2022, which appears to be a response from DPSCS to a PIA request for records regarding the complainant’s police certification. The employee profile lists certain information such as the date of certification and status of certification, as well as the various law enforcement agencies that have employed the complainant and information about that employment, including dates and assignments. It was not clear to us, however, whether these were the only records produced to the complainant in February 2025, or whether DPSCS produced additional records at that time.

complainant's police certification; and (6) the 2022 PIA request. Counsel advised that there were "two categories of redactions" to the records. The content of all emails between DPSCS and its attorneys was redacted under § 4-301(a)(1) a protected attorney work product and attorney-client privileged communications. In addition, "some names of individuals and information pertaining only to those individuals" were redacted as not responsive to the complainant's PIA request.⁶

With this additional records production by and information from DPSCS, the complainant continues to challenge the response to his PIA request and the records produced. He contends that DPSCS has not demonstrated that it conducted a reasonable and sufficient search for records, e.g. by describing "the scope and method of its search." The complainant continues to press for a certificate of destruction for the email records that DPSCS claims no longer exist. The complainant also asserts that DPSCS's response to our request for additional information "confirms that a prior disclosure of [his] personnel records was improper under the PIA." The complainant alleges that, in 2022, DPSCS "released a fully unredacted copy of [his] entire employee personnel file," but now "asserts that personnel records should not be released in unredacted form and that only because [he] is the person in interest may such records be provided with redactions." Though the complainant states that he recognizes that we lack jurisdiction to "investigate or impose penalties for the unlawful disclosure of records," he contends that, because DPSCS has "admitted the relevant facts and has supplied evidence in its own response," we may "make a determination within [our] authority that [DPSCS] failed to comply with the statutory requirements of the [PIA] when it released an entirely unredacted employee personnel file."

Contrary to the complainant's assertions, we lack any authority to address alleged improper disclosures of public records, whether investigation is required or not. Rather, our authority is limited to reviewing and resolving complaints that a custodian improperly denied inspection of public records, failed to respond to a request for public records within

⁶ In the November 17, 2025, response to this complaint, counsel for DPSCS indicated that some records responsive to parts one and two of the PIA request were redacted as information "protected by the attorney-client privilege, constitutes personal identifying information, or is not responsive to the request." Later in that same response, DPSCS appears to take the position that it has released all requested communications "subject to the redaction of attorney-client privileged information and personally identifying, personnel, and/or licensing information of individuals other than [the complainant]," which the complainant does not seem to challenge. It is not entirely clear to us whether the redactions for "non-responsive" information also constitute personally identifying, personnel, and/or licensing information of other individuals. We note, as we have before, that we are "unaware of any authority for the proposition that a custodian may redact information in an otherwise responsive record simply because that information, in isolation, might not be responsive to the PIA request," as a "non-responsive record is not the same as an *exempt* record." PIACB 25-27, at 8 (Jan. 31, 2025). Rather, to redact information in a responsive record, that information generally must fall within one of the PIA's mandatory or discretionary disclosure exemptions.

certain statutory time limitations, or charged an unreasonable fee higher than \$350, or that a PIA request or pattern of requests is frivolous, vexatious, or in bad faith. *See* § 4-1A-04(a) and (b). Section 4-401 of the PIA provides judicial remedies for the unlawful disclosure of public records. We also note that some records and information concerning police officers that might otherwise constitute “personnel” information are disclosable under the PIA. *See* § 4-311(c) (records relating to police officer misconduct); *Prince George’s County v. Wash. Post Co.*, 149 Md. App. 289, 323-24 (2003) (information in a “police roster,” including officers’ “full names, ranks, badge numbers, job assignments, and dates of hire” was not exempt under the PIA’s personnel records exemption).

The primary issue before us, then, is whether DPSCS conducted a reasonable search designed to locate responsive records. If DPSCS’s search was unreasonable and insufficient under *Glass*, then DPSCS may have constructively denied inspection of some responsive public records by failing to find them. It appears, based on counsel for DPSCS’s response to our request for additional information, that DPSCS has produced a variety of records concerning the complainant to the complainant, including police department rosters, personnel notices, and records related to PIA requests for records about the complainant. DPSCS has also, it appears, produced email records to the complainant. The complainant does not dispute that he has now received these records, but he does maintain that there are more records—specifically, email records—and that DPSCS has not performed a sufficient search to find them. While the breadth and variety of records produced suggests, at least to some degree, that DPSCS has conducted an extensive search, we nevertheless needed more information about the steps DPSCS took to look for records. So, we asked DPSCS to provide an affidavit from a person with knowledge attesting to such. *See* § 4-1A-06(b)(4) (permitting our Board to request “an affidavit or a statement containing the facts that are at issue in the complaint”).

In response, DPSCS provided an affidavit from Chaka Cross, an Executive Assistant for the Maryland Police and Correctional Training Commission at DPSCS. (“Cross Affidavit”). Ms. Cross supports the MPTSC and, in that role, helps to facilitate responses to PIA requests. The Cross Affidavit avers that, as to the search performed in November 2025, the “Skills Learning Management System,” an internal network, and three email accounts were searched. The email accounts searched included that of Wayne Silver, Executive Director for the MPTSC, Lucy Lyles, Director of the Certification and Compliance Unit, and Ms. Cross. The Cross Affidavit states that six keywords were used to perform the search, including three variations of the complainant’s name, “Forest Heights,” “Shawn Moses,” and “Moses.”

After review of the submissions, including the Cross Affidavit, we find that DPSCS’s search for records was ultimately insufficient and unreasonable under *Glass*. *Glass* requires that a search be “reasonably designed to capture all responsive records,” and “focused on where responsive records are likely to be found.” 453 Md. at 232. We note that the complainant’s PIA request sought email records from “members of the current

board,” and it does not appear that the email accounts of any MPTSC members were searched, or that members were asked whether they had responsive records.⁷ *Cf.* PIACB 26-19 (Dec. 17, 2025) (involving a search for public records potentially stored on private devices and in private accounts). And, while not explicitly identified in his original PIA request, during the “iterative process,” *Glass*, 453 Md. at 233, the complainant made DPSCS aware that he sought email correspondence to and from Al Liebno, a former Executive Director of the MPTSC. DPSCS responded that it did not have access to his email account,⁸ but does not explain why Mr. Liebno’s name could not have been included as a keyword search term, as Mr. Moses’s (who was also identified by name by the complainant) was. In our view, and based on the information we have in the record before us, DPSCS’s search was unreasonable to the extent that does not appear to have been “reasonably calculated to uncover responsive records,” *id.* at 212, specifically email records of Mr. Liebno and the current MPTSC members. Thus, we direct DPSCS to perform another search for email records targeted at locating emails to or from current MPTSC members that concern the complainant, and emails to or from Mr. Liebno that concern the complainant. If DPSCS does not have the capability to search the email accounts of the current MPTSC members, then DPSCS must ask those members to search their accounts for responsive records. *See* PIACB 26-19 (Dec. 17, 2025). To the extent that DPSCS is either unable to perform this search or, once performed, does not locate additional responsive records, DPSCS should advise the complainant as to why.⁹

⁷ We are mindful that, given the composition of the MPTSC, DPSCS may not have access to many members’ email accounts. *See* Maryland Police & Correctional Training Comm’n, Police Standards & Training Comm’n, <https://mpctc.dpscs.maryland.gov/ptsc.htm> (last visited Jan. 26, 2026) (click on dropdown menu for “PTSC Members”). However, the Cross Affidavit provides no information about DPSCS’s efforts to locate email correspondence to or from the current MPTSC members concerning the complainant.

⁸ It is not clear to us why DPSCS is unable to access the email accounts of former employees, as neither counsel’s response to the complaint nor the Cross Affidavit adequately addresses this point.

⁹ We briefly address the complainant’s contentions regarding certificates of records destruction. Though State regulations require agencies to submit a “certificate of records destruction” when “nonpermanent records are destroyed,” COMAR 14.18.02.15, the PIA does not oblige a custodian to produce that certificate when the custodian determines that the public record sought does not exist, *see* § 4-202(d) (requiring only that a custodian “notify” the requester when the custodian determines that the record does not exist). This makes sense, as there may be any number of reasons why an agency may not have the records a requester asked for. It is unclear to us whether the complainant’s email of February 4, 2025, asking DPSCS to “please provide the certificate of destruction or justification for the denial of records,” was a new PIA request for those certificates. If it was intended as such, the complainant may wish to submit a new request for those records.

Conclusion

Based on the submissions, we find that DPSCS conducted an insufficient and unreasonable search for certain email records responsive to the complainant's PIA request. We direct DPSCS to perform an additional search, as directed above, and communicate the results and produce any non-exempt records found to the complainant, within thirty days of receipt of this decision and order.

Public Information Act Compliance Board

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