

WES MOORE
GOVERNOR

ARUNA MILLER
LT. GOVERNOR



SAREESH RAWAT, CHAIR
SAMUEL G. ENCARNACION
DEBRA LYNN GARDNER
NIVEK M. JOHNSON
VACANT

STATE OF MARYLAND
PUBLIC INFORMATION ACT COMPLIANCE BOARD

PIACB 26-53

March 6, 2026

Baltimore County Public Library, Custodian
Nicole Dvorak, Complainant

Complainant Nicole Dvorak alleges that the Baltimore County Public Library (“BCPL”) improperly denied a Public Information Act (“PIA”) request for a library system CEO’s employment contract. In response to the complaint, BCPL maintains that it properly denied inspection of the contract under § 4-311¹ of the PIA. After review, we conclude that BCPL improperly applied § 4-311 and explain further below.

Background

We take the facts below from the parties’ submissions. On November 25, 2025, the complainant sent a PIA request by email to BCPL asking for “[a] copy of the Baltimore County Library CEO’s current employment contract.” On December 3, 2025, BCPL sent the complainant an email in which it denied inspection of the CEO’s contract. BCPL cited § 4-311, the PIA’s exemption for personnel records.² After receiving the denial, the complainant contacted the Public Access Ombudsman to request dispute resolution assistance.³ On December 30, 2025, the Ombudsman issued a final determination stating that the dispute was not resolved, and the complainant filed this complaint with our Board.

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

² Section 4-203(c)(1)(i) of the PIA requires a custodian who denies inspection of records to provide certain information in writing, including “notice of the remedies under [the PIA] for review of the denial.” BCPL provided an inaccurate notice of remedies with its December 3, 2025, response, as it advised the complainant that she could “contest this response by filing a complaint for Judicial Review in Circuit Court” only “after seeking redress from the Public Access Ombudsman and then the Public Information Act Compliance Board.” Judicial review under § 4-362(a)(1) of the PIA is a separate and distinct remedy that may be pursued without resort to the Ombudsman or our Board. *See* § 4-1A-10(a) (providing that exhaustion of administrative remedies is not required).

³ 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

The complainant challenges BCPL's denial of her PIA request. In response to the complaint, BCPL continues to rely on § 4-311 as authority for the denial. BCPL describes the contract as a "confidential employment agreement" between the CEO and BCPL's Board of Library Trustees. BCPL explains that the contract "established the terms and conditions" of the CEO's "hiring and employment, including but not limited to her duties, authority, and compensation." Because the contract is "part of [the CEO's] individual personnel record and directly relates to hiring," BCPL maintains that it was required to deny inspection under § 4-311.

BCPL also takes the position that it is not the proper custodian of the CEO's contract because the CEO was "employed by the Board [of Library Trustees], not BCPL itself." Thus, BCPL argues, that Board is the official custodian of the employment contract, noting also that "[t]he Bylaws of the Board designate the Secretary of the Board as the custodian of the Board's records." According to BCPL, the complainant should have directed her PIA request to the Secretary of the Board—although BCPL states that the request would have been denied for the same reasons that BCPL denied the request.

In reply, the complainant continues to dispute BCPL's position that the employment contract is not disclosable under the PIA, citing to Maryland's Public Information Act Manual as authority for the release of the employment contract.

Analysis

We are authorized to review and resolve complaints alleging certain violations of the PIA's provisions, including that a custodian improperly denied inspection of public records. § 4-1A-04(a)(1)(i). If, after review of the submissions, we determine that a custodian denied inspection of a public record in violation of the PIA, 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).

The PIA is meant 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) of the PIA requires that custodians allow inspection of public records, unless the records are exempt from disclosure by law. A "custodian" is an "authorized individual who has physical custody and control of a public record." § 4-101(d)(2). A single public record may thus have more than one custodian. *See, e.g.,* PIACB 23-14, at 6 (Apr. 17, 2023) (finding no need to determine if the agency at issue was the "official custodian," because it was "a custodian of the records—although granted, perhaps not the *only* custodian"). Though the PIA favors disclosure of public records, § 4-103(b), it also contains both mandatory and discretionary exemptions. The exemption at issue here, § 4-311, is

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

mandatory in nature and generally requires a custodian to deny inspection of “a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.”⁴ § 4-311(a). When a custodian invokes an exemption to deny inspection of a public record, the custodian bears the burden of demonstrating that the exemption was properly applied. *Lamson v. Montgomery County*, 460 Md. 349, 367 (2018).

The complainant has requested the employment contract for a specific BCPL CEO. At first blush, it may seem that the request sought records covered by § 4-311—after all, an employment contract is likely to be found in and part of an individual employee’s personnel file. However, not every record related to an individual’s employment is a personnel record for purposes of the PIA. Our State’s Supreme Court has held, in the context of a PIA request seeking the employment contracts of a University football coaches, that “it is clear that the employment contracts evidencing the regular salaries paid to each coach by the University, and their obligations and rights, are exactly the types of records to which the Legislature intended the public to have access.” *University Sys. of Maryland v. Baltimore Sun*, 381 Md. 79, 102 (2004). The court reasoned that “denial of inspection of the employment contracts would contribute to the lack of public understanding of the amounts earned by [the coaches] as a result of their public employment and would thwart the achievement of the goal of the MPIA.” *Id.* at 103. Under this reasoning and precedent, then, the BCPL CEO contract is similarly subject to disclosure and not covered by § 4-311. The BCPL must produce the contract to the complainant.⁵

In response to this complaint, BCPL also argues that it is not the proper custodian of the CEO’s employment contract. Rather, BCPL contends, the complainant must seek the employment contract from its official custodian,⁶ the Baltimore County Board of

⁴ There are exceptions to non-disclosure—for instance, a custodian must allow an individual to inspect their own personnel records—but none of those exceptions are relevant here. *See* § 4-311(b).

⁵ It may be that the employment contract contains some information that must be redacted, e.g., the CEO’s personal telephone number or personal home address. *See* § 4-331 (mandatory exemption for certain information about public employees). However, the fact that the contract may have exempt information in it does not provide grounds deny inspection of the contract altogether. *See* Letter of Assistant Attorney General Robert A. Zarnoch to Delegate Joanne Parrott (Feb. 9, 2004). We also note that it is clear that the CEO’s salary is not exempt information. *See* § 4-336(a) (excluding “the salary of a public employee” from the exemption for individuals’ financial information).

⁶ The “official custodian” is the officer or employee who has legal responsibility for a public record, regardless of whether or not they have physical custody and control of the record. § 4-101(f). Typically, the official custodian is the head of an agency. *See* PIACB 23-14, at 3 & n.4 (Apr. 17, 2023).

Library Trustees. First, BCPL has not indicated that it does not have, in its custody, the employment contract that the complainant requested. Thus, it matters not whether BCPL is the “official custodian” of that contract—BCPL is *a* custodian of the contract and therefore has an obligation to produce it, subject to the provisions of the PIA. §§ 4-101(d)(2), 4-201(a). Second, BCPL does not appear to be a distinct agency, truly separate of its Board of Trustees. Instead, it appears that they all fall under the County’s Department of Libraries. *See* Baltimore County Charter, Art. V, § 538 (“The department of libraries shall consist of the county board of library trustees, the director of the library and all other officers, agents and employees in the public library system of the county.”); *see also* Md. Code Ann., Educ. § 23-401(b) (providing that “[e]ach county public library system shall be governed by a board of trustees”). Hence, even if BCPL needed to contact its Board of Trustees to obtain the employment contract for production, the PIA likely required it to do so.⁷ *See Ireland v. Shearin*, 417 Md. 401, 410 (2010) (finding it improper for a warden of a prison to redirect a PIA requester to other departments in the prison, rather than collecting and assembling the requested records himself). And, even assuming BCPL was not the custodian, BCPL did not comply with § 4-202(c), which requires a non-custodian to notify the requester that it is not the custodian and, if known, provide the name of the custodian and location (or possible location) of the records sought.

Conclusion

For the reasons discussed above, we find that BCPL improperly denied inspection of the CEO’s employment contract. That contract is not subject to § 4-311. We direct BCPL to produce the CEO’s contract to the complainant, subject to any redactions as detailed *supra*, note 5, 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

⁷ Under § 4-503 of the PIA, each governmental unit is required to identify and publish a “representative who a member of the public should contact to request a public record from the governmental unit.” As required by that same section, § 4-503(b), the Office of the Attorney General publishes a list of PIA representatives as an appendix to its PIA Manual. *See* Maryland Public Information Act Manual (19th ed., Dec. 2024), Appendix J, https://oag.maryland.gov/resources-info/Documents/pdfs/PIA%20Manual/Appendix_J.pdf (last visited Mar. 4, 2026). There is only one PIA representative listed for the Baltimore County Public Library. The Manual does not list a separate representative for the Board of Trustees.