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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-64

June 24, 2026

Maryland Department of Health – Behavioral Health Administration, Custodian
Dillon Harris, Complainant

Complainant Dillon Harris alleges that the Maryland Department of Health’s Behavioral Health Administration (“MDH-BHA”) has constructively denied his Public Information Act (“PIA”) request for records related to the operations of the Firearms Rights Restoration Board. In response to the complaint, MDH-BHA maintains that it conducted a reasonable search and has produced all responsive records it has to the complainant. Based on the submissions, we find that MDH-BHA performed an unreasonable and inadequate search and therefore may have constructively denied the complainant’s PIA request. We explain in more detail below.

Background

In Maryland, an individual who is “subject to a regulated firearms disqualification” under specific provisions of law may nevertheless become authorized to possess a firearm under certain circumstances. *See* Md. Code Ann., Pub. Safety (“PS”) § 5-133.3. Specifically, the individual must not be subject to a different firearms restriction, and MDH must “determine[] that the person may possess a firearm.” *Id.* § 5-133.3(b). To seek such authorization, the individual must file an application with MDH, as set out in the Public Safety Article. *Id.* § 5-133.3(c) and (d). MDH administers this process through its Firearms Restoration Unit (“FRU”). *See Maryland Dep’t of Health, Firearms Restoration Unit, Firearms Rights Restoration Process*, <https://health.maryland.gov/OCEP/Documents/Firearm%20Restoration%20Process.pdf>. As part of the process, the Firearms Rights Restoration Board (“FRRB”) meets to “review the completed application” and render a decision “for or against the applicant’s firearm possession.” *Id.* An applicant has statutory rights to administrative and judicial review of the FRRB’s decision. PS § 5-133.3(g).

On September 17, 2025, the complainant sent the following PIA request to MDH-BHA, asking for copies of:

[A]ny policies, procedures, practices, manuals, guidance, standard operating procedures, or similar records governing the operations, functions, meetings, and determinations/recommendations of the Department of Health’s

“Firearms Rights Restoration Board” or any board by a similar name or serving a similar purpose, including their purpose, meetings, structure, and compensation.

I am additionally requesting copies of any documents that identify the members of the board, how and when they were chosen/hired/elected/appointed to the Board, their qualifications, positions and roles on the Board, and if and how they are compensated by the Dept of Health.

I am additionally requesting copies of any meeting agendas or minutes relating to the Board's meetings or consideration of applications for the restoration of firearms rights between January 1, 2024, and the present.

MDH-BHA responded by letter dated October 17, 2025, stating that it had reviewed the request and “confirmed that it does not have any responsive documents.” MDH-BHA explained that “[t]he process for restoring firearms rights in Maryland for individuals with a mental health background is not overseen by a public board but is managed by a dedicated unit within [MDH] with stringent confidentiality measures in place for all mental health information.”

The complainant was dissatisfied with MDH-BHA’s response to his PIA request, so on October 20, 2025, he contacted the Public Access Ombudsman to request dispute resolution assistance.¹ Through the mediation process, MDH produced two records to the complainant: (1) a list of the “Firearms Rights and Restoration Board Members,” along with their qualifications; and (2) a draft document outlining the policy, responsibilities, and procedure of the FRRB. On February 24, 2026, the Ombudsman issued a final determination stating that the dispute was partially resolved. Specifically, the dispute as to the list of FRRB members was resolved, while the dispute regarding the remaining records sought was unresolved. The complainant then filed this complaint with our Board.

The complaint alleges that MDH-BHA has constructively denied the complainant’s PIA request by taking the position that it has no additional responsive records. Noting that the FRRB’s “formation, operations, and existence were and are within the total control of [MDH],” the complainant contends that it “defies reason that they have no records pertaining to the selection, appointment, election, compensation, or qualifications of the [FRRB] members.” The complainant also questions MDH-BHA’s assertion that it has “no

¹ The PIA requires the Public Access Ombudsman to “make reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records.” Md. Code Ann., Gen. Provisions § 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. *Id.* § 4-1A-05(a).

agendas or meeting minutes pertaining to meetings of the [FRRB] since January 2024.” This is especially so, the complainant argues, in light of the FRRB draft policy, which states that it “shall meet ‘monthly or as needed.’” The complainant also expresses disbelief that the draft policy document he received is a “complete response to a request for ‘policies, procedures, practices, manuals, guidance, standard operating procedures or similar records governing the operations, functions, meetings, and determinations/recommendations.’”

In response to the complaint, MDH-BHA denies that it has improperly denied inspection of public records and asserts that it “conducted a reasonable search and confirmed that no additional responsive records exist.”² Noting that the complainant “does not identify any specific existing record that was withheld,” MDH-BHA contends that the complaint “reflects the complainant’s belief that additional records should exist or that the [FRRB] should operate pursuant to more formalized or documented policies.” MDH-BHA argues that the PIA has no bearing on whether the FRRB’s “operations and internal practices are ‘reasonable’ to the complainant.” MDH-BHA maintains that the records the complainant requested “are not legally required to be kept, and there are no reasonable grounds for the complainant’s belief that these records exist but are withheld other than his own personal feelings as to what documentation and policies would be reasonable.”

The complainant, in reply, stresses that MDH-BHA has the burden to “sustain a decision to deny inspection of public records” and that MDH-BHA therefore must “set forth sufficient evidence to justify the denial.” Here, the complainant asserts, MDH-BHA must “submit some evidence in support” of its claim that no additional responsive records exist. The complainant asks that we direct MDH-BHA to provide an affidavit “describing the ‘reasonable search’ that was conducted, and asserting that no additional records exist under the penalties of perjury prior to determining that there are no further responsive records.”

Analysis

The PIA charges us with reviewing and resolving complaints that allege certain violations of its provisions, including that a custodian improperly denied inspection of public records. § 4-1A-04(a)(1)(i).³ As noted *supra*, note 2, we have interpreted our authority to review denials broadly to include allegations that a custodian’s insufficient and unreasonable search led to a failure to locate all responsive records—i.e., a constructive

² MDH-BHA takes the position that, because it has not denied inspection of any specific records, “this matter is not appropriately before [our Board].” We have addressed similar arguments before and determined that our jurisdiction extends to allegations that an insufficient search for records led to a constructive denial. *See, e.g.*, PIACB 23-05, at 3-4 (Nov. 23, 2022) (citing case law that supports a broad interpretation of the phrase “denied inspection”).

³ Statutory citations are to the General Provisions Article of Maryland’s Annotated Code unless otherwise stated.

denial. *See* PIACB 23-03, at 3-4 (Nov. 2, 2022); *see, e.g.*, PIACB 26-22 (Jan. 21, 2026). When 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). When the denial is constructive in nature, we may order the custodian to perform a remedial search and “produce any non-exempt responsive records to the complainant.” PIACB 24-08, at 6 (Sept. 28, 2023).

The PIA is meant to provide “access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). Under §§ 4-201(a) and 4-205(b), a custodian of public records must allow inspection and copying of those records, unless an exemption from disclosure applies. Hence, when a custodian receives a PIA request, the custodian 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)). While a search may be reasonable without the custodian having to “robotically examine every record in [the agency’s] possession,” the custodian must focus a search “on where responsive records are likely to be found.” *Id.* This often includes having to search in multiple locations, e.g., employees’ email accounts, databases, or even in hardcopy files. *See, e.g.*, PIACB 26-43, at 8-9 (Apr. 21, 2026) (providing details of a custodian’s search, based on affidavits). In the end, the reasonableness of a search is “measured by whether it is reasonably calculated to uncover responsive records, not by whether it locates every possible responsive record.” *Glass*, 453 Md. at 212.

We needed additional information about MDH-BHA’s search for records to resolve this complaint. Specifically, we asked MDH-BHA to provide an affidavit from a person with knowledge describing the search MDH-BHA performed to locate records responsive to the complainant’s PIA request. *See* § 4-1A-06(b)(4) (allowing our Board to request “an affidavit or a statement containing the facts that are at issue in the complaint”). We asked that the affidavit include information about where MDH-BHA looked for records and whether email accounts or other electronic records were searched and, if so, how. We also asked that the affidavit identify the individuals who participated in the search for responsive records.

In response, MDH-BHA provided an affidavit from Latanya Anderson, an Administrative Officer for MDH’s Health Care System. (“Anderson Affidavit”). According to the Anderson Affidavit, MDH-BHA searched two email accounts: (1) Ms. Anderson’s and (2) the account for the email address mdhfirearmrightsrestoration@maryland.gov. MDH-BHA searched “both active inbox folders as well as archived and deleted email folders” using the search term “Firearms Rights Restoration Board.” The Anderson Affidavit avers that “[t]here are no physical files containing any relevant information; the only place relevant documentation would be housed would be on email.” Ms. Anderson states that she also searched her Google Drive

using the search term “firearms rights restoration board,” but no responsive records were found. Ms. Anderson was the only MDH-BHA employee involved in the search for records.

Based on the record we have, including the Anderson Affidavit, we find that MDH-BHA’s search for responsive records was unreasonable under *Glass*, and that MDH-BHA thus may have constructively denied the complainant’s PIA request. First, according to the record produced to the complainant, there are five members of the FRRB, at least some of whom are MDH employees. If responsive records exist, it is likely that they would be found in the email accounts and files of the FRRB members, yet MDH-BHA apparently conducted no search of their accounts or files at all. In this way, MDH-BHA failed to focus the search “on where responsive records are likely to be found.” *Glass*, 453 Md. at 232. Second, in using only one search term—i.e., “firearms rights restoration board”—MDH-BHA failed to ensure that its search was “reasonably designed to capture all responsive records.” *Id.* While that search term might capture *some* responsive records, it is unlikely that every record has that exact phrase in it. For instance, MDH-BHA uses the acronym “FRRB,” and it is possible that some records contain only that reference. Indeed, we observe that the draft policy document produced to the complainant does not contain the phrase “Firearms Rights Restoration Board,” but rather “*Firearm* Rights Restoration Board,” which may be why MDH-BHA missed it the first time around.

We therefore direct MDH-BHA to perform a remedial search and produce any non-exempt responsive records to the complainant. MDH-BHA must search the email accounts of the FRRB members, including archived and deleted email. To the extent that MDH-BHA does not have access to some FRRB members’ accounts, because they are not MDH employees, then MDH-BHA must ensure that the accounts those members use for FRRB business are searched in some manner. *Cf.* PIACB 26-19 (Dec. 17, 2025) (concerning a search for public records maintained in private accounts and on private devices). If the FRRB members also have Google Drive accounts, then those accounts must also be searched. In addition, MDH-BHA must search the systems that may contain all of the records described in detail in section V of the draft policy produced to the complainant, concerning the application and deliberation processes. As we see it, there are likely responsive operational procedures for managing these materials.

In conducting its remedial search, MDH-BHA must use a range of search terms designed to locate all responsive records—for example, “FRRB” or “firearm and restoration.” MDH-BHA must also use terms designed to locate the specific types of records that the complainant has identified, i.e., meeting agendas and minutes,⁴ or

⁴ We tend to agree with the complainant that it seems unlikely that a Board that meets regularly to carry out a statutory mandate has no records whatsoever related to those meetings.

appointment and selection.⁵ Because the search term used in the initial search was limiting, we also direct MDH-BHA to conduct additional searches of Ms. Anderson's email account and Google Drive, and the account for mdhfirearmrightsrestoration@maryland.gov, using the additional terms.

Conclusion

After review of the submissions, we find that MDH-BHA conducted an unreasonable and insufficient search for records responsive to the complainant's PIA request. We direct MDH-BHA to conduct a remedial search, as described immediately above, and produce any non-exempt responsive records 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

⁵ MDH-BHA should enlist the assistance of IT staff to design the search queries so as to ensure an adequate remedial search.