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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-62
June 18, 2026
City of Frederick, Custodian
Levi Trumbull, Complainant

Between July and August 2025, complainant Levi Trumbull sent a series of Public Information Act (“PIA”) requests to the City of Frederick (“City”) seeking information that would identify a specific City employee. Since that time, and through our consideration of this complaint, the City has produced certain records responsive to those requests. However, the City has continued to deny inspection of other records that would identify the employee, including the employee’s photograph, citing § 4-311¹ of the PIA, which protects personnel records. In this complaint, the complainant challenges the City’s denial as unlawful. The City, through counsel, defends its response, maintaining that the records, including the photograph, are personnel records that the City may not disclose to the complainant. Based on the record before us, we find that the City improperly applied § 4-311, and explain in more detail below.

Background

The following facts are taken from the parties’ submissions. In July 2025, the complainant was involved in an incident at the Weinberg Center for the Arts (“Weinberg Center”) in which he was asked to leave the facility.² Wishing to know the identity of the employee who asked him to leave, the complainant, on July 3, 2025,³ sent a PIA request to the City asking the City for “[t]he full name of the male individual . . . who confronted and removed [the complainant] from the Weinberg Center,” the “official title or position” of that employee, the employee’s start date and annual salary, copies of any photographs taken of the complainant, surveillance camera footage of the main lobby of the Weinberg Center, and “[t]he total amount of money the Weinberg Center . . . received from the City of Frederick, Frederick County, and the State of Maryland for Fiscal Year 2024.” On August, 1, 2025, the City responded to the PIA request and produced certain records, including a

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

² The parties dispute the facts of the underlying incident. However, as the facts of the underlying incident are not relevant to the PIA question before us, we do not include them in detail.

³ The City stated that it received the complainant’s PIA request on July 7, 2025.

spreadsheet showing funding for the Weinberg Center. The City indicated that the photographs and video would be “forwarded separately,” and that “[c]ertain aspects of the video not relevant to [the] request have been redacted or deleted.” As to the complainant’s request for the employee’s name, the City took the position that such was “not a request for a record,” and advised that the PIA did not “require the City to answer informational questions or to create a record to satisfy [a] request.” The City also claimed that the employee’s start date was a personnel record under § 4-311 and thus could not be disclosed.

On August 4, 2025, the City sent the complainant message⁴ stating that it had “added the responsive document for item 2”—the request for any photographs that had been taken of the complainant. The City also stated that it anticipated producing the responsive surveillance footage “early this week,” explaining that “video(s) must be formatted to work with the portal software.” On August 8, 2025, the City sent another message with a link to the footage, and advised that it considered the complainant’s PIA request closed.

On August 5, 2025, prior to receipt of the video footage, the complainant sent another PIA request to the City asking for:

[A] copy of the document that would demonstrate which staff was working on July 3, 2025 at the Weinberg Center in Frederick City. Whether front desk, security, or personal employees. Whether it be the schedule for that work day or any other record. I would also request a copy of the work schedule or hours worked by Weinberg Staff for the week which included July 3, 2025. Whether it was an email, physical record, digital record, or any other kind of record.

The City responded in a letter dated August 25, 2025, and denied inspection of the records. The City took the position that “[a]ttendance records and time sheets are protected from disclosure under GP § 4-311 as part of an official personnel record and therefore not disclosable.”

Over the course of the following day, the complainant sent three more PIA requests to the City. In one request, he asked the City to produce the following records:⁵

[T]he document, documents, or electronic file, or image, or photo, that show me, (or) demonstrate to me, (or) depict to me, the photographic facial portrait of every Weinberg Center employee or staff member that worked on July 3,

⁴ The complainant and the City corresponded through GovQA, a records request management system.

⁵ The complainant’s PIA request appears to have been written in all capital letters. We do not quote it that way, for readability purposes.

2025 at the Weinberg Center for Performing Arts in Frederick City, MD. Regardless of what position they worked, when they worked, or in what capacity they worked, this includes any security guards, or box office employees, or interns, bottom line if they were in the building on July 3, 2025 please send over those mugshots . . . Do not redact any or change informational metadata.

In addition, provide me the document which shows me the duty roster for July 3, 2025.

In addition please provide me the document that shows the annual salary for each employee working at the Weinberg Center on July 3, 2025.

In another request, the complainant asked for “the photographic image file document that shows the facial image of these Weinberg Center employees.” The complainant provided the first and last names of four individuals. Finally, in his last PIA request, the complainant asked for copies of “the full, unredacted documents that shows the following”:

THE DOCUMENT THAT SHOWS that employee's full name.

THE DOCUMENT THAT SHOWS that employee's official job title.

THE DOCUMENT THAT SHOWS a copy of that employee's job description.

THE DOCUMENT THAT SHOWS that employee's annual salary, or if not salaried, their hourly wage.

THE DOCUMENT THAT SHOW that employee's gross pay for the last three months.

THE DOCUMENT THAT SHOWS that employee's official start date with the City of Frederick.

The complainant reiterated his instruction, “[d]o not redact anything,” and stated that he was “going to get that employee’s name whether Mike Fry^[6] likes it or not!!!!”

The City sent a letter in response to the complainant’s third, fourth, and fifth PIA requests on September 29, 2025. The City stated that it had “previously provided [the complainant] with all the salary information” he requested. As to the complainant’s request for photographs, the City advised that it had determined that those records were personnel records exempt from disclosure under § 4-311. In addition, the City stated that it had “no other records responsive to [the] requests.”

⁶ Mr. Fry is an Assistant County Attorney.

On October 22, 2025, the complainant contacted the Public Access Ombudsman to request dispute resolution assistance.⁷ On February 13, 2026, the Ombudsman issued a final determination stating that the disputes were partially resolved. Noting that the City provided the complainant with an unredacted version of the video footage, the final determination indicated that the dispute about the video was resolved. Left unresolved was the dispute about the City's denial of records that would identify the Weinberg Center employee. After receipt of the Ombudsman's final determination, the complainant submitted this complaint to our Board.

In his complaint, the complainant points to several records that he maintains were improperly withheld by the City under § 4-311, including the "duty roster and work schedule for July 3, 2025," the "employee's name, job title, and job description," "official employee photographs," and "salary information." Citing case law,⁸ the complainant argues that a record does not become a personnel record just because it mentions an employee or has an incidental connection to employment. The complainant contends that "the City's approach of treating every record that could be linked to an employee as categorically exempt" contradicts this principle.

As to the employee photographs in particular, the complainant draws an analogy between the photographs he requested and mugshots, which he stresses are "public records rather than personnel records." The complainant maintains that "[a]n official employee identification photograph is a governmental record," because it is "created by the government, for governmental purposes, and reflects the government's need to identify the individuals who carry out its function." The complainant also emphasizes that "the photograph is sought not for any purpose of harassment or intrusion into the employee's personal life, but for the specific and compelling purpose of identifying which government employee confronted a member of the public in a government building."

The complainant asks that we order the City to produce "[a]ny duty roster, shift schedule, staffing assignment, or other record reflecting which employees of the Weinberg Center . . . were assigned to work on July 3, 2025," "[a]ny record, including but not limited to an employment contract, offer letter, payroll record, organizational chart, staff directory, HR record, or incident report, that contains or reflects the full name, official job title, job classification, or job description of the male employee who confronted and ejected" the complainant, "[o]fficial employee identification photographs" for the four identified individuals and "any other employees of the Weinberg Center who were assigned to work

⁷ The PIA requires 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).

⁸ *Office of the Governor v. Wash. Post Co.*, 360 Md. 520 (2000).

on July 3, 2025,” and “[a]ny incident report, communication, or other record generated in connection with the ejection” of the complainant.⁹

In response to the complaint, counsel for the City advises that “[s]everal of the records at issue in the complaint have now been produced, including a shift schedule for July 3, 2025 . . . and the job description of the relevant Weinberg Center position.” Noting that the City “already provided salary information for Weinberg Center employees,” counsel attaches an “organizational chart” with the City’s response, although counsel acknowledges that the chart “does not include most employee names.” Counsel for the City takes the position that “[t]hese disclosures resolve substantial portions of the dispute,” and maintains that the remaining records the complainant seeks “either do not exist or fall squarely within the personnel records exemption.” Specifically, counsel refers to the complainant’s request for “employee identification photographs, payroll records, offer letters, scheduling records, incident reports, and employment start dates.”

Focusing specifically on employee photographs, counsel for the City asserts that “[a]n employee identification photo fits comfortably within the broad category of documents that are covered by the personnel records exception.” Noting that “[a]n ID photo is created solely due to the individual’s status as an employee and used exclusively for employment-related purposes,” counsel argues that the City’s determination is consistent with “the legislative intent of preserving the privacy of personal information about a public employee that is accumulated during his or her employment.” As to the non-existent records, counsel represents that “no incident report was generated,” and that there are “[n]o additional documents identifying the employee [that] exist beyond those already produced or withheld under GP § 4-311.”

The complainant, in reply, confirms that the City has now disclosed the shift schedule and job description. The complainant maintains, however, that the City “continues to withhold the one piece of information—the full name of the employee who confronted [him]—that has been the central object of this dispute since July 3, 2025.” Calling the City’s argument “inadequate on its face,” the complainant contends that the City’s position that employee photographs are personnel records subject to § 4-311 is unsupported by the law.

Analysis

We are authorized to review and resolve complaints alleging certain violations of the PIA’s provisions, including that a custodian improperly denied inspection of public

⁹ The complaint also contains arguments about and requests for relief beyond the scope of the unresolved dispute identified in the Ombudsman’s final determination, e.g., about the surveillance video footage. Because we lack jurisdiction to resolve those allegations, *see* § 4-1A-05(a), we do not detail them.

records. § 4-1A-04(a)(1)(i). If, after review of the submissions, we determine that a custodian denied inspection of a public record in violation of the PIA, 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).

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). This goal is accomplished through inspection of public records. Under § 4-201(a) of the PIA, a custodian must allow inspection of public records, unless the records are exempt from disclosure by law. The PIA favors disclosure of public records. *See* § 4-103(b); *Kirwan v. The Diamondback*, 352 Md. 74, 80 (1998) (noting the “general presumption in favor of disclosure of government or public documents”). At the same time, the PIA also contains both mandatory and discretionary exemptions. The relevant exemption here, § 4-311, is mandatory in nature and generally requires a custodian to deny inspection of “a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.”¹⁰ § 4-311(a). When a custodian denies inspection of a public record under one or more of the PIA’s exemptions, the custodian has the burden of showing that the exemption was properly applied. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

As the Supreme Court of Maryland has observed, “[t]he term ‘personnel record’ is not expressly defined in the statute.” *Kirwan*, 352 Md. at 82. Though § 4-311 provides specific examples of personnel records—i.e., “an application, a performance rating, or scholastic achievement information”—*Kirwan* suggested that “this list was probably not intended to be exhaustive,” and reflected “a legislative intent that ‘personnel records’ mean those documents that directly pertain to employment and an employee’s ability to perform a job.” *Id.* at 83; *see also Montgomery County v. Shropshire*, 420 Md. 362, 378 (2011)¹¹ (“[P]ersonnel records [are] those relating to hiring, discipline, promotion, dismissal, or any matter involving an employee’s status.”). But, *Kirwan* also explained that it did “not believe that the General Assembly intended that *any* record identifying an employee would be exempt from disclosure as a personnel record.” 352 Md. at 84 (emphasis original). Indeed, the PIA expressly provides that the salary of a public employee is not exempt under the PIA. *See* § 4-336(a). And, cases after *Kirwan* have addressed specific employment-

¹⁰ There are exceptions to non-disclosure—for instance, a custodian must allow an individual to inspect their own personnel records—but none of those exceptions are relevant here. *See* § 4-311(b).

¹¹ *Shropshire* ultimately held that police “internal affairs records involving alleged administrative rule violations” were personnel records exempt from disclosure under what is now § 4-311. *Shropshire*, 420 Md. at 383. Since that ruling, the PIA has been amended to provide that records of “administrative or criminal investigation of misconduct by a police officer” are not personnel records under § 4-311, although records of “technical infractions” remain subject to the exemption.” *See* 2021 Md. Laws, ch. 62 (codified in § 4-311(c)).

related records, holding that they are not personnel records subject to § 4-311. *See, e.g., University Sys. of Maryland v. Baltimore Sun*, 381 Md. 79, 102 (2004) (finding “employment contracts evidencing the regular salaries paid to [university coaches], and their obligations and rights” not subject to § 4-311); *Prince George’s County v. Wash. Post Co.*, 149 Md. App. 289, 323-24 (2003) (finding “a roster of all sworn officers, including their full names, ranks, badge numbers, job assignments, and dates of hire” not subject to § 4-311).

Maryland’s Attorney General has stated that “[t]he obvious purpose of [§ 4-311] is to preserve the privacy of personal information about a public employee that is accumulated during his or her employment.” 65 Md. Op. Att’y Gen. 365, 367 (1980). The cases discussed above focused to some degree on the PIA’s overarching public purpose—i.e., to shed light on “the affairs of government and the official acts of public officials and employees.” § 4-103(a). For instance, in *Baltimore Sun*, the court reasoned that “denial of inspection of the employment contracts would contribute to the lack of public understanding of the amounts earned by [the coaches] as a result of their public employment and would thwart the achievement of the goal of the MPIA.” 381 Md. at 103. And, in *Washington Post Co.*, the Appellate Court explained that the information contained in police rosters did “not fit within the commonly understood meaning of the term ‘personnel records,’” because the rosters did not “directly relate to the employee’s hiring, discipline, promotion, dismissal, or any matter involving his status as an employee.” 149 Md. App. at 324 (cleaned up). In addition, the Appellate Court noted that “[t]he intent of the MPIA . . . is not to exclude from the public information that had previously been disseminated to or known by the public,” and observed that much of the information reflected in police rosters was included in public press releases. *Id.* at 326.

Turning to the dispute here, we start with the records that the City has, at this point, disclosed. Those records consist of “salary information” (although it is unclear exactly whose), a shift schedule for the Weinberg Center for July 3, 2025, and a job description for “the relevant Weinberg Center position.” In addition, counsel for the City attached an “organizational chart” that, at page twenty-five, lists the Weinberg Center positions. All positions except three—“Volunteer Coordinator,” “PT Stage Technicians,” and “PT Box Office Assistants”—provide the first and last name of the employee holding the position. In disclosing these records, the City presumably does not believe that they are subject to § 4-311. We agree with that position, and with the complainant’s assertion that the records should have been provided to him earlier than they were. “Salary information” for public employees is clearly not exempt under the PIA. § 4-336(a). Neither are the shift schedules, job descriptions, or the organizational chart, which contain information akin to the information in the police rosters at issue in *Washington Post Co.*, and found by the Appellate Court to fall outside “the commonly understood meaning of the term ‘personnel records.’” 149 Md. App. at 324 (citation omitted).

In his reply, the complainant states that “[t]he only remaining active dispute” is “the identity of the employee who confronted [him].” The complainant suggests that documents such as an “offer letter,” “payroll” or “HR” records,” the employee’s photograph, or an incident report concerning the July 3, 2025, interaction, might sufficiently identify the employee. We think the first three types of records—offer letters, payroll records, and HR records—likely do fall within § 4-311. Offer letters fall more squarely within the types of records that cases like *Kirwan* and *Shropshire* have said constitute exempt personnel records, i.e., records that “directly pertain to employment and an employee’s ability to perform a job,” *Kirwan*, 352 Md. at 83, and that relate to hiring or “an employee’s status,” *Shropshire*, 420 Md. at 378. Payroll records and HR records also “directly pertain to employment,” *Kirwan*, 352 Md. at 83, and, more importantly, are likely to contain private personal information of the sort that our State’s Attorney General has said § 4-311 is designed to protect. 65 Md. Op. Att’y Gen. at 367. As to an incident report, which counsel for the City states does not exist, it appears to us that the complainant has asked for this specific record for the first time in the context of this complaint.

Thus, we focus on the remaining records at issue, which the complainant has explicitly asked for in several of his five PIA requests—the Weinberg Center employee photographs. In some respects, an employee’s photograph “directly pertain[s] to employment,” *Kirwan*, 352 Md. at 83, at least in the sense that, without government employment, the photograph would not exist. However, a photograph seems fundamentally different from “an application, a performance rating, or scholastic achievement information.” § 4-311(a). An employee’s photograph provides no substantive information about how the employee got the job, how the employee is performing in the job, or past discipline or promotion. Neither does an employee’s photograph reveal any private or confidential information about an employee. See 65 Md. Op. Att’y Gen. at 367. In most cases, the fact of employment is not secret, and many government employees routinely wear and/or display their photographs as part of their employee IDs or badges. Cf. *Wash. Post Co.*, 149 Md. App. at 326 (PIA is not meant to “exclude from the public information that had previously been disseminated to or known by the public”); cf. also *DeLong v. Parmelee*, 236 P.3d 936, 955 (Wash. Ct. App. 2010)¹² (stating that “a passport-type identification photograph is not the type of sensitive, personal information that the PRA intended to exclude from disclosure” and that “the information revealed by a public employee’s photograph on his or her government identification badge

¹² Since this decision issued, Washington State has amended its Public Records Act to explicitly include an employee’s photograph as exempt “employment and licensing information.” See 2010 Wash. Legis. Serv. Ch. 257; 2020 Wash. Legis. Serv. 106; see also Wash. Rev. Code Ann. § 42.56.250(1)(h) (exempting from disclosure “[p]hotographs and month and year of birth in the personnel files of employees or volunteers of a public agency,” but allowing that “news media” have access to such information).

is decidedly public”). In fact, we note that the City has, in the past, disclosed employee photographs to this complainant.¹³ See PIACB 25-85 (Oct. 1, 2025).

Our courts have instructed that, “[i]n a doubtful case, the party requesting information under the [PIA] is favored.” *Immanuel v. Comptroller*, 449 Md. 76, 88 (2016). To the extent that this is such a “doubtful case,” we are reminded that “courts must interpret the [PIA’s] exemptions narrowly,” *Office of the Governor v. Wash. Post Co.*, 360 Md. 520, 545 (2000), and so must we. While it may be true that, when records contain particularly sensitive personal information, “the PIA’s exceptions can and should be construed somewhat more liberally than would otherwise be the case,” 71 Md. Op. Att’y Gen. 288, 291 (1986), as stated above, we do not think a photograph of a government employee “reveals intimate personal information,” *id.*, about that employee.¹⁴ We thus find that the employee photographs that the complainant requested are not personnel records for purposes of § 4-311, and direct the City to disclose the photographs to the complainant.

Conclusion

Based on our review of the submissions, and for the reasons discussed above, we find that the City improperly applied § 4-311 to deny inspection of the Weinberg Center employee photographs that the complainant requested. We direct the City to disclose those records to the complainant within thirty days of this decision and order.

Public Information Act Compliance Board

Sareesh Rawat, Chair

Samuel G. Encarnacion

Debra Lynn Gardner

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¹³ Of course, previous erroneous disclosure of records or information subject to a mandatory exemption in the PIA does not render all such records disclosable going forward. *Cf. Stromberg Metal Works, Inc. v. Univ. of Maryland*, 382 Md. 151, 159 (2004) (missing a deadline for a PIA response does not mean a custodian must “disclose even records or parts of records that the law otherwise either requires or permits the custodian to shield”). However, as discussed, we do not think that prior disclosure was in error.

¹⁴ We recognize that, in some cases, there may be legitimate reason for concern about disclosing an employee’s photograph. *Cf. Wash. Post Co.*, 149 Md. App. at 327 (recognizing that “in certain instances the disclosure of an officer’s identity and job assignment” might be exempt under § 4-351, e.g., “officers who operate in an undercover or covert manner, or perhaps, in some instances, if an officer is assigned to a particular assignment or division”). In those instances where a custodian is concerned about releasing information otherwise subject to disclosure, the PIA contains a “temporary denial” provision that allows the official custodian to temporarily deny inspection and obtain permission from a court for continued denial. § 4-358. To do so, the court must find that inspection would cause “substantial injury to the public interest.” *Id.*