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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-68
July 2, 2026
Frederick County, Custodian
Eric Beasley, Complainant

Complainant Eric Beasley alleges that Frederick County (“County”) has violated Maryland’s Public Information Act (“PIA”) by producing an improperly redacted telephone log in response to his PIA request. Through a response to the complaint submitted by counsel for the courts, the County asserts that the records contain appropriate redactions for information protected under §§ 4-103(b), 4-301(a), and 4-331¹ of the PIA, as well as other law. As explained below, we find that the County has failed to justify certain redactions in the telephone log it produced.

Background

In September 2025, the complainant sent a PIA request to the County stating, “Judge Adams has a desk phone that has a different number . . . I want all phone records for that desk phone as long as records exist.” After receipt of the PIA request, the County sent the complainant a message² to advise that “the volume of potentially responsive records is approximately 5,000 spanning approximately 8 years beginning January 1, 2015, through August 28, 2023.” The County asked that the complainant “consider limiting the date range to a more targeted period” to “reduce the number of records captured in the query.” The complainant responded, “No thanks. I want all the records. I didn’t stutter.”

On October 13, 2025, the County advised that it had forwarded the responsive records to the courts’ legal counsel for review. Based on information received from counsel and the volume of records needing review, the County asked the complainant to consent to an extension of three weeks for production of the records.³ The complainant did not consent to an extension. Notwithstanding the complainant’s response, on

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

² The complainant and the County corresponded through public records request management software called GovQA.

³ See § 4-203(d)(1), which permits an extension of no more than thirty days with the requester’s consent.

November 4, 2025, the County advised the complainant that it would need an additional week to produce the records.

On November 7, 2025, the County sent the complainant a final response to his PIA request. The County produced a telephone log and advised that the log had been redacted “to exclude other judges’ and court employees’ personal phone numbers.” The County cited §§ 4-103(b) and 4-301(a) of the PIA, and the Judge Andrew F. Wilkinson Judicial Security Act as authority for the redactions. The County also advised that “personal phone calls have been redacted as authorized by [PIACB] 24-53 (May 8, 2024).” The County provided the complainant with a link to access the redacted records.

The complainant was dissatisfied with the County’s response, so he contacted the Public Access Ombudsman to request dispute resolution assistance.⁴ Through that process, the County issued a supplemental response to the complainant’s PIA request in which it explained its method for applying the redactions to the telephone log. Specifically, the County stated that “phone calls that appeared to be personal in nature or were personal phone numbers of other judges or persons employed by the State were flagged for further review by Judge Adams to determine if the call was in fact personal.” According to the County, Judge Adams “spent several hours reviewing the call records and identifying the personal phone calls or personal phone numbers.” The County advised that, “[i]f a phone number could not be identified, it was not redacted.”

On February 10, 2026, the Ombudsman issued a final determination stating that the dispute was not resolved and the complainant filed this complaint with our Board. The complaint alleges that “Frederick County redacted records which are releasable under the MPIA.” The complainant contends that the redactions were “intentionally and maliciously applied” to “obfuscate . . . criminal activity.”

Counsel for the courts submits a response to the complaint on behalf of the County. Counsel advises that the complainant’s PIA request resulted in 5,327 records over 157 pages of a telephone log. According to counsel, “[e]ach phone number was reviewed to determine the owner of the phone number and whether the phone call was personal or judicial/court business.” Once a call was determined personal in nature, “the phone number and location only were then redacted.” In addition, counsel represents that “[i]f a phone number was the personal number of a court employee or another judicial officer, that phone number and location were also redacted to insure the privacy of the employee/officer.” Counsel cites §§ 4-103(b), 4-301(a), and 4-331 of the PIA, as well as the Judge Andrew F.

⁴ The Public Access Ombudsman is charged under the PIA with making “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).

Wilkinson Judicial Security Act and one of our prior decisions as grounds for the redactions.

In reply, the complainant claims that he has found a pattern of phone calls in the telephone log that supports certain accusations of corruption. He asserts that “[t]he phone records requested are integral to the investigation,” and that “[o]n multiple previous occasions, the OAG and Frederick County Government have unlawfully redacted records that were disclosable.” The complainant maintains that the telephone logs he received here were improperly redacted as well.

Analysis

Under § 4-1A-04(a)(1)(i), we must review and resolve complaints that allege that a custodian “denied inspection of a public record in violation of [the PIA].” We must review the complaint, the response, and any additional information we receive to determine if the alleged violation occurred. § 4-1A-07(a). After our review, we must issue a written decision and, if we find that the custodian violated the PIA as alleged, order a remedy as provided in the PIA. *See* § 4-1A-04(a)(2) and (3). When we find that a custodian has improperly denied inspection of a public record, we must “order the custodian to . . . produce the public record for inspection.” § 4-1A-04(a)(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). Though the PIA favors disclosure of public records, § 4-103(b), its provisions also contain disclosure exemptions that either require or permit a custodian to deny inspection of certain records or information. Take, for example, one of the exemptions at issue here. Section 4-331 generally requires that custodian “deny inspection of the part of a public record that contains the home address, personal telephone number, or personal e-mail address of an employee of a unit or an instrumentality of the State or of a political subdivision.” The PIA also applies only to “public records,” defined as “documentary material” made or received by “a unit or an instrumentality of the State or of a political subdivision . . . in connection with the transaction of public business.” § 4-101(k)(1). To the extent that a record does not meet the definition of a “public record” for purposes of the PIA, then, a custodian need not produce the record for inspection. *See Office of the Governor v. Washington Post Co.*, 360 Md. 520, 538 & n.8 (2000) (concerning records of personal telephone calls placed on government-owned phones); PIACB 24-55 (Mar. 25, 2024) (concerning recordings of jail calls between inmates and third parties). A custodian has the burden of justifying a denial of inspection. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

We needed additional information to resolve this complaint. First, to determine the scope of the redactions, we asked the County to provide the redacted records it produced to the complainant, and to indicate the authority for each redaction. We also asked the

County to provide an affidavit from a person (or persons) with knowledge that explains the method used to review the telephone records and apply the redactions.⁵ *See* § 4-1A-06(b)(4) (permitting our Board to request “an affidavit or a statement containing the facts that are at issue in the complaint”). We asked that the affidavit include information about how the person determined that a telephone number was a personal number, and how the person determined that the content of a specific call was personal in nature, and not related to public business.

In response to our request, the County provided 157 pages of phone records with information about calls placed or received from January 5, 2015, through August 28, 2023. The log provides information about the date, time, and duration of each call, as well as the number dialed (if an outgoing call) or the originating number (if an incoming call). There is also information about the location of the incoming or outgoing call and any charges a call may have incurred. Every page has redactions. While some pages contain more redactions than others, it appears to us that the redactions average approximately ten per page. The only information redacted is the relevant phone number (“number dialed” or the “ani” number) and the location. The County does not indicate the reason for each redaction, e.g., whether under § 4-331 or because the phone call was personal in nature. In a letter to our Board accompanying the redacted records, counsel reiterates that “[e]ach redaction was made pursuant to . . . § 4-103(b), 4-301(a), and 4-331, the Judge Andrew F. Wilkinson Judicial Security Act and PIACB 24-53 (May 8, 2024).” Counsel explains that “[t]here presently does not exist a document which merges the identification of the phone numbers, the reason for the redaction, and the initial unredacted spreadsheet of the phone records produced by the Office of the Frederick County Attorney.” Counsel states, “[s]hould one need to be created, our office would ask that it be reimbursed for the time to create such a document in accordance with . . . § 4-206.”^{6, 7}

⁵ Counsel provided some of this information in the County’s response to the complaint. Our request for an affidavit is not meant to suggest that we disbelieve counsel. Rather, as we have said before, we cannot rely on the unsworn factual statements of counsel alone. *See* PIACB 24-100, at 12 n.10 (Sept. 12, 2024).

⁶ Counsel represents that “approximately 39 hours were spent by undersigned counsel reviewing the records to assist Judge Adams in determining which entries included in the eight (8) years, 157 pages of phone records contained information subject to redaction under applicable Maryland law and in redacting the records accordingly.” Counsel further represents that “Judge Adams reported spending several hours for review herself.”

⁷ Counsel includes, in her letter to our Board, a mediation communication that we have not reviewed or considered. *See* Md. Code Ann., Cts. & Jud. Proc. § 3-1803(b)(1) (providing “[a] party to a mediation and any person present or otherwise participating in the mediation at the request of a party may not disclose or be compelled to disclose mediation communications in any judicial, administrative, or other proceeding”).

The County also provided an affidavit written and signed by the same counsel responding to this complaint on behalf of the County. In the affidavit, counsel avers that the records she received from the County contained “5,327 entries and a total of 904 different phone numbers.” Counsel states that she “personally reviewed each of the phone numbers listed in the record of phone calls,” including by “doing public database internet searches of each phone number to identify the owner of the phone number.” According to counsel’s affidavit, “[t]he identity of the owner of the phone number and whether it was a mobile phone number or land line was recorded on a spreadsheet based on information obtained through public database internet searches.” Counsel states that she provided the information to Judge Adams “for her review to confirm or further identify the owner of each of the phone numbers and determine if the phone call was personal or related to public business or the personal phone number of a court employee or other judge.” Counsel avers that she made the redactions “[b]ased on Judge Adams’ indication of which phone calls were personal or phone numbers were personal to court employees or other judges.”

This complaint presents certain difficulties for our review, given the submissions. Before explaining those difficulties, we first address the exemptions the County cites. Section 4-103(b) provides, “unless an unwarranted invasion of the privacy of a person in interest would result, this title shall be construed in favor of allowing inspection of a public record, with the least cost and least delay.” Section 4-103(b) is not a standalone exemption, but rather a rule of construction. *See Police Patrol Sec. Sys., Inc. v. Prince George’s County*, 378 Md. 702, 716-17 (2003) (“As we previously expressed, and as we reiterate today, there are no discrete ‘public interest,’ ‘personal information,’ or ‘unwarranted invasion of privacy’ exception to the MPIA.”). Section 4-301(a) of the PIA is a mandatory exemption that requires a custodian to deny inspection of “a public record or any part of a public record if . . . by law, the public record is privileged or confidential,” or if inspection would “contrary to” certain other law, including “a State statute” or “an order of a court of record.” The County does not state how or why § 4-301(a) applies to the redactions in the telephone log. As noted above, § 4-331 requires a custodian to deny inspection of “the part of a public record that contains the home address, personal telephone number, or personal e-mail address of an employee of a unit or an instrumentality of the State or of a political subdivision.”⁸

The Judge Andrew F. Wilkinson Judicial Security Act (“Judicial Security Act”) was enacted in 2024, *see* 2024 Md. Laws, ch. 415, and is codified at §§ 3-2301 through 3-2304 of the Courts and Judicial Proceedings Article (“CJP”). Among others, the Judicial Security Act applies to “protected individuals,” defined to include “[a] current or retired justice or judge of a court established under Article IV of the Maryland Constitution,” and their spouses, children, or dependents, if they reside in the same household. CJP § 3-

⁸ There are exceptions for when “the employee gives permission for the inspection” or “the unit or instrumentality that employs the individual determines that inspection is needed to protect the public interest.”

2301(e). The Judicial Security Act allows protected individuals to ask that a governmental entity not publish their personal information and also that the governmental entity “[r]emove the protected individual’s personal information from any existing publication.” CJP § 3-2302(a). In addition, a protected individual may also ask “a person who has published the protected individual’s personal information” to remove that personal information from publication. CJP § 3-2303(a). Finally, the Judicial Security Act provides criminal liability for an individual who knowingly publishes personal information of a protected individual when “[t]he individual knows or reasonably should know that publishing the personal information poses an imminent and serious threat to the protected individual” and “[t]he publishing of the personal information results in” certain specified harms, including assault, harassment, trespassing, or malicious destruction of property.” § 3-2304.

Finally, the County cites a previous decision we issued involving the same parties and concerning a request for telephone logs. *See* PIACB 24-53 (May 8, 2024). There, a majority of our Board directed the County to produce the requested telephone logs with redactions only to certain information about telephone calls that were personal in nature. We reasoned, based on guidance in *Office of the Governor*, that information about the content of private, personal telephone calls, even if placed on government-owned telephones, was not a public record subject to production under the PIA. PIACB 24-53, at 5 (May 8, 2024). However, in our view, some information about personal calls was “connected with the transaction of public business” such that it should be disclosed. *Id.* (quoting § 4-101(k)). We therefore ordered the County to disclose “the dates and times of the twelve redacted calls, their duration, and the amount of any charges incurred for those calls.” *Id.* at 6 (citing *Office of the Governor*, 360 Md. at 538 n.8). We determined that the phone number associated with a personal telephone call was closely related to its “content” and thus redaction of the number and location was proper. *Id.* at 7.

Turning to the redactions at issue here, we begin by focusing on the exemptions that may potentially apply. As stated above, § 4-103(b) is not a standalone exemption and thus cannot justify the redactions the County has applied. As to the Judicial Security Act, the only “personal information” in the records that could be subject to that Act would be the “home telephone number” or “mobile telephone number” of a “protected individual.” *See* CJP § 3-2301(d) and (e). If a protected individual has asked that the County not to “publish” those telephone numbers, then the County may not do so. CJP § 3-2302(a). The term “publish” has specific meaning for purposes of the Judicial Security Act—it means “to post or otherwise make available to the general public on the Internet, social media, or social networks.” CJP § 3-2301(f). It is not clear to us that production, under the PIA, of a public record containing the personal information of a protected individual fits within the meaning of “publish” as so defined. However, we need not resolve that question, as the

County has provided no indication that a protected individual has made such a request under the Judicial Security Act.⁹

As we see it, the only potential justifications for the redactions are (1) that the redacted information is a personal telephone number of “an employee of a unit or an instrumentality of the State or of a political subdivision” under § 4-331, or (2) that the redacted number relates to private, personal telephone call and is thus not a “public record” under § 4-101(k)(1) the PIA. The County has redacted a significant number of telephone numbers and locations, but does not state the exemption that applies to each redaction. Upon our request that it do so, the County asked that it be reimbursed for the cost of creating a document that “merges the identification of the phone numbers, the reason for the redaction, and the initial unredacted spreadsheet.” We note, however, that § 4-203(c)(1)(i) requires a custodian who denies inspection to provide among other things, “the legal authority for the denial” and, “without disclosing the protected information, a brief description of the undisclosed record that will enable the applicant to assess the applicability of the legal authority for the denial.” While the County has provided the legal authorities it relies upon, it seems to us that, without explaining which redactions are covered by one (or more) of those authorities, it is difficult to “assess the applicability of the legal authority” for those redactions. § 4-203(c)(1)(i)(4).

Thus, it is difficult for us to resolve this complaint based upon the information the County provides. On the one hand, it is the County’s burden to sustain its denial. *Lamson*, 460 Md. at 367. It is hard to find, based on this record, that the County has justified the redactions it applied to the telephone log, which we presume largely reflects telephone calls made “in connection with the transaction of public business.” § 4-101(k)(1). Without more information, e.g., an affidavit from Judge Adams, it is hard to understand how the County determined which telephone calls did not relate to public business, especially when some of those calls were placed more than ten years ago. At the same time, § 4-331 is a mandatory exemption. The County may not disclose the “personal telephone number” of “an employee of a unit or an instrumentality of the State or of a political subdivision.” The telephone logs in question, which contain information about calls placed to or from Judge Adams’s telephone, may well contain the personal telephone numbers of, e.g., law clerks or administrative employees or other judges, etc.

Counsel’s affidavit states that she redacted the telephone log based on input from Judge Adams as to “which phone calls were personal or phone numbers were personal to court employees or other judges.” The affidavit states that counsel also “personally reviewed each of the phone numbers listed in the record” by “doing public database internet

⁹ Even assuming that a protected individual made such a request, and that production under the PIA is “publishing” for purposes of the Judicial Security Act, given the definitions in CJP § 3-2301, the relevant telephone numbers would likely also be covered by § 4-331, or relate to personal telephone calls such that the numbers would not constitute public records under the PIA.

searches of each phone number.” Presumably, then, counsel has some indication that a specific telephone number is associated with a specific person. Further, counsel should be able to determine whether that specific person is or was a court employee or a judge during the relevant time period. Based on this record, we find that the County has not sufficiently demonstrated that any of the redacted telephone calls were personal in nature and thus not public records subject to the PIA. However, because the County cannot disclose information protected by § 4-331, we do not direct the County to produce the telephone log in completely unredacted form. Instead, we direct the County to redact only those telephone numbers (and not location information) that fall within § 4-331—i.e., “personal telephone numbers” of employees of “a unit or an instrumentality of the State or of a political subdivision.”

Conclusion

For the reasons discussed above, we find that the County has failed to justify the redactions applied to the telephone log on grounds that the telephone numbers and location information relate to private, personal phone calls and therefore are not “public records” subject to the PIA. We direct the County to produce, within thirty days of receipt of this decision and order, the telephone log to the complainant with redactions only to personal telephone numbers of public employees, as exempt under § 4-331.

Public Information Act Compliance Board

Sareesh Rawat, Chair

Samuel G. Encarnacion

Debra Lynn Gardner

Nivek M. Johnson