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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-66

June 26, 2026

Office of the State's Attorney for Harford County, Custodian
Matthew Manning, Complainant

In July 2025, complainant Matthew Manning sent a Public Information Act (“PIA”) request to the Office of the State’s Attorney for Harford County (“HCSAO”) seeking a variety of records related to himself and two court cases, one in the District Court of Maryland for Harford County and the other in the Circuit Court for Harford County. The HCSAO sent the complainant a letter stating that it had located 1,404 pages of records concerning the district court case, and asked the complainant to pay a \$259.14 fee for the processing and preparation of those records. The complainant disputed that fee, and thus sought dispute resolution assistance through the Office of the Public Access Ombudsman.¹ However, while the matter was pending with the Ombudsman, the district court entered an expungement order as to the relevant district court case. At that point, the HCSAO issued a supplemental response in which it denied inspection of the records, citing Maryland’s expungement statute. In this complaint, the complainant alleges that the HCSAO’s denial of his PIA request was unlawful. In response, the HCSAO, through counsel, maintains that it may not lawfully produce the records the complainant seeks. After review of the submissions, we find that the HCSAO improperly denied inspection of certain records. We explain below.

Background

We take the facts below from the parties’ submissions. On July 30, 2025, the complainant sent a PIA request by email to the HCSAO asking for certain records related to him “and/or” two specific court cases. The complainant provided a case number from the District Court of Maryland for Harford County and another case number from the Circuit Court for Harford County. The complainant asked for “internal and external communications,” including “emails, letters, texts, memoranda, meeting notes, or other communications” referencing the complainant or the cases. In addition, the complainant

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).

asked for “case files and internal notes” and “exhibits and supporting materials” concerning the cases. On August 27, 2025, the HCSAO sent the complainant a letter by regular mail. The letter stated that staff had “collected those records in [the HCSAO’s] custody that are responsive to the request,” and that the complainant would “have access to the records . . . including 1,404 pages of responsive documents for [the district court case].” The HCSAO advised that the circuit court case was “an appeal of a non-incarcerable traffic offense” and that the office did not have any responsive records. The HCSAO asked the complainant to pay a \$259.14 fee for the records, and provided a breakdown of that fee.

On September 10, 2025, the complainant sent an email to the HCSAO advising that he had received the HCSAO’s letter in the mail.² The complainant asked for a “new narrowed cost estimate” for records limited to “[a]ll emails and communications sent to [the HCSAO] about [the complainant] by Havre de Grace government officials (including elected officials, staff, or representatives).” The complainant also asked that the HCSAO “provide the other documents divided by category or topic” so that he could “determine which [he wished] to pay for until a fee waiver is processed.” The HCSAO did not respond to this email. Then, on October 2, 2025, the complainant contacted the Public Access Ombudsman, *see supra*, note 1, to request dispute resolution assistance concerning the \$259.14 fee. During that process, the HCSAO, on January 20, 2026, issued a supplemental response noting that the complainant had “sought and received an expedited expungement” of the underlying district court case. The HCSAO advised that the expungement had been ordered on October 30, 2025, and that the HCSAO was therefore “precluded from disclosing any information from that record without a court order.” On January 21, 2026, the Ombudsman issued a final determination stating that the dispute was not resolved. Thereafter, the complainant filed this complaint with our Board.

The complaint raises several allegations concerning the HCSAO’s response to the complainant’s PIA request,³ including that the HCSAO has improperly denied inspection

² On August 4, 2025, the complainant sent an email asking for confirmation that the HCSAO had received his PIA request. Then, on August 19, 2025, the complainant sent an email to the HCSAO, as well as certain individuals within the office, asking for an update on his request. The complainant stated that the request was “acknowledged by phone,” but that he had “not yet received written confirmation.” The complainant sent a similar email again on August 28, 2025. The HCSAO’s District Court Supervisor responded the next day stating that she had “forwarded this to the appropriate person,” as she did not “handle PIA.” Later that same day, the District Court Supervisor sent a second email stating that she had spoken to her “PIA person” and that the complainant’s “quote was mailed to [him] via USPS.” The District Court Supervisor also stated that she was “the middle man” and that the complainant needed to “contact the correct individuals.” She did not, however, provide contact information for the “correct individuals.”

³ We lack jurisdiction to review and resolve many of the allegations raised in the complaint. For instance, the complainant makes arguments about the HCSAO’s “unreasonable fee practices” and “failure to process a fee waiver.” We are not empowered to review denials of requests for a fee waiver, and our jurisdiction over fee disputes is limited to fees higher than \$350. *See Md.*

of certain communications by claiming that they are subject to the district court's expungement order. The complainant states that, after the expungement hearing on October 15, 2025, he immediately called the HCSAO because he was "concerned that the office might attempt to destroy the records responsive to [the] PIA request once the expungement order was signed." According to the complainant, that call lasted eighteen minutes. The complainant states that he spoke with "the main person who answers the phone at the office," and that she advised that "the expungement would not interfere with [the] PIA process." The complainant also argues that "[c]ommunications sent by Havre de Grace city officials to the State's Attorney's Office referencing [his] name are governmental correspondence between separate public entities," and not "part of the criminal case file." Thus, the complainant contends, the expungement of his case "does not shield these inter-governmental communications from disclosure." Expungement law, the complainant urges, "was designed to seal criminal case records to facilitate rehabilitation—not to provide a blanket shield for all inter-governmental communications that happen to mention a person's name."

In response to the complaint, counsel for the HCSAO refers to the district court's October 30, 2025, order of expungement in the district court case identified in the complainant's PIA request. Counsel argues that "[o]nce the expungement was entered, the State's Attorney is barred from disclosing any record it has without a court order." Counsel cites § 10-105 of the Criminal Procedure Article ("CP") as authority for this proposition, noting that under CP § 10-108(d)(1), "disclosure of expunged records, without a court order, could subject the State's Attorney to criminal penalties and possible removal from office."

Counsel for the HCSAO also disputes the complainant's suggestion that his conversation with an individual in the HCSAO, after the expungement hearing, entitles him to the records he seeks. Counsel argues that "[t]he unnamed employee of the State's Attorney who answered his call on October 15, 2026 does not have a duty to give him legal advice," and stresses that "no one working for the State's Attorney (attorney or non-legal staff) should give legal advice to a member of the public who calls that office," as "[t]here is no attorney-client relationship between anyone working for the State's Attorney and a

Code Ann., Gen. Provisions § 4-1A-04(a). Moreover, we may only review those disputes that are addressed in mediation through the Ombudsman and identified as "not resolved" in the final determination. *Id.* § 4-1A-05(a). The final determination states that the fee waiver dispute was moot given the HCSAO's subsequent denial of the PIA request. In addition, we do not have jurisdiction over an alleged "failure to identify the PIA custodian as required by law," and ordinarily lack jurisdiction over broad allegations of "deliberative stonewalling to run out the clock on a pending expungement" or "a pattern of non-engagement that defeats the PIA's statutory mandate," unless they rose to the level of a constructive denial. On this record, and given the relief we order, we need not determine that issue here. We are not authorized to issue advisory opinions on matters outside our jurisdiction, so we do not detail these allegations further.

member of the public.” Counsel for the HCSAO attaches an affidavit by Susan Landman, the HCSAO’s receptionist, with the HCSAO’s response. Ms. Landman avers that she “distinctly remember[s] phone calls from [the complainant],” that she “keep[s] notes of the majority of the calls [she] receive[s],” and that she does not have “any notes from October 15, 2025 that reflect a phone call with [the complainant].” Ms. Landman also denies that she has ever “given anyone any legal advice about matters relating to the [PIA],” and states that she “did not have a conversation with [the complainant] about expunged records or whether an expungement would interfere with the [PIA] process.”

Addressing the complainant’s September 10, 2025, email communication, counsel for the HCSAO states that the email was forwarded to the Deputy State’s Attorney (who signed the letter mailed to the complainant) but that he did not respond. Counsel states that, “had he responded, he would have denied the narrowed request” under § 4-351(b)(5) and (7)⁴ of the PIA, which relate to investigative records. Counsel argues that the HCSAO’s failure to respond to the complainant’s email “was an oversight and would not have impacted the result as the records sought in the revised request were exempt from production . . . and production would have been denied.”

The complainant, in reply,⁵ again presses his position that “inter-governmental correspondence from elected officials to the State’s Attorney’s Office is not protected by attorney-client privilege, attorney work product, or deliberative process privilege,” and is “not necessarily a record ‘relating to’ the expunged criminal case.” The complainant states that these are the records he “most urgently sought” and contends that the HCSAO has wholly failed to address this aspect of his PIA request.⁶

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 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

⁴ Statutory citations are to the General Provisions Article of Maryland’s Annotate Code unless otherwise stated.

⁵ Shortly after receiving the HCSAO’s response to the complaint, the complainant sent a “supplemental exhibit” alleging that counsel for the HCSAO made a false statement of fact in the HCSAO’s response. Because that accusation relates to an allegation we do not have jurisdiction to resolve—i.e., whether and when the HCSAO listed its PIA representative on its website as required by § 4-503(a)—we do not detail this submission here.

⁶ The complainant asks that we “issue a preservation directive” to the HCSAO regarding the records responsive to his PIA request. We lack authority to compel a custodian to take such action.

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

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), through inspection of public records, § 4-201(a). Under § 4-201(a), a custodian must allow inspection of public records, unless a disclosure exemption applies. Although the PIA favors disclosure of public records, *see* § 4-103(b), its provisions also contain both mandatory and discretionary disclosure exemptions. For instance, under § 4-301(a)(2)(i), a custodian must “deny inspection of a public record or any part of a public record if . . . the inspection would be contrary to . . . a State statute.” Section 4-301(a) is a mandatory exemption. Section 4-351(a)(1) is an example of a discretionary exemption. That section permits a custodian to deny inspection of “records of investigations conducted by the Attorney General, a State’s Attorney, a municipal or county attorney, a police department, or a sheriff” if inspection would be “contrary to the public interest.” §§ 4-343, 4-351(a)(1). When a custodian denies inspection of a public record, the custodian has the burden of showing that the exemption was properly applied. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

Though the HCSAO does not cite it, the relevant exemption here is § 4-301(a)(2)(i), which, as stated above, precludes disclosure of records or information if disclosure would be contrary to a State statute. The provisions in § 10-101 through 10-112 of the Criminal Procedure Article govern expungement of police and court records. Under CP § 10-108(a), “[a] person may not open or review an expunged record or disclose to another person any information from that record without a court order.” Under CP § 10-108(d), a person who violates subsection (a) may be subject to certain penalties, including criminal prosecution and removal from office. Thus, if the records responsive to the complainant’s PIA request have been lawfully expunged under State law, then § 4-301(a)(2)(i) applies and the HCSAO may not disclose those records or produce them to the complainant under the PIA.

Counsel for the HCSAO asserts that “[t]he law does not permit [our Board] to order the State’s Attorney to produce the requested records (original records and narrowed records) as there is now an order of expungement about those records.” Thus, the HCSAO takes the position that all records the complainant requested, including the email communications from government officials outside the HCSAO, are subject to the district court’s expungement order and may not be disclosed under the PIA. Under CP § 10-102(a), “[a] police record or a court record is subject to expungement under [Subtitle 1].” A “police record” is “an official record that a law enforcement unit, booking facility, or the Central Repository maintains about the arrest and detention of, or further proceeding against, a person for,” among others, “a criminal charge.” CP § 10-101(i)(1). A “law enforcement unit” includes a State’s Attorney’s office. CP § 10-101(g). The expungement provisions do not, however, apply to “an investigatory file.” CP § 10-102(c)(5). Thus, based on the definitions in the statute, “official records” of the HCSAO that are “about the arrest and detention of, or further proceeding against” the complainant as to the district court case are

subject to expungement per the district court's order, unless the records constitute "an investigatory file." *See* Md. Rule Form 4-508.1 (providing the form order for expungement, which is to be served on "each custodian of police and court records" and directs the custodian to "expunge all court and police records pertaining to this action or proceeding in their custody"). The expungement order does not necessarily capture every single record the HCSAO has that may be tangentially or incidentally related to an expunged case, *cf.* 110 Md. Op Att'y Gen. 82, 101-03 (2025), and, per CP § 10-102(c)(5), does not reach the HCSAO's "investigatory file."

Turning to the complainant's PIA request, we first note that the complainant does not appear to dispute that certain responsive records are expunged "police records" that the HCSAO may not disclose. He focuses his complaint on his request for "[a]ll emails and communications sent to [the HCSAO] about [him] by Havre de Grace government officials (including elected officials, staff, or representatives)." Counsel for the HCSAO seems to contend both that this was a new request for records not sought in the complainant's original July 2025 PIA request and that, prior to expungement, the records would have been exempt under § 4-351 of the PIA. As to the first point, we do not agree. The complainant's July 30, 2025, PIA request asked for, among other things, "[a]ll emails . . . or other communications referencing me *or* my case, whether internal or external, including communications between the State's Attorney's Office and . . . [a]ny/all other external individuals, entities, or professionals, including . . . government-related contacts, with whom [the] office communicated regarding me *or* my case." Such request would encompass emails and communications about the complainant sent to the HCSAO by Havre de Grace government officials, if such emails and communications exist.

In his August 27, 2025, letter to the complainant, the Deputy State's Attorney acknowledged that, "[i]n particular," the complainant sought "copies of records in [the HCSAO] custody pertaining to internal and external communications, case files and internal notes, and exhibits." At that point then, the HCSAO presumably was aware that the complainant's PIA request encompassed the email communications with outside officials he now focuses on. The Deputy State's Attorney stated that the office had compiled "1,404 pages of responsive documents" for the district court case, but did not state with any particularity what those documents were or how they related to the case. The Deputy State's Attorney also advised that "privileged communications—including attorney work product, attorney-client communications, and documents containing deliberative process—and documents containing personally identifying information" were withheld. As to the personally identifying information, the Deputy State's Attorney stated that such information would "be redacted to protect the party at issue." Citing § 4-343, the Deputy State's Attorney asserted that "disclosure of privileged communications and PII are contrary to the public interest." The August 27, 2025 did not refer to investigatory records or to the exemption found in § 4-351.

To the extent that they exist, we do not think that all email or other communications that the HCSAO received from Havre de Grace officials concerning the complainant are “police records” subject to the district court’s expungement order and exempt from disclosure under the PIA by § 4-301(a)(2)(i). First, there may be communications that do not relate to the district court case at all—the expungement order clearly does not reach those communications. Second, there may be communications that pre-date any investigation or charges. Presumably, even if those communications are related in some way to an incident or investigation underlying the expunged matter, such communications would not reference the case or charges. Thus, in our view, those communications do not constitute an “official record” of the HCSAO that is “about the arrest and detention of, or *further* proceeding against” the complainant, and are therefore not “police records” for purposes of the expungement order. CP § 10-101(i) (emphasis added). Finally, there may be communications sent to the HCSAO by Havre de Grace officials during the pendency of the charges that concern the charges. Although it is possible that some of those communications may fit the statutory definition of a “police record,” it is also possible that the communications are part of the HCSAO’s “investigatory file,” in which case the expungement order would not apply to them. CP § 10-102(c)(5). Thus, as we see it, there may be a number of potentially responsive records not exempt under § 4-301(a)(2)(i). The HCSAO improperly applied that exemption to deny inspection of all records responsive to the complainant’s PIA request, including any records of the communications described above.⁷

In response to this complaint, counsel for the HCSAO states, for the first time, that the HCSAO would have denied inspection of responsive communications from Havre de Grace officials under § 4-351(b)(5) and (7). Counsel does not elaborate on the applicability of that exemption. As noted above, § 4-351(a)(1) permits a custodian to deny inspection of “records of investigations” that are conducted by, among others, “a State’s Attorney,” if disclosure of the records would be “contrary to the public interest,” § 4-343. Under subsection (b), a “person in interest” has a greater right of access to investigatory records about him or herself. § 4-351(b); *see Maryland Dep’t State Police v. Dashiell*, 443 Md. 435, 463 (2015) (stating that, for purposes of police investigations, the person in interest is

⁷ We briefly address the complainant’s apparent contention that, because an individual in the HCSAO told him that the expungement order would not interfere with his PIA request, the HCSAO may not rely on § 4-301(a)(2)(i) and Maryland expungement law to deny inspection of the records. The parties dispute the facts underlying this alleged conversation. We need not resolve that factual dispute, however, because even if the complainant was so advised, such advice does not undermine or change the applicability of the PIA’s mandatory exemptions, if they indeed apply. *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”). The “police records” in the HCSAO’s custody concerning the district court case have been expunged and are not disclosable under the PIA.

the individual “targeted by the investigation”). A custodian may deny inspection by a person in interest only if at least one of seven specified harms would result from inspection of the records. § 4-351(b).

Counsel for the HCSAO cites § 4-351(b)(5) and (7), which allow a custodian to deny inspection of investigative records by a person in interest if inspection would “disclose an investigative technique or procedure” or “endanger the life or physical safety of an individual,” respectively. Counsel does not, however, explain how or why inspection of the records would have such consequences. Given that § 4-351 has been invoked for the first time in response to this complaint, and that the HCSAO has wholly failed to provide any “particularized factual basis,” *City of Frederick v. Randall Family LLC*, 154 Md. App. 543, 561 (2004), for these claims, we cannot find that the HCSAO has come even close to meeting its burden to prove that the exemption applies, *see* PIACB 25-33, at 4-5 (Feb. 14, 2025) (finding that a custodian did not justify application of § 4-351(b)(7) to redact police body worn camera footage). On this record, then, we find that § 4-351 does not exempt the communications from Havre de Grace officials concerning the complainant from disclosure to the complainant.

Conclusion

Based on the parties’ submissions, we find that the HCSAO improperly denied inspection of all records responsive to the complainant’s PIA request as subject to the district court’s expungement order. While any “police records” in the HCSAO’s custody are exempt under § 4-301(a)(2)(i), certain communications concerning the complainant may fall outside definition of a “police record,” and thus also outside the scope of the expungement order. For the reasons discussed above, we also find that those communications are not exempt under § 4-351. We therefore direct the HCSAO to produce any emails or other communications from Havre de Grace officials about the complainant to the complainant within thirty days of receipt of this decision and order. To the extent that any of those communications directly concern the expunged district court case and are “about the arrest and detention of” the complainant, or about “the further proceeding against” the complainant, such records are “police records” that may not be disclosed.

Public Information Act Compliance Board

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