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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-63

June 24, 2026

Maryland-National Capital Park and Planning Commission, Custodian
Kevin Bromberg, Complainant

Complainant Kevin Bromberg alleges that the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) improperly applied § 4-346¹ of the Public Information Act (“PIA”) to deny inspection of records concerning outreach performed in connection with the development of a certain land use plan in Montgomery County. Though it initially asked the complainant to pay an estimated fee for production of the records, the M-NCPPC later advised that the records were exempt under § 4-346. In response to this complaint, the M-NCPPC maintains that the complainant has asked for the specific details of an M-NCPPC research project, and that § 4-346 was appropriately applied. After review of the submissions, we find that the M-NCPPC improperly applied § 4-346 to deny inspection of the responsive records in their entirety, rather than redacting the information that presents public interest concerns. We explain below.

Background

The M-NCPPC, which operates in Montgomery and Prince George’s Counties, exercises authority over land use, parks, and recreation by, e.g., “[p]lanning for the coordinated and harmonious physical growth and development of the region.” See Maryland-National Capital Park and Planning Commission, About Us, <https://www.mncppc.org/about/> (last visited June 22, 2026); see also Md. Code Ann., Land Use (“LU”) §§ 15-101 through 15-508) (providing the structure and powers and duties of the M-NCPPC). There are several departments within the M-NCPPC, including the Montgomery County Planning Board, which “is responsible for planning, subdivision, and zoning functions that are primarily local in scope.” LU § 20-202(a). In recent years, the Montgomery County Planning Board has led the development of the University Boulevard Corridor Plan (“UBC Plan”), which is focused on “a three-mile stretch of University Boulevard (MD 193), between I-495 and Wheaton, with the aim to address community needs related to traffic safety, regional connectivity, environmental sustainability, corridor-focused growth, and economic development.” Maryland-National Capital Park and Planning Commission, Montgomery Planning, University Boulevard Corridor Plan,

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

<https://montgomeryplanning.org/planning/corridor-planning/university-boulevard-corridor-plan/> (last visited June 22, 2026). In December of last year, the Montgomery County Council approved the UBC Plan drafted by the Montgomery County Planning Board, leaving just a few more steps before the project is finalized.² *See id.*

The facts related to the PIA requests at issue here are taken from the parties' submissions. In May 2025, the M-NCPPC received a PIA request from an individual for records related to the UBC Plan.³ After determining that its response would take about sixteen hours of staff time, the M-NCPPC asked the individual to pay a fee of \$1,011.83. Apparently, the individual did not respond to the M-NCPPC's request for payment, so the M-NCPPC closed the PIA request in July. Then, on September 24, 2025, the complainant sent a PIA request to the M-NCPPC asking for a copy of the PIA request that the individual submitted in May, as well as "the Planning Board response asking for reimbursement of Planning Board resources for this request." M-NCPPC responded and produced the records the same day.

The next day, September 25, 2025, the complainant sent a second PIA request to the M-NCPPC, asking for "disclosure of all documents" that the individual requested in May 2025 "regarding the outreach performed by the Montgomery County Planning Board" concerning the UBC Plan. The complainant asked the M-NCPPC to waive the fee, stating that the records concerned "the Planning Board's public outreach activities and provide insight into how the Board considered and responded to recommendations from the community." The complainant asserted that disclosure of the records was therefore in the public interest for purposes of § 4-206(e).⁴ The complainant also emphasized that his PIA request was "not asking for new assessments," but rather was "merely asking the Planning Board to 'show' and share its finished work and calculations with the broader community." On October 23, 2025, the M-NCPPC denied the complainant's request for a fee waiver. The M-NCPPC explained that the "cumulative survey results are already available in the reports provided and, at this time, [it had] no indication that disclosing the individual surveys will further contribute to the understanding of government operations or activities."⁵

² The UBC Plan draft is available online: *University Boulevard Corridor Plan*, <https://montgomeryplanning.org/wp-content/uploads/2025/07/Planning-Board-Draft-Final-7-23-Comm.pdf> (Draft, Summer 2025).

³ That specific PIA request is not in the record before us.

⁴ Section § 4-206(e)(2)(ii) gives a custodian discretion to waive a fee if "after consideration of the ability of the applicant to pay the fee and other relevant factors, the official custodian determines that the waiver would be in the public interest." Our Board does not have jurisdiction over complaints alleging that a custodian wrongfully denied a request for a fee waiver.

⁵ On October 27, 2025, after he sought dispute resolution through the Public Access Ombudsman, the complainant sent another PIA request asking for specific records related to the UBC Plan outreach, including a copy of a spreadsheet into which information obtained through the outreach

The complainant disagreed with the M-NCPPC's denial of his request for a fee waiver so on October 24, 2025, the complainant contacted the Public Access Ombudsman to request dispute resolution assistance.⁶ As a result of that process, the M-NCPPC withdrew its request for payment of the \$1,011.83 fee and instead denied inspection of the records altogether under § 4-346, the PIA's exemption for records that contain specific details about a research project conducted by the State or a political subdivision. The M-NCPPC also answered, in writing, seven questions that the complainant had asked. On February 2, 2026, the Ombudsman issued a final determination stating that the dispute was not resolved and the complainant filed this complaint with our Board.

The complainant describes the records he seeks as “records of the public views and nonpublic summaries related to the UBC plan” and “the primary data collected” for the UBC Plan. The complainant explains that “[t]he evidence shows residents were almost uniformly opposed to the UBC Plan,” and had “multiple specific concerns,” including “up-zoning, density ‘upgrades,’ and traffic-worsening street reconfigurations.” Thus, the complainant contends that the M-NCPPC's “summary of the resident input reported”—i.e., that the “recommendations reflect the community's priorities, balancing development with sustainability, housing affordability, and transportation improvements”—is “simply not true.”

The complainant disputes the M-NCPPC's application of § 4-346, arguing that the records he requested “concern a core component of the Planning Board's statutory planning responsibilities and do not constitute ‘specific details of a research project’” for purposes of the exemption. The complainant suggests that the M-NCPPC's interpretation of § 4-346 would permit “routine governmental functions” to be “characterized as ‘specific details of a research project’ and shielded from disclosure.” Such result, the complainant contends, “would be inconsistent with the purpose and structure of the [PIA].” In the complainant's view, if the M-NCPPC's application here stands, “any State agency could

was entered. The complainant advised that “all personally identifiable data” could be redacted, and expressed his expectation that the spreadsheet would retain “the source of each input” such as “[i]ndividual comment at a community meeting,” “[i]ndividual comment in another setting,” or “[c]omment submitted by a community representative.” After reviewing the PIA request, the M-NCPPC determined that it sought the same records as the complainant's September PIA request. The M-NCPPC stated that it appreciated the complainant's “effort to understand the nature of these records and request precise narrowing,” but that it had “determined that the original fee assessment is still accurate.”

⁶ 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).

declare that records obtained or created during the performance of statutory duties are exempted records” under § 4-346.

Even if the records fall within the scope of § 4-346, the complainant contends that “disclosure would be required under the public-interest clause contained within that provision.” The complainant states that the M-NCPPC failed to address the public interest question at the time, but later advised, as to a different UBC Plan request, that the answers to the survey questions contained “considerable personal information and the opinions shared during the survey were privately disclosed.” The complainant points out that he agreed that personally identifiable information should be redacted, and argues that it is “difficult to understand how redacted survey responses . . . could reasonably be characterized as protected research material or as constituting an invasion of personal privacy.” The complainant reiterates that the M-NCPPC “made no attempt to segregate any protected information.” Thus, in the complainant’s view, “[t]he M-NCPPC’s determination appears to be a sweeping attempt to curtail public access to government decision-making.”

In response to the complaint, M-NCPPC acknowledges that it initially asked the complainant to pay a \$1,011.83 fee for the search for and preparation of the records he requested. However, M-NCPPC advises, as it prepared for the dispute resolution process, staff “began to gather and review the requested records again and in detail.” At that point, M-NCPPC states, it “determined that the records are subject to [§] 4-346.” Thus, M-NCPPC “withdrew [the] assessed fee and issued a denial of this request.”

The M-NCPPC contends that “[m]aster plans are the ultimate research project—a large amount of data is gathered, conclusions are reached, and recommendations are made.” According to the M-NCPPC, “[a]ggregate data is released as part of the plan draft, but individual responses are protected.” The M-NCPPC takes the position that disclosure of those individual responses would be contrary to the public interest because they contain “personally identifiable information (PII) and opinions shared privately as part of the survey process.” Noting that the personally identifiable information is “not limited to a specific column, but threaded throughout every open-ended answer,” the M-NCPPC states that “it is not possible to simply redact a column and provide portions of the surveys.”

The M-NCPPC asserts that it has “spent well more than the two free hours allotted under the MPIA,” noting that “[s]taff have had several phone calls, emails, and have given substantial additional time to [the complainant] to help him understand the M-NCPPC processes.” Referring to the written explanations provided to the complainant, which the M-NCPPC characterizes as “outside the bounds of the PIA,” the M-NCPPC asserts that, though the complainant “has not received the individualized survey results requested, he has had ample information from the [M-NCPPC].”

In reply, the complainant again stresses that “[w]ithout access to the underlying outreach data [for the UBC Plan], the public cannot assess whether the Planning Board’s summaries or position accurately reflects individual responses of the public or, instead, presents an incomplete, selective, or misleading narrative.” Citing both the Montgomery County Zoning Code and the Montgomery County Planning Department’s website, the complainant states that “[m]aster plans are not described as research projects.” The complainant also points to the M-NCPPC’s statement that, in developing the UBC Plan, it “included over 1,000 canvassed households, 239 in-depth conversations, 166 questionnaire responses, and more than 24,000 words of qualitative feedback analyzed by staff.” The complainant argues that this sort of outreach is “one of the Planning Board’s core operational functions in preparing master plans and recommending subsequent zoning decisions.” Further, the complainant notes that § 4-346 is stated in the present tense—i.e., it applies to a research project that the State or a political subdivision “is conducting”—and is thus meant to apply only to “ongoing research.” The outreach here, the complainant maintains, “cannot fairly be viewed as ongoing” given that the UBC Plan has been presented and approved by the County Council, with changes. The complainant also argues that past cases addressing research by the State in other contexts would caution a narrow interpretation of § 4-346 that is limited to studies that are “academic in nature.”

The complainant also continues to press his position that the M-NCPPC has not shown that disclosure of the records, even if within the scope of § 4-346, would be contrary to the public interest. The complainant argues that “[e]xpressions of opinion regarding land use, transportation, or community conditions do not implicate personal privacy interests simply because they are provided in response to a survey.” Further, the complainant maintains, “any legitimate privacy concern can be addressed through targeted redaction” that would allow for disclosure of “substantive comments on public policy issues.” In addition, the complainant notes that the M-NCPPC’s current position that redaction is not possible is “inconsistent with its earlier determination” that the records could be produced for a fee, presumably for the work of applying the redactions. Moreover, the complainant contends, the M-NCPPC’s assertion that “it cannot ‘simply redact a column’ does not establish that redaction is infeasible.”⁷

Analysis

The PIA authorizes us to review and resolve complaints alleging certain violations of its provisions, including that a custodian improperly denied inspection of public 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

⁷ The complainant attached, with his reply, a statement from the Montgomery County Civic Federation, Inc. in support of the complaint. While we have reviewed this statement, we do not detail it here.

decision and “order the custodian to . . . produce the public record for inspection.” § 4-1A-04(a)(2) and (3)(i).

The General Assembly intended the PIA as a vehicle for “access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). While disclosure of public records is favored, § 4-103(b), the PIA does not permit “complete *carte blanche*, unrestricted disclosure of all public records,” *Immanuel v. Comptroller*, 449 Md. 76, 88 (2016). Instead, the PIA contains disclosure exemptions, some of which are mandatory while others are discretionary. The exemption at issue here, § 4-346, is discretionary, allowing a custodian to “deny inspection of a public record that contains the specific details of a research project that an institution of the State or of a political subdivision is conducting,” only if disclosure would be “contrary to the public interest,” § 4-343. When a custodian determines that a disclosure exemption applies, the custodian must nevertheless “allow inspection of any part of the record that is subject to inspection.” § 4-203(c)(1)(ii); *see also* § 4-343 (allowing that, “if a custodian believes that inspection of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of *that part of the record*, as provided in this part,” (emphasis added)). A custodian has the burden of demonstrating that an exemption was properly applied. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

Section 4-346 has been part of the PIA in some form since at least 1973. *See* 58 Md. Op. Att’y Gen. 53, 59 (1973) (addressing the exemption for “[t]he specific details of bona fide research projects being conducted by a state institution”). We are, however, unaware of any Maryland appellate opinions concerning the exemption and, as the complainant also points out, there is no comparable exemption in the federal Freedom of Information Act. *See id.* Thus, we are guided by basic principles of statutory interpretation, the “cardinal rule” of which is to “ascertain and effectuate the real and actual intent of the Legislature.” *Lockshin v. Semsker*, 412 Md. 257, 274 (2010). To do so, we must “begin with the normal, plain meaning of the language of the statute.” *Id.* at 275. Dictionary definitions may provide “a useful starting point for determining what the statutory terms mean.” *Montgomery County v. Deibler*, 423 Md. 54, 67 (2011) (cleaned up).

We begin with the term “research project.” The M-NCPPC takes the position that the development of a “master plan” is “the ultimate research project.” The complainant disagrees. One dictionary definition of “research” is “studious inquiry or examination” or “the collecting of information about a particular subject.”⁸ One meaning of the term “project” is “a specific plan or design,” or “a planned undertaking: such as . . . a definitely

⁸ Merriam-Webster Dictionary, “Research,” <https://www.merriam-webster.com/dictionary/research> (last visited June 22, 2026).

formulated piece of research [or] a large usually government-supported undertaking.”⁹ According to the Montgomery County Planning Board website, the UBC Plan has been a years-long endeavor, beginning in the spring of 2022 with a projected end-date sometime in the summer of 2026. *See* Maryland-National Capital Park and Planning Commission, Montgomery Planning, University Boulevard Corridor Plan, <https://montgomeryplanning.org/planning/corridor-planning/university-boulevard-corridor-plan/> (last visited June 22, 2026) (scroll down to “Process and Timeline”). In the spring of 2022, “[p]lanning staff began gathering background information, compiling relevant policies, and making connections with community members.” *Id.* Such actions seem to fit within the definitions of “research” and “project” stated above—i.e., M-NCPPC staff began “the collecting of information” relevant to the University Boulevard Corridor as part of the government-supported undertaking to formulate the UBC Plan. Notably, in the fall of 2024, as preliminary recommendations were developed, staff drew on “research, analysis, public input, and emerging ideas.” *Id.* We also note that the public outreach component of the UBC Plan development is similar in nature to other “research projects” found to be within the scope of what is now § 4-346. *See, e.g.,* Letter from Assistant Attorney General Catherine M. Schulz to Leon Johnson, Chairman, Governor’s Commission on Migratory and Seasonal Labor (Aug. 8, 1985) (census taking effort related to migrant workers).

We thus find that the UBC Plan constitutes a “research project” for purposes of § 4-346. However, our inquiry does not end there. As the complainant notes, the exemption applies to “the specific details of a research project that an institution of the State or of a political subdivision *is conducting*,” § 4-346(a) (emphasis added), which suggests that there might be a temporal limitation to its application. The use of the present tense, “is conducting,” may indicate that the Legislature intended the exemption to apply narrowly and only to the specific details of research projects that are ongoing and have not yet concluded. Maryland’s Supreme Court has explained that statutes should be interpreted “as a whole” and “if appropriate, in the context of the entire statutory scheme of which it is a part.” *Brown v. State*, 454 Md. 546, 551 (2017) (quotation and citations omitted). Thus, we observe that § 4-346(b) forbids a custodian from denying inspection of certain information about a research project, including “the date when the final project summary of the research project will be available.” That a custodian must disclose such a detail suggests that the permissible denial is limited to specific details about research projects that have not yet been finalized. In addition, the PIA—i.e., the “entire statutory scheme” of which § 4-346 “is a part,” *Brown*, 454 Md. at 551—must be “construed in favor of allowing inspection of a public record,” § 4-103(b). This pro-disclosure rule of interpretation also counsels in favor of a narrower reading of § 4-346 that limits its application to the “specific details” of research projects that are ongoing and have not closed or concluded.

⁹ Merriam-Webster Dictionary, “Project,” <https://www.merriam-webster.com/dictionary/project> (last visited June 22, 2026).

Although the complainant argues that “the outreach effort that generated the records cannot fairly be viewed as ongoing,” it appears to us that the process of developing the final UBC Plan has not yet concluded. The website indicates that, in the summer of 2026, “[t]here will be a public hearing on the [Sectional Map Amendment, or “SMA”], followed by work sessions, and finally a vote by the full Council before the SMA can be approved and the zoning map officially changed for public use.” See Maryland-National Capital Park and Planning Commission, Montgomery Planning, University Boulevard Corridor Plan, <https://montgomeryplanning.org/planning/corridor-planning/university-boulevard-corridor-plan/> (last visited June 22, 2026) (scroll down to “Process and Timeline”). Thus, the records the complainant requested may fall within the scope of § 4-346, depending on whether the research project involved is the outreach effort for public input or the adoption of the final UBC Plan. We doubt the latter constitutes a research project as contemplated by the PIA. Nonetheless, the exemption, even if applicable, is not mandatory. Rather, the M-NCPPC may deny inspection of the specific details of the research project only to the extent that inspection of those details is “contrary to the public interest.” § 4-343. In our view, the M-NCPPC’s stated reasons for why disclosure is not in the public interest—i.e., that the records contain personally identifiable information and “opinions shared privately as part of the survey process”—do not provide grounds for denial of the records in their entireties.

We do not necessarily take issue with the M-NCPPC’s concerns about disclosing personally identifiable information such as the names, personal addresses, and personal telephone numbers or email addresses of those who provided feedback and input as part of the UBC Plan process.¹⁰ Cf. Letter from Assistant Attorney General Catherine M. Schulz to Leon Johnson, Chairman, Governor’s Commission on Migratory and Seasonal Labor, at 4 (Aug. 8, 1985) (concluding that disclosure of “information revealing individual migrants’ names” in certain census data may be contrary to the public interest). As observed in the context of collecting census-type information about migrant workers, there may be a public interest in “protecting the privacy of the individual respondent” and “further insuring the accuracy of the data obtained.” *Id.* It appears that the complainant initially agreed with this position, although his stance seems to have shifted somewhat. In any event, in our view, any concerns about the disclosure of the feedback that the M-NCPPC collected are alleviated if that feedback is essentially anonymized through redaction of identifying information. Such process also complies with § 4-203(c)(1)(ii), which requires a custodian to “allow inspection of any part of the record that is subject to inspection.” For

¹⁰ Section 4-330 requires a custodian to deny inspection of “the part of a public record that contains sociological information” if “the official custodian has adopted rules or regulations that define sociological information.” It appears that the M-NCPPC has adopted a definition of sociological information that would include this sort of personal information. See *Maryland-National Capital Park and Planning Commission, Administrative Procedures, No. 22-01*, at 10 (last amended Mar. 19, 2026), <https://www.mncppc.org/wp-content/uploads/2024/08/Procedures-22-01.pdf>. Thus, this information should likely be redacted, even if § 4-346 did not apply.

discretionary denials, that section applies to any information that does not present public interest concerns.

We do, however, take issue with the M-NCPPC's apparent position that it cannot redact the personally identifiable information from the records and produce what remains to the complainant. First, as the complainant stresses, such position is inconsistent with the fact that the M-NCPPC's was initially willing to provide the records for a fee. Presumably, that fee was charged for the work of redacting the records. The M-NCPPC states that, in preparation for mediation it "began to gather and review the requested records again and in detail." Unless the M-NCPPC charged the complainant a fee of over \$1,000 without having even looked at the responsive records—which we hope was not the case—this should not have been the first time that the M-NCPPC reviewed the records, even if not "in detail." Although the M-NCPPC states that the "personally identifiable information is not limited to a specific column, but threaded through out every open-ended answer," it has given us no compelling reason why redaction cannot be accomplished in some form. That it may not be as easy as "simply redact[ing] a column" is not sufficient. We thus direct the M-NCPPC to disclose the responsive records to the complainant with redactions to any personal identifying information of the individuals who provided feedback about the UBC Plan.

Conclusion

Based on the submissions, we conclude that the development of the UBC Plan may constitute a "research project" of an "institution of the State or of a political subdivision" for purposes of § 4-346. We also conclude that the application of § 4-346 is limited to the specific details of research projects that are ongoing and not yet finalized, as may also be the case here. However, based on the submissions, we determine that the M-NCPPC improperly applied § 4-346 to deny inspection of the responsive records in their entirety, rather than redacting personal identifying information, which is the information tied to the M-NCPPC's public interest concerns. We thus direct the M-NCPPC to produce the responsive records to the complainant within thirty days of receipt of this decision and order, and after redacting any personal identifying information in the records.

Public Information Act Compliance Board

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