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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-82

July 28, 2026

Maryland Department of Budget and Management, Custodian
Rebecca Oliver, Complainant

In this complaint, complainant Rebecca Oliver disputes the Maryland Department of Budget and Management's ("DBM") responses to her Public Information Act ("PIA") requests for employment-related records. In response to the complaint, DBM, through counsel, maintains that it properly and lawfully responded to those requests. After review of the submissions, we find that DBM's search for responsive records was unreasonable, but that it also appropriately applied § 4-301(a)¹ of the PIA to deny inspection of certain complaint investigation records. We explain below.

Background

We take the facts below from the parties' submissions. The complainant has an employment-related dispute with DBM. On November 12, 2025, the complainant sent a twenty-nine-part PIA request to DBM for "all records, documentation, and evaluations associated with the 2023 reclassification" of a specific job position. In particular, the complainant asked for:

1. The full classification study or job evaluation packet (including but not limited to DBM Form MS-2024, any "Short Study Memo," analyst notes, desk-audit notes, and findings);
2. Any completed supervisory questionnaire (such as an MS-44 or DBM equivalent) used to evaluate the position's duties;
3. Any classification or operational audit performed under SPP § 4-230 relating to this position or unit;
4. All documents listed in COMAR 17.04.02.02 related to the June 2023 reclassification of PIN 079124
5. All documents used for the posting of PIN 079124 in Fall 2022/ The complete recruitment file for PIN 079124 from the Fall 2022 hiring process. This must include:

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

- a. All internal forms submitted by management to HR/DBM to initiate the recruitment (e.g., “Request to Recruit,” “Request to Fill Vacancy,” or equivalent).
 - b. The approved MS-22 Position Description and class specification used to justify and post the vacancy, and the original MS-22 provided to candidates
 - c. The official job posting
 - d. The official offer letter.
 - e. The position’s approved title, grade, and Skilled Service status at the time of hire.
6. All justifications, memoranda, or forms explaining the decision not to hold a competitive recruitment for the “Expert” position.
7. All communications, memoranda, and emails within DBM regarding the 2023 reclassification of PIN 079124;
8. Any approval memos or justification documents DBM issued in connection with the reclassification;
9. All records demonstrating the Appointing Authority’s (then-Secretary Grady) review, approval, or consent for the reclassification of PIN 079124, including any memorandum delegating that specific authority for this reclassification to the individual(s) who purportedly signed the MS-22 on or around June 9, 2023;
10. The internal DBM guidelines, rules, or policies governing position reclassifications (such as DBM’s equivalent to “Reclass Rule 02”)
11. The internal DBM guidelines, rules, or policies governing position recruitments
12. The internal DBM guidelines, rules, or policies governing promotions
13. The internal DBM guidelines, rules, or policies governing position probation, including rules about promotion or reclassification during probation and rules about when probation should end or be extended
14. Instructions for completing the MS-22 Position Description form that were in effect in June 2023;
15. The internal DBM guidelines, rules, or policies governing MS 22 completion and requirements;
16. The internal DBM guidelines, rules, or policies governing service class changes;
17. DBM Classification Manual, Handbook, or similar training materials for classification analysts
18. The full, unalterable digital audit trail for the Position Description (MS- 22) for PIN 079124 signed by management on or about June 8-9, 2023. This request includes all metadata required to authenticate signatures, dates, and edits.
19. All internal compensation, probation, and position history records for PIN 079124 from December 2022 to present, including the 180-Day

- Probationary Evaluation form (certified July 2023) and any Workday records showing the effective dates of classification, service category, and pay grade changes;
20. All Performance Evaluation Program (PEP) documents (drafts and final versions) for my position from 2023 to present;
 21. The Skilled Service Position Description (MS-22) for PIN 079124 (Contract Administrator III, Grade 20) that was in effect immediately prior to the June 2023 reclassification;
 22. Any and all documents titled “Contract Administrator IV” associated with PIN 079124, and any class specification or record clarifying the discrepancy between the “Contract Administrator Expert” class title and the “Contract Administrator IV” title referenced in grievance proceedings; and
 23. My complete and entire internal personnel file (and any “supervisory” or “shadow” files) maintained by DBM or its subdivisions.
 24. MS 2024 Request to Position Classification Form
 25. MS 44 Supervisory Questionnaire
 26. Reclass Rule 02 Selection Documentation 1854
 27. Short Study Memo
 28. Non-Competitive Guidelines- actual guidelines
 29. Non-Competitive Guidelines Memo or similar to be submitted in a reclassification

The complainant asked for an “accelerated deadline” of five business days, citing “the ongoing grievance and DBM’s role as the decision-maker.” The complainant stated that the accelerated timeline was “justified by the need to prepare for further grievance steps if necessary.”

Then, on November 17, 2025, the complainant sent a second PIA request seeking “any and all records constituting the entire and complete investigative file pertaining to the EEO investigation conducted by Investigator Dr. McNeil” regarding a complaint filed in September 2025. The complainant stated that her request included, but was not limited to:

1. The final investigative report and any associated close-out letters (e.g., the letter dated approximately November 14, 2023).
2. All handwritten or typed notes, logs, and internal memoranda created by the investigator(s).
3. All transcripts or summaries of interviews conducted with any and all witnesses.
4. All documents, emails, attachments, data, electronically stored information (ESI), metadata, and exhibits collected, reviewed, or relied upon during the investigation.

5. All internal and external correspondence (including emails) to, from, or between the investigator(s), DBM staff, and DBM management regarding this case.
6. All drafts of any reports, findings, summaries, or close-out letters.
7. Any and all other materials, in any format, that are part of or related to this investigative file, whether or not explicitly listed above.”

The complainant asked that DBM waive any fees associated with production.

On November 21, 2025, DBM sent the complainant a letter in response to her November 17 PIA request. DBM produced a “close-out letter, dated November 14, 2025,” but denied inspection of the remaining records “on the basis that the records are confidential or do not exist.” DBM took the position that the other records, “including the investigative report, report drafts, notes, logs, internal memoranda, interview summaries, documents, emails, attachments, data, electronically stored information (ESI), metadata, and exhibits, correspondence, and findings” were confidential under § 5-214 of the State Personnel and Pensions Article (“SPP”) and thus exempt from disclosure under § 4-301 of the PIA.

DBM sent a ten-day letter² in response to the complainant’s November 12 PIA request on November 24, 2025. DBM advised, “given the breadth of the request,” it would take DBM longer than ten working days to produce records. Noting that the PIA request “encompasses 29 items, which are maintained by various DBM divisions,” DBM stated that it was able to compile some of the records. DBM shared those records via a link to Google Drive and advised that it would continue to “work with each appropriate division to collect the requested records.” DBM stated that it expected the search and preparation process to take ten to fifteen hours. While acknowledging that the first two hours of labor would be provided at no cost,³ DBM advised that the complainant would be “responsible for payment of the remaining reasonable costs associated with the search, preparation, and reproduction of records.” Thus, DBM asked the complainant to pre-pay an estimated fee in the amount of \$750.

The complainant was dissatisfied with DBM’s responses to her PIA requests so she contacted the Public Access Ombudsman to request dispute resolution assistance.⁴ As a

² See § 4-203(b)(2) of the PIA, which requires a custodian who “reasonably believes that it will take more than 10 working days to produce the public record” to notify the requester in writing and provide certain information, including the reason for the delay and an estimate of any fees that might be associated with production.

³ See § 4-206(c).

⁴ The Ombudsman is charged with making “reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records.” § 4-1B-04(a). Before filing a complaint with our Board, a complainant must attempt to resolve a dispute through the

result of the mediation process, DBM produced additional records to the complainant at no cost, including the “Fall 2022 recruitment file,” which was redacted under § 4-311 “to protect other individuals’ personnel record information.” DBM also provided a revised fee estimate of \$211.63, for certain records. On March 23, 2026, the Ombudsman issued a final determination stating that the disputes were partially resolved. The final determination indicates that disputes about various parts of the complainant’s November 12 PIA request remained unresolved, as will be addressed below. In addition, the final determination indicates that dispute about DBM’s denial of the records responsive to the November 17 PIA request was unresolved.⁵ After receipt of the Ombudsman’s final determination, the complainant filed this complaint with our Board.

In her complaint, the complainant alleges that DBM has charged an unreasonable fee and arbitrarily denied her request for a fee waiver. In addition, the complainant alleges that DBM performed an inadequate search for records by limiting the search to “handpicked custodians or final static PDFs while ignoring the electronic systems and underlying data where responsive records were likely to be found.” The complainant also alleges that DBM constructively denied her PIA requests by failing to produce certain “mandated records” and providing “flattened” versions of PDF records without metadata. Focusing on her request for her own personnel records, the complainant contends that DBM tried to “evade” § 4-311’s requirement that a custodian allow a “person in interest”⁶ to inspect their personnel files by “fragmenting records into inaccessible slide files.” The complainant claims that she is entitled to “any paper relating to a personnel matter held by authorized custodians anywhere in the agency,” including “Workday information change logs, MS 22 versions, analyst notes, audits, title-clarification documents, and management ‘shadow files.’” Finally, the complainant challenges DBM’s application of § 4-301 to deny inspection of the records related to DBM’s investigation of her complaint. The complainant takes the position that DBM must disclose “agency-created materials—such

Ombudsman and receive a final determination stating that the dispute was not resolved. § 4-1A-05(a).

⁵ The final determination does not refer to the complainant’s November 17, 2025, PIA request. Instead, it refers to a PIA request submitted on November 14, 2025, for similar records, although the request appears broader in scope. The complainant has not provided a copy of a PIA request dated November 14, 2025, but has provided DBM’s November 24, 2025, letter in which it responds to her November 17 PIA request. Notably, the final determination refers to and quotes that November 24 letter from DBM. In addition, in DBM’s response to this complaint, counsel for DBM states that it does not have a record of a PIA request submitted on November 14, 2025, and the complainant’s reply addresses the November 17, 2025, PIA request. From the record we have, it is apparent that the complainant has sent many communications to DBM, including numerous PIA requests. It is possible that the Ombudsman’s final determination is inaccurate. Given the circumstances, we will focus on the November 12 and November 17 PIA requests.

⁶ The PIA defines “person in interest” as, among others, a person “that is the subject of a public record.” § 4-101(g)(1).

as internal management directives, structural scoping emails, investigator notes, and final reports.”⁷

In response to the complaint, DBM, through counsel, maintains that DBM’s responses to the complainant’s PIA requests complied with the PIA. Counsel argues that both of DBM’s fee estimates—i.e., \$750 and \$211.63—are reasonable under § 4-206 of the PIA. Counsel for DBM states that the \$750 fee estimate was based on “a minimum of 10 hours of staff and attorney time” and the prorated hourly rates of each staff and attorney. That fee, counsel explains, reflected the collection of records from “various DBM units, including the Contract Management Division, the Personnel Services Division, and the Classification Division,” as well as the submission of an “e-discovery request to the Department of Information Technology (‘DoIT’) for communications and emails.” In addition, counsel states, each staff (excluding DoIT and the Assistant Attorney General) took time to “search on their computer hard drive, computer shared drive, and emails, as well as hard-copy file locations for any responsive records.” In addition, counsel advises, the Assistant Attorney General was tasked with reviewing the records.

Noting that DBM produced additional records to the complainant without cost, and that DBM has revised its fee estimate to \$211.63, counsel for DBM argues that the fee is “clearly reasonable when compared to the Complainant’s extensive and broad request.” Counsel asserts that “DBM has liberally applied the requirement that the first two hours of search and preparation be provided without charge,” stating that DBM initially provided six free hours and produced twenty-seven records within ten working days. Counsel stresses that DBM produced “significantly more records” in March 2026 without charging any fee. Counsel for DBM also takes the position that the complaint should be dismissed as to the fee allegation, as the operative fee, \$211.63, falls outside our jurisdiction to review and resolve complaints about fees.⁸

Turning to the complainant’s allegations regarding DBM’s search for records, counsel states that “DBM wholly disputes the Complainant’s assertions that it conducted an inadequate search, engaged in bad faith delays, and made a constructive denial.” Counsel reiterates that DBM “worked with several of its units” and also “sought external search assistance from the Department of Information Technology.” Counsel for DBM

⁷ The complaint also contains allegations of “conflicts of interest & self-selection” and “bad faith tactics.” Because we lack jurisdiction over such allegations, we do not detail them. We also note that we are not empowered to provide some of the relief the complainant seeks, including finding that the “Public Access Ombudsman’s statutory clock commences strictly upon the receipt of a complaint, rather than on an arbitrary date when the office chooses to formally open a file.” We have no oversight authority over the Ombudsman or her office.

⁸ Counsel for DBM also responds to the complainant’s allegations regarding DBM’s denial of her request for a fee waiver. Because we lack jurisdiction over fee waivers, we do not detail those arguments.

addresses the “specific allegations of outstanding records,” beginning with the “electronic/metadata records.” Counsel asserts that DBM has produced “all the records it maintains relating to the June 8 and 14, 2023 MS-22 PDF files, including the audit reports.” Counsel notes that neither of the PIA requests at issue here sought “Workday audit logs showing effective dates of classification and pay grade changes, and who made the changes in the Workday system, when changes were made in Workday, and how they were routed.”

Counsel asserts that DBM has also produced “all the records it maintains relating to the reclassification of the Complainant’s position in June 2023” and the records concerning “draft and final MS-22s for PIN 079124 from 2022 to 2026.” Counsel states that the complainant’s PIA requests did not seek certain of the records she now claims were not produced, specifically “all documents titled ‘Contract Administrator IV’ and historical crosswalks clarifying the discrepancy with the ‘Expert’ title.” In addition, counsel states the request for “Non-Competitive Guidelines” is among the “core manuals, specific policies, and operational audits for which DBM has requested payment of the \$211.63 fee,” as are the records responsive to the complainant’s request for certain operational audits, internal guidelines governing reclassifications, and the DBM Classification Manual. Finally, counsel asserts that DBM has produced “all the records it maintains relating to the Complainant’s personnel record.”

As to the complainant’s November 17 PIA request, counsel for DBM argues that Maryland law requires DBM to deny inspection of the records related to the Equal Employment Opportunity (“EEO”) investigative file. Stressing that SPP § 5-214 makes information obtained as part of an equal employment opportunity investigation confidential for purposes of the PIA, counsel contends that the records the complainant asked for are exempt under § 4-301(a) of the PIA. Counsel maintains that the “investigative file and appeal records that the Complainant has requested fall squarely within the common definition of ‘obtain,’” and thus “each record is confidential and shall be denied by the custodian in accordance with the PIA.” Counsel points to an unreported opinion from our Appellate Court,⁹ suggesting that it may be persuasive here. That case concerned a PIA request for records that the Appellate Court ultimately determined fell within the scope of SPP § 5-214 and thus could not be produced by DBM. Counsel emphasizes that the same statutory provision is at issue in this complaint. Finally, counsel points to a recent decision of ours, in which we found that DBM correctly applied § 4-301(a) to deny inspection of records related to a Whistleblower complaint, *see* PIACB 26-36 (Mar. 6, 2026),¹⁰ arguing that we must apply the same logic and reasoning here.

⁹ *Gray, et al. v. Dep’t Budget & Mgmt*, No. 1295, Sept. Term, 2004 (Md. Ct. App. June 13, 2005) (unreported).

¹⁰ This decision is currently pending appeal in circuit court. *See In the Matter of Jillian Lord*, Case No. C-16-CV-26-001511 (Cir. Ct. Prince George’s County).

The complainant, in reply, argues that “DBM’s much later reduction of the fee” does not “moot” or “cure” its “original excessive fee demand.” The complainant asserts that the issue is “whether DBM’s original fee demand was reasonable when imposed, whether it delayed or obstructed access to records, and whether DBM may avoid review by reducing the fee only after [she] challenged it.” The complainant contends that the fee is “difficult to justify because the requested records are largely routine HR, personnel, classification, recruitment, title-history, audit, and general policy records,” which are not, in the complainant’s view, “obscure or speculative documents.”

The complainant also continues to press her position that DBM has constructively denied inspection of certain records and disputes the reasonableness of DBM’s search for responsive records. The complainant argues that DBM’s representations that it has “provided ‘all records it maintains’ in several core categories, including records concerning [the complainant’s] personnel record, reclassification, MS-22 records, title-discrepancy records, and draft and final position-description records” are “inaccurate or, at a minimum, materially premature.” The complainant states that DBM produced additional responsive personnel records on May 1, 2026, within the context of a complaint and after DBM asserted “full compliance” with the complainant’s PIA request. In addition, the complainant states that DBM has not demonstrated that it searched certain specific systems or repositories, including “JobAps, Workday, or the State Personnel System.”

The complainant also takes issue with DBM’s position concerning her request for the OSEEOC investigative file records, arguing that “not every record related to an EEO matter is necessarily ‘information obtained as part of an investigation.’” In the complainant’s view, “[s]ome records may exist independently outside the investigation, including procedural correspondence, transmittal communications, personnel records, accommodation records, management records, or records maintained in ordinary personnel or management files.” The complainant stresses that she is not asking for disclosure of “protected third-party witness statements or confidential third-party investigative material,” but rather “clarification of what records exist, what records are being withheld, what records DBM claims do not exist, and whether independently existing records . . . can be produced.”¹¹

Analysis

We are authorized to review and resolve complaints alleging certain violations of the PIA’s provisions, including that a custodian charged an unreasonable fee higher than \$350 or wrongfully denied inspection of public records. § 4-1A-04(a). When we determine that the alleged violation has occurred, we must issue a written decision and order a remedy, as provided in the PIA. § 4-1A-04(a)(2) and (3). For instance, if we find

¹¹ As with counsel for DBM’s response to the complaint, the complainant’s reply contains arguments about DBM’s denial of her request for a fee waiver, which we do not detail.

that a custodian improperly denied inspection of records, we must order the custodian to “produce the public record for inspection.” § 4-1A-04(a)(3)(i).

Our General Assembly intended the PIA to provide “access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). Access to such information is accomplished through inspection and copying of public records. §§ 4-201(a), 4-205(b). But, although the PIA favors disclosure of public records, § 4-103(b), it does not afford “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. When a mandatory exemption applies, a custodian must deny inspection of the relevant records or information. *See, e.g.*, § 4-301(a)(1) (requiring denial of inspection if the record or information is privileged or confidential “by law”); § 4-311 (generally requiring denial of inspection of individuals’ personnel records). If the applicable exemption is discretionary, a custodian may deny inspection only if inspection would be “contrary to the public interest.” § 4-343; *see, e.g.*, § 4-351 (discretionary exemption for certain law enforcement records). No matter the nature of the exemption, a custodian has the burden of showing that the exemption was correctly applied. *See Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

Section 4-201(a)(1) of the PIA requires that a custodian allow inspection of a public record, unless a disclosure exemption applies. Thus, 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)). A custodian is not expected to “robotically examine every record in [the agency’s] possession,” *id.*, or conduct “a perfect search that leaves no stone unturned,” *id.* at 233. Rather, a custodian is expected to focus a search “on where responsive records are likely to be found.” *Id.* at 232; *see, e.g.*, PIACB 26-43, at 7-9 (Apr. 21, 2026) (finding a search reasonable, and thus no constructive denial of inspection, where a custodian searched in multiple locations and employed various search methods). As our State’s Supreme Court has said, “the adequacy of the agency’s search is measured by whether it is reasonably calculated to uncover responsive records, not by whether it locates every possible responsive record.” *Id.* at 212.

Moving to the allegations at issue here, we start with the complainant’s contention that DBM wrongfully denied inspection of records responsive to her November 17, 2025, PIA request for “any and all records constituting the entire and complete investigative file pertaining to the EEO investigation conducted by Investigator Dr. McNeil regarding a complaint filed by [the complainant] dated September 2025.” DBM’s position is that the responsive records (excluding the close-out letter produced to the complainant) are made confidential by SPP § 5-214 and thus § 4-301(a) of the PIA precludes disclosure, even to the complainant, who asserts that she is a person in interest.

Title 5, Subtitle 2 of the State Personnel and Pensions Article concerns the State's Equal Employment Opportunity Program. Under SPP § 5-203, a State employee may “pursue an allegation of employment discrimination under the complaint resolution procedures of this subtitle.” Such a complaint may be filed “with the head of the principal unit,” SPP § 5-211(a), and is investigated by “an equal employment officer, under the direction of the fair practices officer,” SPP § 5-212(a)(1). Section § 5-214 of the State Personnel and Pensions Article provides that “[i]nformation obtained as part of an investigation conducted under this subtitle is confidential within the meaning of Title 4 of the General Provisions Article”—i.e., the PIA.

Under § 4-301(a)(1) of the PIA, a custodian must “deny inspection of a public record or any part of a public record if . . . by law, the public record is privileged or confidential.” A different subsection requires denial if “the inspection would be contrary to . . . a State statute.” § 4-301(a)(2)(i). DBM takes the position that a State statute, SPP § 5-214, makes the complaint investigation records the complainant seeks confidential and thus exempt from disclosure under § 4-301(a). Therefore, we must determine whether SPP § 5-214 applies to the records. If it does apply, then DBM correctly denied inspection of the requested EEO investigation records.

As DBM notes in its response to this complaint, we recently considered a matter concerning a denial of inspection of records concerning a Whistleblower complaint. *See* PIACB 26-36 (Mar. 6, 2026). In that case, we determined that SPP § 5-314—which contains language identical to SPP § 5-214, but relates to Whistleblower complaints instead of EEO complaints—made the disputed investigation records confidential and thus exempt under § 4-301(a). *Id.* at 4-5. In coming to that conclusion, we looked to the legislative history of SPP § 5-314 and noted that the provision was “added in 2009 to establish ‘the same assurance of confidentiality that exist[ed] for investigations conducted under the State’s Equal Employment Opportunity Program.’” *Id.* at 4 (quoting Fiscal & Policy Note, S.B. 81, 2009 Leg., Reg. Sess. at 2). After review of that history, we found it “clear that SPP § 5-314 was enacted not only to protect sensitive information provided by a complainant, but also by others whom the OSEEOC contacts during the investigation.” *Id.* at 5. We also observed that SPP § 5-314 did not “provide an exception for consent by the Whistleblower,” and concluded that “it would counter the General Assembly’s intent to read one in, given that the provision was intended to protect more information than that which is provided by the Whistleblower.” *Id.*

As to the complainant’s November 17 PIA request, DBM produced a “close-out letter,”¹² but denied inspection of the remaining records. In addition to the “final investigative report and any associated close-out letters,” the complainant sought records

¹² We note that DBM’s production of this record is consistent with the Appellate Court of Maryland’s ruling in the unreported opinion concerning SPP § 5-214, attached to DBM’s response to this complaint. *See supra*, note 9.

“created by the investigator(s),” records of “interviews conducted with any and all witnesses,” records “collected, reviewed, or relied upon during the investigation,” correspondence records generated by the investigators, DBM staff, and DBM management “regarding this case,” drafts of “reports, findings, summaries, or close-out letters,” and “[a]ny and all other materials, in any format, that are part of or related to this investigative file.” We find that these records constitute “[i]nformation obtained as part of an investigation” of the complainant’s EEO complaint under Title 5, Subtitle 2 of the State Personnel and Pensions Article. While it may be true that, e.g., drafts of reports, findings, or summaries might not themselves have been “obtained”—as opposed to “created”—by the investigators, they no doubt are based upon and contain “information” that was “obtained” as part of the investigation. Under SPP § 5-214, DBM may not disclose these records, even to the complainant. We therefore find that DBM correctly applied § 4-301(a) to deny inspection of the EEO complaint investigation records.

Turning to the complainant’s allegation that DBM has failed to sufficiently search for certain records responsive to her November 12 PIA request, we start by identifying the records still at issue as stated in the Ombudsman’s final determination. By our count, those records are:

1. All documents used for the posting of PIN 079124 in Fall 2022/ The complete recruitment file for PIN 079124 from the Fall 2022 hiring process. This must include:
 - a. All internal forms submitted by management to HR/DBM to initiate the recruitment (e.g., “Request to Recruit,” “Request to Fill Vacancy,” or equivalent).
 - b. The approved MS-22 Position Description and class specification used to justify and post the vacancy, and the original MS-22 provided to candidates
 - c. The official job posting
 - d. The official offer letter.
2. All communications, memoranda, and emails within DBM regarding the 2023 reclassification of PIN 079124;
3. Any approval memos or justification documents DBM issued in connection with the reclassification;
4. All records demonstrating the Appointing Authority’s (then-Secretary Grady) review, approval, or consent for the reclassification of PIN 079124, including any memorandum delegating that specific authority for this reclassification to the individual(s) who purportedly signed the MS-22 on or around June 9, 2023;
5. The full, unalterable digital audit trail for the Position Description (MS- 22) for PIN 079124 signed by management on or about June 8-9, 2023. This request includes all metadata required to authenticate signatures, dates, and edits.

6. [A]ny Workday records showing the effective dates of classification, service category, and pay grade changes;
7. All Performance Evaluation Program (PEP) documents . . . drafts . . . for my position from 2023 to present;
8. The Skilled Service Position Description (MS-22) for PIN 079124 (Contract Administrator III, Grade 20) that was in effect immediately prior to the June 2023 reclassification;
9. My complete and entire internal personnel file (and any “supervisory” or “shadow” files) maintained by DBM or its subdivisions.

The complainant maintains that DBM still has not produced these records to her satisfaction. To resolve this allegation, we needed additional information from DBM about its search for records responsive to the complainant’s November 12 PIA request. Specifically, we asked DBM to provide an affidavit from a person with knowledge that describes the search(es) DBM performed, including information about who participated in the searches, what locations and systems were searched, what search terms were used, and any other relevant information.¹³ 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 also asked DBM to specify the personnel records that have been produced to the complainant.

In response to our request, DBM provided an affidavit from Raquel Coombs, DBM’s PIA Representative. (“Coombs Affidavit”). The Coombs Affidavit states that DBM searched “email inboxes, electronic software files, electronic computer files, and electronic systems” for records responsive to the complainant’s November 12 PIA request. According to Ms. Coombs, the day after DBM received the request, DBM “submitted a PIA/eDiscovery request to [DoIT] to search the entire agency (DBM) email system using search terms “‘classification’ AND ‘079124.’”¹⁴ That same day, Ms. Coombs avers, DBM’s Classification and Salary Division (“CAS”) also began to search for records, as “CAS receives, reviews, and processes reclassification requests.” The Coombs Affidavit states that CAS searched “individual employee network drives, CAS’ network and shared drives, and individual employee computer folders and hard drives” of the CAS Director and Deputy Director. In addition, Ms. Coombs states, “CAS also searched for records in the State of Maryland’s cloud-based Google drive and the State’s human resources software system, Workday” using search terms “Rebecca Oliver,” “PIN 079124,” and “079124.”

¹³ Counsel for DBM provided some representations to this effect in DBM’s response to the complaint. Our request for an affidavit is not meant to suggest that we question counsel’s integrity. Rather, as we have said before, we cannot rely on the unsworn factual assertions of counsel alone. See PIACB 24-100, at 12 n.10 (Sept. 12, 2024).

¹⁴ The Coombs Affidavit states that DoIT provided the results of the search on November 14, 2025.

The Coombs Affidavit also indicates that DBM’s Personnel Services Division (“PSD”) and Contract Management Division (“CMD”) searched for responsive records in locations such as network shared drives, Google drive and chat, Workday, and individual employee locations. As to the individual employee locations, Ms. Coombs avers that the CMD Director and Deputy Director’s “computer digital folders, hard-copy folders, and hard drives” were searched. Ms. Coombs states that both of those divisions used the search terms “Rebecca Oliver,” “PIN 079124,” and “079124.” In addition, the Coombs Affidavit lists twenty-five personnel records or types of personnel records that DBM produced to the complainant.¹⁵

Recently, we issued a decision for a complaint involving a PIA request that was similar to the complainant’s in its breadth and wide scope, although it did not seek employment-related records. *See* PIACB 26-43, at 1-3 (Apr. 21, 2026). There, we observed that the custodian had produced numerous records, “the subject matter of which reflect[ed] the breadth of [that] complainant’s PIA request.” *Id.* at 8. But, we also recognized that “the breadth of the records production alone does not mean that the [custodian’s] search was reasonable under the PIA.” *Id.* We make a similar observation here, based on the appendices attached to DBM’s response, which list the many records produced to the complainant between November 2025 and March 2026. It appears to us that DBM has produced a large volume and variety of records related to the complainant’s employment with DBM, including (but not limited to) email records, position descriptions, employment forms, performance evaluation records, and records related to the complainant’s reclassification. At the same time, the complainant lists numerous records she claims DBM should have, but did not, produce.

Based on the information before us, including the additional information supplied by the Coombs Affidavit, we find that DBM’s search for records was unreasonable in the ways explained below.

First DBM’s system-wide email search, conducted through DoIT, used search parameters that were too narrow and thus may have failed to capture some responsive records. The Coombs Affidavit states that DoIT searched using the terms “classification” AND “079124,” which is the PIN associated with the complainant’s position. However, it is very possible—perhaps even likely—that there are email records related to the reclassification of the complainant’s position did not contain her PIN. In addition, the search did not use the term “reclassification,” which is the precise event the complainant is concerned with. DBM does not provide any information about the results of DoIT’s search—i.e., how many email records were located or how many records were disclosed to the complainant. We note that many of the records the complainant identifies as missing from production are related to the reclassification of her position. Based on the record we

¹⁵ After she received the Coombs Affidavit, the complainant submitted a response with exhibits. We have reviewed that response and the attached exhibits, but do not detail them here.

have, we cannot find that DBM's search of its agency email system, as conducted through DoIT, was "reasonably designed to capture all responsive records." *Glass*, 453 Md. at 232.

We thus direct DBM to perform an additional search of its email system using additional search terms that might capture records related to the reclassification of the complainant's position, e.g., "'Oliver' AND 'classification,'" "'reclassification' AND '079124,'" and "'Oliver' AND 'reclassification.'" DBM should also include the terms "reclass," or "expert," or "promotion," or "managerial," or "contract admin," or "contract admin expert," or "MS-22," in combination with the complainant's name, PIN, or Workday ID. As practicable, these expanded search terms should also be applied when searching various systems, as explained below.

In addition, we find DBM's search unreasonable in that it did not look for records in all the places that "responsive records [were] likely to be found." *Glass*, 453 Md. at 232. We direct DBM to conduct a DoIT and systems search of the accounts and files of Catherine Hackman and Althea Gibson. And, in addition to the systems already searched, DBM must search JobAps, Adobe Sign, Workday, and SPS, as the complainant has demonstrated that these systems are reasonable expected to contain responsive records. All documents and communications must be produced in their original form with all accompanying attachments and underlying metadata to the maximum extent practicable and disclosable. If email deduplication technology is employed, its use must be documented along with the results of the de-duplication process. To the extent that metadata in the searched systems can be located, it should be produced in accordance with § 4-205.¹⁶ This can include information such as timestamps, routing information, signature stamps, system logs, transaction history, etc., as relevant to each system. Given that multiple departments are involved, it may be prudent for DBM to permit individual custodians in those departments some leeway to design search parameters in addition to the specific instructions provided to them. As to the records concerning reclassification, DBM should ensure that the search parameters are broad enough to capture, at a minimum, all records routinely maintained to document the assignment of higher-level duties under the pertinent regulations.

Finally, as to the disputed fee, we find that the relevant fee at this point is \$211.63, for production of certain "core manuals, specific policies, and operational audits." That

¹⁶ Section 4-205(c)(3) allows a custodian to "remove metadata from an electronic document before providing the electronic document to an applicant by . . . using a software program or function [or] . . . converting the electronic document into a different searchable and analyzable format." DBM did not rely on this provision, nor did it really address the complainant's specific requests for metadata in its response to the PIA requests or this complaint. In our view, the discretion granted to a custodian to delete metadata should be read in context with the pro-disclosure purpose of the PIA and its requirement that a custodian allow inspection of a public record unless the records is exempt from disclosure.

fee amount is outside of our jurisdiction to review. *See* § 4-1A-04(a)(1)(ii) (permitting review of an allegation that a custodian “charged an unreasonable fee under § 4-206 . . . of more than \$350”). The complainant asks that we review the \$750 fee that DBM originally charged and find that fee unreasonable. But DBM has already produced certain records to the complainant, at no charge, that were part of that fee. Under § 4-1A-04(a)(3)(ii), when we find a fee unreasonable, we must order a reduction in that fee. As to the \$750 fee, a reduction would have no practical effect whatsoever, as DBM is no longer seeking that amount. Thus, our conclusions as to the reasonableness of the \$750 fee would amount to an advisory opinion, which we are not authorized to issue. *See* PIACB 26-66, at 2 n.3 (June 26, 2026). We therefore dismiss the fee-related allegation as outside the scope of our jurisdiction.

Conclusion

For the reasons explained above, we find that DBM properly denied inspection of the records related to the EEO complaint investigation under § 4-301(a) of the PIA. In addition we find that DBM’s search for responsive records was insufficient and unreasonable. We direct DBM to perform an additional searches as described above within thirty days of receipt of this decision and order. DBM must produce all non-exempt responsive records it finds to the complainant. Finally, we dismiss the complainant’s fee allegation as not within our jurisdiction to review.

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.