

<b>Public Information Policy</b>	<b>BOT Approved:</b> July 16, 2019 Title updates 4/27/2021.
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**Table of Contents**

**PURPOSE:**..... 1

**POLICY:** ..... 1

**DEFINITIONS:**..... 2

**PROCEDURES:**..... 3

**WRITTEN REQUEST:**..... 3

**RESPONSE TO REQUEST:** ..... 3

**NOTICE TO PERSON(S) POTENTIALLY AFFECTED BY DISCLOSURE** ..... 4

**PUBLIC RECORD TEMPORARILY UNAVAILABLE**..... 4

**PUBLIC RECORD DESTROYED OR LOST** ..... 4

**DISCLOSURE AGAINST PUBLIC INTEREST**..... 4

**FEES**..... 5

**METHODS OF DELIVERY** ..... 6

**PURPOSE:**

The [Maryland Public Information Act](#) requires that public entities such as community colleges provide such information upon request that is not protected by confidentiality considerations. This policy provides guidelines by which the College responds to such requests.

**POLICY:**

Garrett College (the “College”) is a public higher education institution that upholds and supports the highest ethical standards. The public is welcome and entitled to review information and documents related to the business of the College in accordance with the Maryland Public Information Act. Non-public information concerning individual students is protected by FERPA privacy regulations (*located on the College Policy and Procedures Webpage at [www.garrettcollege.edu/policy.php](http://www.garrettcollege.edu/policy.php)*) and requests for this information should be directed to the Office of Records and Registration. Non-public information concerning individual employees

is similarly protected and requests for this information can be directed to the Office of Human Resources. The following are procedures to access public information from Garrett College.

## **DEFINITIONS**

**A. “Act”** refers to the Public Information Act, General Provisions (GP) Article, §§ 4-101 to 4-601, Annotated Code of Maryland.

**B. “Applicant”** refers to a person or governmental unit that requests access to a public record.

**C. “Custodian”** refers to the employee or department responsible for keeping the public record sought, whether or not the employee or department has physical custody and control of the public record.

**D. “Public record”** refers to the original or any copy of any documentary material that:

1. is made by Garrett College or received by the College in connection with the transaction of public business; and
2. is in any form, including:
  - a. a card;
  - b. a computerized record;
  - c. correspondence;
  - d. a drawing;
  - e. film or microfilm;
  - f. a form;
  - g. a map;
  - h. a photograph or photostat;
  - i. a recording; or
  - j. a tape.

**E. “Calendar day”** refers to any day of the week, including weekends and holidays.

**F. “Workdays”** refers to Monday through Friday and does not include weekends, holidays, scheduled breaks, or other days the College is closed.

**G. “Indigent”** refers to an individual whose family household income is less than 50% of the median family income for the State as reported in the Federal Register.

**PROCEDURES:**

**WRITTEN REQUEST:**

Requests for public records under the Act should be submitted in writing to the Office of Administrative and Financial Services.

A written request via the Garrett College Public Information Request Form (*located on the College Policy and Procedures page at [www.garrettcollege.edu/policy.php](http://www.garrettcollege.edu/policy.php)*) must:

1. Contain the Applicant's name and address;
2. Be signed by the Applicant; and
3. Reasonably identify, by brief description, the public record sought; including specific data elements.
4. Indicate whether this request is for commercial purposes.

**RESPONSE TO REQUEST:**

A. The Act does not require the College to provide information not contained in a public record or to create such a record if it does not exist at the time of the request.

B. If the College grants a request, the Office of the Chief Financial Officer shall produce the public record within a reasonable time period, not to exceed 30 calendar days after the date of the request.

C. If the Office of the Chief Financial Officer reasonably believes that it will take more than 10 workdays to produce the public record, then that office shall indicate in writing or by email within 10 workdays after receipt of the request:

1. The amount of time that the Office of the Chief Financial Officer anticipates it will take to produce the public record; and
2. An estimate of the range of fees that may be charged to comply with the request for public records; and
3. The reason why it will take more than 10 workdays to produce the records.

D. The College has 30 calendar days to make a decision whether to deny a request. If the College decides to deny a request:

1. The College will immediately notify the Applicant of the decision to deny the request; and
2. The Office of the Chief Financial Officer shall provide the Applicant, at the time of the denial or within 10 workdays, a written statement that gives the reasons for the denial; the legal authority for the denial; and notice of the remedies available for review of the denial; and

3. Pursuant to GP § 4-355, the College may withhold a portion of any records that contain personal information concerning a student, former student, or applicant if the records are requested for commercial purposes. Personal information means an address, telephone number, email address, and directory information.

E. With the consent of the Applicant, any time limit imposed by paragraphs A and C of this section may be extended for an additional period of up to 30 calendar days.

F. If the College is not in custody or control of the public record requested, the Office of the Chief Financial Officer shall, within 10 workdays after receipt of the request, notify the Applicant:

1. That the College does not have custody or control of the requested public record; and
2. The possible location of the public record, if known.

#### **NOTICE TO PERSON(S) POTENTIALLY AFFECTED BY DISCLOSURE**

Unless prohibited by law, the Office of the Chief Financial Officer may notify a person or persons who could be adversely affected by disclosure of a public record.

#### **PUBLIC RECORD TEMPORARILY UNAVAILABLE**

If a requested public record is in the custody and control of Garrett College, but is not immediately available, the Office of the Chief Financial Officer shall promptly:

- A. Notify the Applicant that the public record is not immediately available; and
- B. Schedule a date within a reasonable time for inspection, copying, or to provide the record.

#### **PUBLIC RECORD DESTROYED OR LOST**

If the Office of the Chief Financial Officer knows that a requested public record of the College has been destroyed or lost, then that office shall promptly:

- A. Notify the Applicant that the public record is not available; and
- B. Explain the reasons why the public record cannot be produced.

#### **DISCLOSURE AGAINST PUBLIC INTEREST**

##### **A. Denial Pending Court Order**

1. If, in the opinion of the Office of the Chief Financial Officer, disclosure of a public record otherwise subject to disclosure under the Act would do substantial injury to the public interest, the Office of the Chief Financial Officer may temporarily deny the request. The Office of the Chief Financial Officer must then seek a court order allowing nondisclosure.
2. The temporary denial shall be in writing.

**B. Circuit Court Review**

1. Within 10 workdays after the denial, the College shall apply to the appropriate circuit court for an order permitting continued denial or restriction of access.
2. Notice of the complaint of the College shall be served on the Applicant in the manner provided for service of process by the Maryland Rules of Civil Procedure.

**FEES**

A. The fee schedule for copying and certifying copies of public records of Garrett College is as follows:

**1. Copies**

- a. The fee for each copy made by a photocopying or scanning machine is 10 cents per page. No charge will be made if the total fee for photocopying or scanning is \$5 or less.
- b. The fee for each copy made otherwise shall be based on the actual cost of reproduction.

**2. Certification of Copies.**

- a. If a person requests that a copy of a public record be certified as a true copy, an additional fee of \$1 per page (or if appropriate, per item) shall be charged.

B. If the Office of the Chief Financial Officer cannot copy a public record within Garrett College, the Office of the Chief Financial Officer shall make arrangements for the prompt reproduction of the record at public or private facilities outside Garrett College. The Office of the Chief Financial Officer shall arrange for payment by the Applicant in advance.

C. Before copying a public record of Garrett College, the Office of the Chief Financial Officer shall estimate the cost of reproduction and either:

1. Obtain the agreement of the Applicant to pay the cost; or
2. Require prepayment of the cost.

D. The College may not charge a search or preparation fee for the first two hours that an employee of Garrett College spends to respond to a request for public records.

E. The College may charge a reasonable fee for time that an employee of Garrett College spends:

1. To search for requested public records;
2. To review requested public records for potential disclosure; and
3. To prepare public records for inspection and copying.
4. To be present if the records are to be inspected.

This fee will be determined by multiplying the employee's salary and benefits, prorated to an hourly basis, by the actual time attributable to the search for, review of, and preparation of public records for inspection and copying. If an employee is paid overtime to complete the request, this cost shall be included.

F. Waiver or Reduction of Fee: The President may waive or reduce any fee set under this Policy and Procedures if the Applicant requests a waiver and it is determined that:

1. The waiver or reduction is in the public interest; or
2. The Applicant is indigent and files an affidavit verifying the facts that support a claim of indigency.

G. If the Applicant requests that copies of a public record be mailed or delivered to the Applicant or to a third party, the College may charge the Applicant for the cost of postage or delivery.

H. The College may require a prepayment of fees as permitted by the courts. If the actual fee is lower than the estimate, then the difference will be refunded.

#### **METHODS OF DELIVERY**

A. Except for information that is posted on the College's website or on the website of an organization to which the College belongs or reports, all requests will be filled with hard copies or electronic copies of the documents requested.