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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-80

July 21, 2026

University of Maryland Eastern Shore, Custodian
Cui Fang, Complainant

In October of last year, complainant Cui Fang sent a fifteen-part Public Information Act (“PIA”) request to the University of Maryland Eastern Shore (“UMES”). The complainant sought a wide range of email communications concerning herself and the UMES president, as well as other individuals employed by UMES. The complainant also asked for records related to performance evaluations, expense-related records, and application-related records for certain individuals. UMES denied inspection of some records under § 4-311¹ of the PIA, which generally forbids inspection of individuals’ personnel records. For the remaining records, UMES asked the complainant to pay a \$3,324.42 estimated fee for the cost of the search and preparation process. The fee was later reduced to \$1,748.75, after the complainant narrowed her request. In this complaint, the complainant alleges that UMES has both wrongfully withheld records and charged an unreasonable and excessive fee. Based on the record before us, we find no error in UMES’s application of § 4-331. We also find the estimated fees reasonable as that term is defined in the PIA. We explain below.

Background

We take the following facts from the parties’ submissions. On October 15, 2025, the complainant submitted the PIA request below to UMES, seeking:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Google Hangouts, Facebook messages, WhatsApp, Signal, Telegram) between (a) Heidi Anderson or anyone communicating on Anderson's behalf such as a Chief of Staff, Provost, scheduler, or assistant and (b) any of the parties listed below containing the words “Cui Fang”,

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

- “Ms. Fang”, “Cui,” “Fang” or any variant thereof in the subject line or body of the email or communication.
2. Parties: [seven named individuals];
 3. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Google Hangouts, Facebook messages, WhatsApp, Signal, Telegram) between (a) Heidi Anderson or anyone communicating on Anderson's behalf such as a Chief of Staff, Provost, scheduler, or assistant and (b) any email addresses ending with @ed.gov
 4. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Google Hangouts, Facebook messages, WhatsApp, Signal, Telegram) between (a) Heidi Anderson or anyone communicating on Anderson's behalf such as a Chief of Staff, CFO, VP, Provost, scheduler, or assistant and (b) any email addresses ending with @usmd.edu containing in the subject line or main body of the communication the words “complaint”, “investigation”, “review” or any variant thereof.
 5. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Google Hangouts, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram) in the email accounts of Heidi Anderson or anyone communicating on Anderson's behalf such as a Chief of Staff, VP, Provost, scheduler, director, or assistant containing in the subject line or body of the communication [variations on the names of two specific individuals] or [the word] “investigation” or any variant thereof.
 6. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Google Hangouts, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram) in the email accounts of Heidi Anderson or anyone communicating on Anderson's behalf such as a Chief of Staff, CFO, VP, director, Provost, scheduler, or assistant containing in the subject line or body of the communication the words “consultant,” “consulting contract” “consultant contract”, “payment for consultant”, [a named individual], “invoice for consultant” or any variant thereof.
 7. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) and text messages or messages on messaging platforms (such as Google Hangouts, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram) in the email accounts of [a named

- individual] or anyone communicating on [the individual's] behalf such as a scheduler, OIE colleague, or assistant containing in the subject line or body of the communication the words "Cui Fang," "Ms Fang", "Cui", [a named individual] and/or "investigation" or any variant thereof.
8. All performance evaluations and communications regarding performance evaluations of Heidi Anderson regardless of format.
 9. All performance evaluations and communications regarding performance evaluations of [a named individual] regardless of format.
 10. All approvals, invoices, reimbursement requests, and payment records for travel and related expenses filed by [a named individual] and approved or rejected in connection with expenses submitted by [a named individual].
 11. All performance evaluations and communications regarding performance evaluations of [a named individual] regardless of format.
 12. All performance evaluations and communications regarding performance evaluations of [a named individual] regardless of format.
 13. All approvals, invoices, reimbursement requests, and payment records for any expenses filed by [a named individual] and approved or rejected in connection with those requests.
 14. All approvals, invoices, reimbursement requests, and payment records for any expenses filed by [a named individual] and approved or rejected in connection with those requests.
 15. All job applications and related communications in the possession of UMES including emails, documents, interview notes, attachments, background checks, references, and any other materials submitted by: [seven named individuals] This includes any and all communications between any UMES personnel in connection with the employment of any of the above individuals.

The complainant limited her request to records covering January 1, 2018, through the date of the search and asked for a fee waiver or reduction, stating that her PIA request concerned "the public interest in UMES governance and the use of public funds."

On October 29, 2025, UMES sent the complainant a ten-day letter² in response to her PIA request. UMES advised that it "does not utilize, nor have access to . . . Facebook messages, WhatsApp, Signal, [or] Telegram." UMES stated that it did have access to Google Hangouts and Microsoft Teams, and that there were two different email systems that would need to be searched for responsive email records. UMES denied inspection of records responsive to parts eight, nine, eleven, twelve, and fifteen of the complainant's PIA

² See § 4-203(b)(2) of the PIA which requires, when a custodian "reasonably believes that it will take more than 10 working days to produce the public record," that a custodian state so in writing and provide certain information, including the reason for the delay and an estimate of any fees that may be charged.

request, which sought performance evaluation and application records, citing § 4-311, the PIA's mandatory exemption for personnel records. As to the remaining records, UMES asked the complainant to prepay a \$3,324.42 estimated fee,³ and provided a "public information processing fee estimate" document. That document contained a table with rows for each part of the complainant's PIA request, and columns with the estimated time needed to search for the records, the hourly rate charged (\$50.75), and the amount of the fee for each part of the PIA request. In addition, the fee estimate document reflected a fee for 5.5 hours of legal review, charged at a rate of \$120 per hour, for a total fee of \$660 for legal review.

After receipt of UMES's ten-day letter and fee estimate, the complainant contacted the Public Access Ombudsman to request dispute resolution assistance concerning UMES's partial denial, under § 4-311, of her PIA request and the estimated fee.⁴ Through the mediation process, UMES, on January 27, 2026, issued a supplemental response to a revised version of the PIA request in which it asked the complainant to prepay a \$1,748.75 fee. On February 9, 2026, the Ombudsman issued a final determination stating that the disputes were not resolved. Thereafter, the complainant filed this complaint with our Board.

In her complaint, the complainant alleges that UMES has asked her to pay "absolutely excessive and unreasonable fees," and has claimed "attorney-client privilege to withhold disclosure." The complainant asserts that the "excessive fees and privilege are tricks to conceal information that [she has] a right to access." Asking that our Board "compel release" and "drastically reduce the fees," the complainant suggests that the records "can be produced based on simple searches that will only take a few minutes and are presumptively disclosable."

In response to the complaint, counsel for UMES first clarifies that UMES "has not denied inspection of any records based upon an assertion of attorney-client privilege." Rather, counsel states, UMES's partial denial was grounded in § 4-311 of the PIA. Counsel contends that "State employee performance evaluations and job application materials are personnel records under Maryland law" and protected from disclosure by § 4-311. Noting that the complainant requested "personnel records from specifically identified State employees," counsel for UMES argues that "the requested documents constitute personnel records for which no amount of redaction will de-identify the individual who is the subject

³ UMES stated that two hours would be provided "gratis," as required by §4-206(c) of the PIA.

⁴ 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).

of the request.” Thus, counsel states, UMES properly applied § 4-311 to deny inspection of parts eight, nine, eleven, twelve, and fifteen of the complainant’s PIA request.

Turning to the estimated fees, counsel for UMES maintains that those fees complied with § 4-206 of the PIA. Counsel stresses that, for each part of the PIA request incurring a fee, UMES provided a “detailed description of the processing requirements for the records,” including “a description of the tasks each staff would need to perform to respond to the requests.” UMES also provided, counsel states, “an estimate of the number of hours which would be expended by each staff to respond to the requests, and a detailed explanation of how [UMES’s] estimated fees are calculated.” In addition, counsel notes, UMES provided the hourly rates of the staff performing the tasks associated with the response—i.e., \$50.75 per hour for the Information Technology Associate’s time and \$120 per hour for General Counsel’s time. Ultimately, counsel for UMES argues, UMES provided an “extensively detailed explanation in support of its estimated fee,” and thus has “clearly demonstrated that the search and preparation fee estimate is directly related to the actual cost of processing the request.” Accordingly, counsel states, the estimated fees are reasonable under the PIA.⁵

The complainant, in reply, continues to dispute whether § 4-311 applies to the records related to performance evaluations and applications that she requested. The complainant asserts that the named individuals identified in her PIA request “were not UMES ‘personnel’ at the time of their initial communications with UMES.” In addition, the complainant maintains that “nothing in the statute provides the broad exemption from disclosure that UMES is claiming.” The complainant states that “[n]one of the documents requested here contain a ‘performance rating’ or have anything to do with an employee’s ability to do his or her job,” suggesting that “[c]overing [sic] letters, resumes, etc. do not contain personal information such as addresses, social security numbers, etc., and are akin to factual matters that are squarely within the types of materials subject to disclosure under the MPIA.” The complainant argues that “UMES could have redacted private information such as social security numbers if the documents contained such information and released the remainder,” stating that “[c]omments, notes, emails, and complaints about the named individuals’ work are factual matters and do not adversely affect the employee’s ability to do their jobs.”

As to the estimated fees, the complainant presses her position that the fees are excessive and unreasonable. Asserting that “UMES is an over-staffed and under-worked university where the General Counsel and other staff have ample time,” the complainant

⁵ Counsel attached confidential mediation communications with UMES’s response to this complaint. We have not reviewed or considered those communications. *See* Md. Code Ann., Cts. & Jud. Proc. § 3-1803(a) (forbidding a party to a mediation from disclosing “mediation communications in any judicial, administrative, or other proceeding”); *see also id.* § 3-1801(c) (defining “mediation communication”).

contends that UMES employees’ “job duties directly require the performance of these tasks.” The complainant suggests that “[t]he PIA’s permission to collect fees relates to the idea that staff who are otherwise fully occupied with other tasks should not have to do extra work,” and that, for UMES, “that logic does not apply.” Turning to the amount of time UMES anticipates it will take to respond to each part of her PIA request, the complainant asserts that “[t]he search and preparation are mere keyword searches that take just minutes,” and that there is therefore “no ‘actual cost’ to processing the request.”⁶

Analysis

The PIA directs us to review and resolve complaints alleging certain violations of its provisions, including that a custodian improperly denied inspection of public records or charged an unreasonable fee higher than \$350 for production of public records. § 4-1A-04(a)(1). If, after review of the submissions, we determine that a custodian violated the PIA as alleged, we must issue a written decision and order a specific remedy as provided in the PIA. § 4-1A-04(a)(2) and (3). For instance, when we find that a custodian 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). If we determine that a custodian has charged an unreasonable fee higher than \$350, we must direct the custodian to “reduce the fee to an amount determined by the Board to be reasonable and refund the difference,” if applicable. § 4-1A-04(a)(3)(ii).

The PIA is meant to afford “access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). Under § 4-201(a)(1) of the PIA, a custodian must allow inspection of public records, unless the records are exempt from disclosure by law. Although the PIA favors disclosure, *see* § 4-103(b), it does not permit “complete *carte blanche*, unrestricted disclosure of all public records, *Immanuel v. Comptroller*, 449 Md. 76, 88 (2016). Instead, the PIA contains both mandatory and discretionary disclosure exemptions. The exemption at issue here, § 4-311, is mandatory. Section 4-311(a) generally requires a custodian to deny inspection of “a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.” No matter the nature of the exemption, a custodian has the burden of showing that an exemption was properly applied. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

While the PIA ordinarily must be “construed in favor of allowing inspection of a public record, with the least cost and least delay,” § 4-103(b), the PIA permits a custodian

⁶ The complainant’s reply also contains argument concerning UMES’s apparent denial of her request for a fee waiver. We lack jurisdiction over fee waivers, so we do not detail those arguments here. We note, however, that Maryland law requires that UMES meaningfully consider and respond to the complainant’s request that it waive fees as in the public interest. *See Baltimore Police Dep’t v. Open Justice Balt.*, 485 Md. 605, 650-54 (2023).

to charge a “reasonable fee” when it takes longer than two hours to respond to a PIA request, § 4-206(b) and (c). The PIA defines a “reasonable fee” to mean “a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.” § 4-206(a)(3). Although the PIA does not expressly permit it, our State’s Supreme Court has suggested that a custodian may charge fees in advance “when the cost of processing a PIA request is likely to be substantial.” *Glass v. Anne Arundel County*, 453 Md. 201, 213 (2017). If a custodian asks for prepayment of fees, the custodian must be able to show that the fee is reasonably related to the actual costs it expects to incur in responding to the PIA request. *See, e.g.*, PIACB 25-83 (Sept. 18, 2025).

Turning to the complaint, we begin with the records withheld under § 4-311. UMES denied inspection of “performance evaluations and communications regarding performance evaluations,” and “job applications and related communications” for certain specific individuals under that exemption. Section 4-311(a) requires a custodian to “deny inspection of a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.”⁷ The complainant appears to argue that any information contained in the records that is not the application itself, a performance rating, or scholastic achievement information falls outside the scope of § 4-311. Our courts have instructed otherwise. In *Kirwan v. The Diamondback*, the Supreme Court of Maryland observed that “this list was probably not intended to be exhaustive,” and instead reflected “a legislative intent that ‘personnel records’ mean those documents that directly pertain to employment and an employee’s ability to perform a job.” 352 Md. 74, 82-83 (1998). Later the Court explained further that, for purposes of the PIA, “personnel records [are] those relating to hiring, discipline, promotion, dismissal, or any matter involving an employee’s status.” *Montgomery County v. Shropshire*, 420 Md. 362, 378 (2011); *see, e.g.*, PIACB 23-17, at 3-4 (May 25, 2023) (records related to an investigation of complaints filed against EMTs were personnel records exempt from disclosure under § 4-311).

In a different matter, we considered PIA requests sent to a public school system asking for “among other things, resumes, educational degrees, trainings and certifications, and information about any complaints for eight named [school] employees.” PIACB 25-29 (Feb. 13, 2025). We determined that the school system properly denied the requests under § 4-311, as the requests sought personnel records of specified individuals. *Id.* at 5-6. In doing so, we concluded that many of the records sought fell “within the plain language of § 4-311,” and that others fell “within the scope of the personnel records exemption as described by the Maryland courts.” *Id.* at 5. We also found that “[r]edaction

⁷ Under subsection (b), which does not apply here, a custodian must allow inspection by certain individuals, including the “person in interest.” § 4-311(b). For purposes of § 4-311, the “person in interest” is the individual who is the subject of the personnel records. *See* § 4-101(g) (defining “person in interest”). Thus, while the complainant may have a right to inspect her own personnel records, she does not have a right, under § 4-311(b), to inspect other individuals’ personnel records. Here, the individuals all appear to be UMES employees.

[would] not remove the records from the scope of the exemption” because “they will still be personnel records of an identifiable ‘individual.’” *Id.* at 5 (citing *Glass v. Anne Arundel County*, 453 Md. 201, 242-43 (2017)).

We make the same findings here, regarding the complainant’s request for the applications and performance evaluations, and communications surrounding those things, of specific named individuals. The request for applications falls within the plain language of § 4-311(a). Performance evaluations “directly pertain to employment and an employee’s ability to perform a job,” *Kirwan*, 352 Md. at 83, and may also concern “discipline” or “promotion,” *Shropshire*, 420 Md. at 378. Communications about applications and performance evaluations would also fall within scope of personnel records, given the communications’ subject matter. We therefore find no error in UMES’s application of § 4-311 to deny inspection of parts eight, nine, eleven, twelve, and fifteen of the complainant’s PIA request.

We move next to the complainant’s allegation that UMES has charged unreasonable estimated fees. As discussed above, UMES asked the complainant to pay \$3,324.42 for production of records responsive to her original PIA request, sent in October 2025. When, in January 2026, the complainant revised her request, UMES asked her to pay a \$1,748.75 fee. We needed additional information from UMES to resolve this allegation, so we asked UMES to provide an affidavit from a person with knowledge that stated: (1) the basis for the hourly rates; (2) whether any preliminary search for records was done; (3) the anticipated volume of records needing review; and (4) the basis for the time estimates for search and processing. In response, UMES supplied affidavits from Matthew Taylor, who serves as General Counsel at UMES (“Taylor Affidavit”), and Jonathan Berlin, who is an IT Security Analyst for UMES (“Berlin Affidavit”).

The Taylor Affidavit first provides the bases for the \$50.75 and \$120 rates of its Information Technology Associate and General Counsel, including their annual salaries. The Taylor Affidavit states that UMES “prorated the employee’s annual salary amount by 52 weeks and 37.5 hours per week.” According to the Taylor Affidavit, this calculation resulted in rates of \$52.32 and \$127.28, respectively, which were reduced to \$50.75 and \$120 for purposes of the estimated fees. With this additional information, we find that the hourly rates comply with § 4-206(b)(2)’s requirement that the “calculation of actual costs” be “prorated for each individual’s salary.”

The Taylor Affidavit next avers that UMES has not conducted any preliminary search for responsive records. Mr. Taylor states that UMES anticipates that “the search will return in excess of one thousand documents.” This expectation, Mr. Taylor asserts, is based on UMES’s “fulfillment of numerous requests which are comparable in scope.” The Taylor Affidavit explains that the time estimates include the time for searching two email systems “independently and separately.” In addition, Mr. Taylor states, the time estimates include review by General Counsel to “determine whether they are, in whole or in part,

exempt from disclosure.” This is so, the Taylor Affidavit explains, because UMES anticipates that “records may be subject to certain exemptions, including but not limited to the attorney-client privilege and work-product doctrine,” in light of “the specific communications requested.”

The Berlin Affidavit supplies additional detail about the type of search UMES expects to conduct. Mr. Berlin states that the search will include review of the email accounts of the custodians identified in the PIA request as well as “[o]ther locations reasonably likely to contain responsive records.” Noting that the PIA request “covered records from 2018 through 2025,” the Berlin Affidavit identifies at least eleven search terms, including general terms such as “complaint,” “investigation,” and “review.” Mr. Berlin avers that the estimate was based on the “time that would be required to review specified keywords and examine numerous email communications” involving nine specific individuals identified in the PIA request, and the fact that the process will involve “searching multiple mailboxes across two cloud-based email services covering the period from 2018 through 2025.”⁸

We start by noting that the complainant’s PIA request, and its narrowed version, are broad in scope. Even in its more narrowed form,⁹ the complainant seeks “[a]ll emails” sent or received by UMES President Heidi Anderson over a period of eight years concerning her, or sent or received between eight different UMES employees. In addition, the complainant has asked for eight years of email sent or received by the UMES President containing the keywords “complaint,” “investigation,” or “review,” and eight years of email sent or received by a different individual concerning the complainant. The Taylor Affidavit states that, based on UMES’s experience with similarly broad PIA requests, it expects the search to return more than 1,000 records. According to the “Public Information Processing Fee Estimate,” UMES estimated five hours of search and preparation for each part of the narrowed PIA request, which includes, as the Taylor Affidavit states, searching

⁸ After receiving the affidavits from UMES, the complainant submitted a response. We have reviewed and considered the information she provided, but do not describe it in detail here. One point of contention raised by the complainant concerns § 4-206(c)’s prohibition on charging a fee for the first two hours of search and preparation time. The complainant contends that UMES’s fee estimates do not account for those two free hours of labor. Upon review of the letters UMES sent regarding the estimated fees, however, it appears to us that UMES has not ignored this provision. In its letter of October 29, 2025, UMES stated, “[b]ased upon a preliminary review and the breadth of your request, after granting you two (2) hours gratis, [UMES] estimates that it will generate a fee of \$3,324.42.” The letter of January 27, 2026, regarding the complainant’s revised request, states that two hours “[have] already been exhausted in this case.”

⁹ We focus on the \$1,748.75 as that is the current estimate, and it was calculated in the same way that the previous higher estimate was.

two email systems “independently and separately.” The information in the Berlin Affidavit, submitted by a member of UMES’s IT staff, supports these time estimates.

Based on the breadth of the PIA request and the details of the work to be done supplied by UMES’s January 27, 2026, letter and the Taylor and Berlin Affidavits, that estimate does not strike us as excessive. In addition, we agree with UMES’s position that the records will likely need legal review, given what the complainant has asked for—e.g., records related to investigations and complaints. Moreover, we note that the time for legal review by counsel—four hours—is a small fraction of the overall twenty-nine hours of search and preparation time. *See* PIACB 21-15, at 5-6 (July 7, 2021) (finding a fee unlikely to be reasonable where the custodian “allocated equal amounts of time for staff and attorney review”).

Based on all information before us, we cannot find UMES’s estimated fees unreasonable. We also note that the complainant’s arguments against the fees—i.e., that “[t]he PIA’s permission to collect fees relates to the idea that staff who are otherwise fully occupied with other tasks should not have to do extra work”—is not quite accurate. Though the complainant argues that the employees’ job descriptions “directly require” that they respond to PIA requests, and claims that “UMES is an over-staffed and under-worked university where the General Counsel and other staff have ample time,” § 4-206 does not distinguish between circumstances where an employee’s routine tasks include handling PIA requests versus an employee who must take on extra work to get the response done. When confronted with similar arguments in the past, we have found them unconvincing. *See, e.g.,* PIACB 25-15, at 3, 10-11 (Dec. 9, 2024) (regarding an objection to “paying state employees for their time in processing MPIA requests” that was grounded in the fact that “responding to MPIA requests when necessary is a required part of every state employee’s job”). Because UMES has shown that the estimated fees are reasonably related to the actual costs it reasonably expects to incur, those estimated fees comply with § 4-206(b) of the PIA.

Conclusion

After review of the submissions, and for the reasons stated above, we find that UMES properly applied § 4-311 to deny inspection of specified individuals’ personnel records. We also find that UMES’s estimated fees are reasonable under § 4-206(b) of the PIA.

Public Information Act Compliance Board*

Sareesh Rawat, Chair
Samuel G. Encarnacion
Debra Lynn Gardner
Nivek M. Johnson

* Board member Kimberly A. Moses did not participate in the deliberation, preparation, or issuing of this decision.