

Article - General Provisions

[\[Previous\]](#)[\[Next\]](#)

§4-1A-04.

(a) The Board shall:

(1) receive, review, and, subject to § 4-1A-07 of this subtitle, resolve complaints filed under § 4-1A-05 of this subtitle from any applicant or the applicant's designated representative alleging that a custodian:

(i) denied inspection of a public record in violation of this title;

(ii) charged an unreasonable fee under § 4-206 of this title of more than \$350; or

(iii) failed to respond to a request for a public record within the time limits established under § 4-203(a) or (d) of this title;

(2) issue a written decision as to whether a violation has occurred; and

(3) order the custodian to:

(i) if the Board finds that the custodian has denied inspection of a public record in violation of this title, produce the public record for inspection;

(ii) if the Board finds that the custodian charged an unreasonable fee under § 4-206 of this title, reduce the fee to an amount determined by the Board to be reasonable and refund the difference; or

(iii) if the Board finds that the custodian failed to respond to a request for a public record within the time limits established under § 4-203(a) or (d) of this title:

1. promptly respond; and

2. at the Board's discretion and only if the written decision includes the Board's reasons for ordering the waiver, waive all or part of the fee the custodian is otherwise entitled to charge under § 4-206 of this title.

(b) The Board shall:

(1) receive, review, and, subject to § 4–1A–07 of this subtitle, resolve complaints filed under § 4–1A–05 of this subtitle from any custodian alleging that an applicant’s request or pattern of requests is frivolous, vexatious, or in bad faith;

(2) issue a written decision as to whether the applicant’s request or pattern of requests is frivolous, vexatious, or in bad faith; and

(3) if the Board finds that the applicant’s request is frivolous, vexatious, or in bad faith, based on the totality of the circumstances including the number and scope of the applicant’s past requests and the custodian’s responses to past requests and efforts to cooperate with the applicant, issue an order authorizing the custodian to:

(i) ignore the request that is the subject of the custodian’s complaint; or

(ii) respond to a less burdensome version of the request within a reasonable time frame, as determined by the Board.

(c) The Board shall:

(1) adopt regulations to carry out this subtitle;

(2) study ongoing compliance with this title by custodians; and

(3) make recommendations to the General Assembly for improvements to this title.

(d) (1) On or before October 1 of each year, the Board shall submit a report to the Governor and, subject to § 2–1257 of the State Government Article, the General Assembly.

(2) The report shall:

(i) describe the activities of the Board;

(ii) describe the decisions of the Board;

(iii) state the number and nature of complaints filed with the Board; and

(iv) recommend any improvements to this title.

[\[Previous\]](#)[\[Next\]](#)