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STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-93

July 28, 2026

Motor Vehicle Administration, Custodian
Winston Mann, Complainant

Complainant Winston Mann sent a Public Information Act (“PIA”) request to the Motor Vehicle Administration (“MVA”) asking for records concerning various procedures for obtaining or verifying certain information, such as a social security number, and for voter registration referrals. MVA denied inspection of records responsive to certain parts of the PIA request under § 4-338¹ of the PIA, which exempts information about the security of information systems from disclosure, and advised that it did not have records responsive to other parts of the request. In this complaint, the complainant alleges that MVA has violated the PIA, both by improperly applying § 4-338 and by failing to produce all responsive records. In response to the complaint, MVA, through counsel, maintains that the records it withheld are subject to § 4-338 because they relate to the “deployment of data through information technology.” In addition, counsel for MVA asserts that MVA does not have any additional records in its custody that are responsive to the PIA request. After review of the submissions, we find that MVA properly applied § 4-338 to deny inspection of certain records, and that MVA did not constructively deny inspection of records related to the procedure for voter registration. However, we cannot find, based on the submissions, that MVA’s search for records concerning the verification of certain documents was reasonable under the PIA. We explain below.

Background

We take the facts below from the parties’ submissions. On October 24, 2025, the complainant sent the following PIA request to MVA seeking:

1. MVA documentation (memo, SOP etc.) on the procedure by which names and social security numbers that are provided to the MVA in order to obtain a driver’s license are verified with the Social Security Administration.

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

2. MVA documentation (memo, SOP etc.) on the procedure by which the MVA refers driver's license applicants to the Maryland Board of Elections to register to vote. For example, does the applicant get referred by the MVA to the Local Board of Elections for the address given on the application or does the name get referred to the State Board of Elections who then contacts the Local Board of Elections?
3. MVA documentation (memo, SOP etc.) on the procedure by which birth certificates, passports and other documents are verified by the MVA and whether copies are made by the MVA of all or part of these documents.
4. MVA documentation (memo, SOP etc.) on the procedures by which driver's licenses from other states or countries provided by the applicants are verified by the MVA and whether copies are retained.
5. The procedure by which the MVA offers voter registration to customers, including copies of scripts read to non-English-speaking customers.

MVA responded to the PIA request by letter dated November 7, 2025. MVA advised that it did not have records responsive to parts three, four, or five of the PIA request. As to parts one and two of the request, MVA denied inspection of records under § 4-338, stating “[s]ecurity of information systems.”

The complainant disagreed with MVA's response to his PIA request, so on December 2, 2025, he contacted the Public Access Ombudsman to request dispute resolution assistance.² Through that process, MVA issued a supplemental response, dated February 9, 2026. In that letter, MVA provided additional information relevant to the complainant's PIA request, e.g., by explaining that “[c]ustomers are responsible for confirming their U.S. citizenship and voter registration choices and MVA staff may not enter voter registration information on their behalf.”³ On March 10, 2026, the Ombudsman

² 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).

³ When a custodian denies inspection of a public record, the custodian must provide certain information to the requester, including “notice of the remedies under [the PIA] for review of the denial.” § 4-203(c)(1)(i)(5). In both response letters here, MVA advised the complainant that he could seek judicial review and “file a request for mediation with the Public Access Ombudsman.” MVA stated further that, “[i]f unable to resolve the matter, the Ombudsman may

issued a final determination stating that the dispute was not resolved and the complainant then filed this complaint with our Board.

The complaint alleges that MVA is improperly withholding responsive records. The complainant states that MVA has “made some progress” by “providing some generalized information with regard to process,” but that he has yet to receive “actual copies of the documents [he] requested.” The complainant contends that MVA’s application of § 4-338 to records concerning the verification of social security numbers or the process by which license applicants are referred to register to vote is “clearly misdirection.” As to MVA’s claim that it has no records responsive to parts three, four, and five of its PIA request, the complainant argues that “[i]t is not credible in the extreme that the MVA has no policy or procedural documents that describe how this process is supposed to work when thousands of requests statewide are managed every day.”

In response to the complaint, counsel for MVA represents that, before MVA issued its November 7, 2025, response letter, the MVA’s Chief Privacy Officer (“CPO”) discussed the PIA request with the complainant. According to counsel, the CPO “verbally explain[ed] the voter registration process at the MVA and how the process of social security verification works.” The CPO also advised that “there are no ‘documentation on procedures’ and that documentation related to transferring files to or from the Social Security Administration (SSA) and the Maryland State Board of Elections (SBE) are highly technical and contain information about the security of an information system that is used to transmit data.”

Turning to the allegations in the complaint, counsel for MVA describes the complainant’s PIA request as seeking “physical documentation for three main events—the motor voter portion of the application, the documentation authentication portion of the application, and the verification of a customer’s social security number (SSN) with the SSA.” Counsel first maintains that there has been “no improper denial” by MVA as “there is no MVA ‘documentation on procedures’ as requested by [the complainant].” Counsel states that, to the extent that records “related to transferring files to or from SSA or SBE exist, those documents contain information about the security of an information system,” and are exempt from disclosure under § 4-338.

As to the “motor voter portion” of the complainant’s PIA request, counsel for MVA states that there are “no written procedures, memos, or scripts,” as the “motor voter

seek a resolution from the Public Information Act Compliance Board for those matters within the Compliance Board’s jurisdiction.” This is incorrect. The Ombudsman does not take any action before our Board. Rather, the PIA provides that *a requester or custodian* may file a complaint with our Board provided they first attempted to resolve the dispute through the Ombudsman and have received a final determination stating that the dispute was not resolved. § 4-1A-05(a).

questions are built into the required license application flows.” Thus, counsel states, “[t]here is no need for a written procedure for an agent, because the application itself is what acts as the script, prompting questions and responses from the customer.” Counsel advises that, “[u]nless a customer is disabled, the customer must make the selections on the screen by themselves after reading the prompts.” Counsel for MVA provides a link to MVA’s webpage containing the “basic screen text,” which provides a description of the online process of “registering to vote during [an] MVA transaction.”⁴ Counsel states that there are records concerning “the technical requirements for the file exchange between the SBE and MVA,” but maintains that those records are exempt from disclosure under § 4-338 because they relate to “the deployment of data through information technology.”

Moving to the other records withheld under § 4-338, counsel for MVA asserts that the disclosure of records about how MVA “authenticates or verifies documents such as birth certificates, and passports” would “create a significant risk to the integrity and security of the identification process.” As example, counsel states that “a written training or procedure may identify confidential security features associated with a document.” Counsel further explains that “SSNs are verified with the Social Security Administration through their Social Security on-line Verification application in the background of software used by the MVA,” which was “developed specifically for Maryland licensing requirements.” Counsel states that the “SSN verification is built-in to the software” thus, “[f]or transactions that require a SSN, there is no need for a written procedure since the software either verifies the SSN or the transaction errors out and is unsuccessful.” Counsel for MVA acknowledges that there is “documentation related to the technical requirements for the file exchange between the SSA and the MVA,” but that, as with the similar documentation regarding exchanges between SBE and MVA, “these documents contain information about the security of an information system and are protected in accordance with GP § 4-338.”

Addressing § 4-338 in a broader way, counsel advises that MVA’s database contains “comprehensive and sensitive personal information,” and that the “technical documentation that exists to describe the connections between both the MVA and SBE, and the MVA and SSA reflects the operation of an ‘information system’ within the meaning of the statute.” Counsel argues that disclosing the information in those documents “could compromise the security of these information systems,” noting that “MVA has never made this type of technical information available to the public.” Similarly, counsel states, MVA does not disclose how documents are authenticated so as to “maintain the integrity of document security.” Counsel suggests that if the public accessed “information on document security features and detection tools, it could negatively impact the identification, detection and prevention of document fraud.”

⁴ MVA provided a link to the same information in its February 9, 2026, letter. In MVA’s response to this complaint, counsel notes that MVA has “added additional information to the MVA website regarding voter registration.”

Analysis

Under § 4-1A-04(a) of the PIA, we must review and resolve complaints that allege certain violations of the PIA's provisions, including that a custodian improperly denied inspection of public records. § 4-1A-04(a)(1)(i). We have broadly construed our authority under this provision to include not only review of a custodian's application of an exemption to deny inspection of records, but also review of a custodian's assertion that it has no records responsive to a PIA request. *See, e.g.*, PIACB 26-64 (June 24, 2026). We have reasoned that "an inadequate search might be thought of as tantamount to a constructive denial of access to records." PIACB 23-03, at 4 (Nov. 2, 2022). If, after review of the submissions, we find that a custodian has improperly denied inspection of a public record, we must issue a written decision and "order the custodian to . . . produce the public record for inspection." § 4-1A-04(a)(2) and (3)(i). When the denial is constructive in nature, we may order the custodian to perform a remedial search and "produce any non-exempt responsive records to the complainant." PIACB 24-08, at 6 (Sept. 28, 2023).

The PIA is intended to provide "access to information about the affairs of government and the official acts of public officials and employees." § 4-103(a). Section 4-201(a)(1) requires that a custodian allow inspection of a public record, unless the record is exempt from disclosure. The PIA contains both mandatory and discretionary disclosure exemptions. The exemption at issue here, § 4-338, is mandatory in nature and requires a custodian to deny inspection of, among others, "the part of a public record that contains information about the security of an information system." § 4-338(b). We have previously found that § 4-338 applies to records related to health information exchanges, *see* PIACB 24-60, at 9-10 (May 30, 2024), and to certain screenshots taken from the State Comptroller's system, *see* PIACB 26-46, at 11-12 (May 1, 2026). When a custodian invokes an exemption to deny inspection of public records, the custodian has the burden of demonstrating that the exemption applies. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

When a custodian receives a written request to inspect public records, the custodian must "conduct a search in good faith that is reasonably designed to capture all responsive records." *Glass v. Anne Arundel County*, 453 Md. 201, 232 (2017). While a custodian is not required to "robotically examine every record in [the agency's] possession," a custodian is expected to use "methods that can be reasonably expected to produce the information requested." *Id.* (quoting *Oglesby v. Dep't of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)). Ultimately, the reasonableness of a search is "measured by whether it is reasonably calculated to uncover responsive records, not by whether it locates every possible responsive record." *Glass*, 453 Md. at 212.

We needed additional information from MVA to resolve this complaint. Specifically, we asked MVA to provide an affidavit from a person with knowledge that described MVA's search for records responsive to the complainant's PIA request, as well

as a brief description of the records located and withheld. *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 that the affidavit provide the facts supporting MVA’s position that no other responsive records exist. In response, MVA provided an affidavit from Philip Dacey, the Chief Privacy Officer at MVA. (“Dacey Affidavit”).

In his affidavit, Mr. Dacey affirms “that the MVA conducted a search for responsive records for policy or procedural documents relating to the voter registration process.” According to the Dacey Affidavit, MVA located an “interface control document,” which Mr. Dacey describes as a “technical guide which details the data exchange between the [SBE] and the MVA,” as well as a similar “interface control document” concerning data exchanges between the SSA and MVA. Mr. Dacey explains that “[b]oth documents contain technical information about how the MVA system operates and they are not made available for public inspection.” The Dacey Affidavit avers that MVA has “no written procedures, memos or scripts about the motor voter portion of the application,” as the questions are “on a screen viewed by the customer and built into the required license application flows.” As to the lack of records regarding verification of social security numbers, the Dacey Affidavit states that those numbers are “verified with the [SSA] through their SSOLV application in the background of the software used by the MVA,” which was “developed specifically for Maryland licensing requirements.” The Dacey Affidavit explains that the “SSN verification is built-in to the software,” thus there is “no need for a written procedure since the software either verifies the SSN or the transaction errors out and is unsuccessful.”

We begin with the records withheld under § 4-338, which MVA describes as “interface control documents” that “detail[] the data exchange” between the SBE and MVA and the SSA and MVA. The Dacey Affidavit indicates that these records “contain technical information about how the MVA system operates.” As stated above, § 4-338 forbids disclosure of “the part of a public record that contains information about the security of an information system.” § 4-338(b). We have previously said that “it seems apparent that the purpose of [§ 4-338] is to protect information systems.” PIACB 25-22, at 6 (Jan. 30, 2025). In PIACB 24-60, at 9 (May 30, 2024), we found it rather obvious that a health information exchange—i.e., a system that allows for the secure and electronic sharing of patient health information, *see* Md. Code Ann., Health-Gen. § 4-301(i)—qualified as an “information system.” Here, it is similarly obvious that a system that allows MVA to exchange sensitive information such as voter registrations and social security numbers with other government entities is an “information system” for purposes of § 4-338. In our view, disclosure of a record that provides the details of how such information is electronically exchanged risks the security of those information systems. We therefore find no error in MVA’s denial, under § 4-338(b), of records responsive to parts one and two of the complainant’s PIA request.

The remaining parts of the complainant's PIA request sought records of "procedures" for the verification of "birth certificates, passports and other documents" and "driver's licenses for other states and countries," as well as "how the MVA offers voter registration, including scripts." MVA advised the complainant that it did not have any responsive records.

Birth certificates, passports, and out-of-state driver's licenses are among the documents that MVA accepts for certain purposes during the license application process. *See* Md. Code Ann., Transp. § 16-106. Both MVA's response to this complaint and the Dacey Affidavit focus on records of the procedure for verifying social security numbers, but do not describe any search for such records concerning the verification of birth certificates, passports, or out-of-state driver's licenses. While the information in the Dacey Affidavit—i.e., that social security numbers are automatically verified through a process built-in to the application software—may support an assertion that MVA does not have records of the procedure for verification of social security numbers, it does not support a similar assertion with respect to the records identified in parts three or four of the complainant's PIA request. Moreover, the Dacey Affidavit generally avers that Mr. Dacey "conducted a search for responsive records for policy or procedural documents related to the voter registration process," but it contains no information about a search for records of procedures for verifying birth certificates, passports, or out-of-state driver's licenses. Without more, we cannot find that MVA conducted a search "reasonably designed to capture all responsive records," or looked for these specific records where they "are likely to be found." *Glass*, 453 Md. at 232. We thus find that MVA constructively denied parts three and four of the complainant's PIA request.

Part five of the complainant's PIA request sought records of the procedure for voter registration, including any scripts. MVA is an "automatic voter registration agency." Md. Code Ann., Elec. Law ("EL") § 3-203(a)(3)(i). Thus, a person may "apply to become a registered voter . . . when applying to the [MVA] for the issuance, renewal, or modification of a driver's license or identification card." *Id.* § 3-201(a)(4). State law required that each automatic voter registration agency "implement an automatic voter registration system on or before July 1, 2019." *Id.* § 3-203(b)(1); *see also id.* § 3-203(a)(4) (defining "automatic voter registration system"). Regulations adopted by the SBE to implement these sections provide some information about the process of voter registration through MVA. *See* COMAR 33.05.03.03 (MVA registration); *see also* COMAR 33.05.02.05 (providing requirements for the contents of an "MVRA," or motor vehicle voter registration application).

MVA maintains that it does not have any records of procedures for "how the MVA offers voter registration, including scripts." The Dacey Affidavit explains that the questions relevant to voter registration are "on a screen viewed by the customer and built

into the required license application flows.”⁵ In addition, in its February 9, 2026, supplemental response to the PIA request, MVA provided a link to a webpage containing the “basic motor voter prompts and scenarios.” Based on the information we have, we find that MVA’s response to part five of the complainant’s PIA request satisfied the PIA. As an automatic voter registration agency, MVA is required to have an automatic voter registration system that allows for voter registration as “an integral part of each applicable transaction.” EL § 3-203(a)(4); *see also id.* § 3-203(a)(2)(i)(1) (defining “applicable transaction” for purposes of MVA). Thus, in essence, the “procedures” for voter registration through the MVA are found on MVA’s website and in the SBE regulations detailed above. We therefore find no violation of the PIA with respect to part five of the complainant’s PIA request.

Conclusion

After review of the record before us, and for the reasons discussed above, we find that MVA properly applied § 4-338 to deny inspection of the records concerning the “interface control” between MVA and the SBE and SSA. Those records would reveal information about the security of those information systems, to the possible detriment of the security of the information they contain. We also find that MVA did not constructively deny inspection of records of the procedures for voter registration through MVA. However, based on the information we have, we cannot find that MVA performed a reasonable search for records concerning the procedures for verifying birth certificates, passports, or out-of-state driver’s licenses. We direct MVA to perform a remedial search and produce any non-exempt responsive records to the complainant within thirty days of receipt of this decision and order.

Public Information Act Compliance Board*

Sareesh Rawat, Chair

Samuel G. Encarnacion

Debra Lynn Gardner

Nivek M. Johnson

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

⁵ According to MVA’s website, when a person appears in person at an MVA branch office to apply for a license or identification card, they are “required to answer the State Board of Elections’ voter registration application questions on a separate screen and the MVA agent will assist only if necessary.” *See* MDOT Motor Vehicle Administration, Voter Registration at the Maryland MVA, <https://mva.maryland.gov/licenses-ids/additional-driver-id-services/voter-registration> (last visited July 23, 2026). Thus it appears that most, if not all, of the MVA voter registrations are done electronically.