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**STATE OF MARYLAND**  
**PUBLIC INFORMATION ACT COMPLIANCE BOARD**

**PIACB 26-51**  
**March 27, 2026**  
**Maryland Board of Social Work Examiners, Custodian**  
**Rachel Doyle, Complainant**

Last June, complainant Rachel Doyle sent a Public Information Act (“PIA”) request to the Maryland Board of Social Work Examiners (“BSWE”) asking for certain email records concerning a survey and BSWE candidates, as well as certain responses to the survey. The BSWE produced records in several batches. In this complaint, the complainant challenges the BSWE’s response with regard to her request for email records related to the development and implementation of the survey, taking the position that the BSWE has not produced all responsive records. In response to the complaint, the BSWE maintains that it has conducted thorough searches and provided all responsive records to the complainant. After review of the submissions, we find that the BSWE’s initial search for records was insufficient and unreasonable. We explain more below.

**Background**

The following facts are supplied by the parties’ submissions, including letters sent to the complainant by the BSWE in response to her PIA request. On June 30, 2025, the complainant sent a PIA request by email to the BSWE asking for:

- All internal and external emails sent and received by BSWE members related to the survey<sup>[1]</sup> with a final report date of April 15, 2025.
- From August 2022 to present, all internal and external emails dealing with nominated or potentially nominated BSWE candidates.
- From the survey report dated April 15, 2025, the results of how Black social workers, with other social workers of color removed, responded to survey questions.

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<sup>1</sup> The complainant included a hyperlink to the survey. Based on the records attached to the complaint, it appears that the survey contained questions about whether new social workers should be required to take a licensing exam and the value of the licensing exam in general.

- All correspondence between BSWE email addresses and ASWB<sup>[2]</sup> email addresses from June 2022 to present.

After receipt of the PIA request, the BSWE sent the complainant a ten-day letter<sup>3</sup> dated July 2, 2025, in which it advised that it hoped to produce records within thirty days. On July 30, 2025, the BSWE sent another letter asking the complainant to consent to an extension of time under § 4-203(d)(1)<sup>4</sup> of the PIA, explaining that, because the request required “accessing emails back to 2022,” the BSWE’s IT department needed to “rededicate the prior Executive Director to [the BSWE].” The BSWE stated that there was “a large volume of emails to go through.”

The BSWE provided records responsive to the first three parts of the complainant’s PIA request on August 26, 2025. Based on the records the complainant attaches with her complaint, it appears that the BSWE produced the formatted results of the survey and records of email correspondence exchanged as the survey was developed and implemented. The BSWE requested additional time to produce records of communications with the ASWB due to the volume of those records. The BSWE advised that it would send those records “within the next 30 days.”

On September 29, 2025, the BSWE produced additional records responsive to the complainant’s request for correspondence between the “BSWE and ASWB email addresses, June 2022 to present.” That letter noted that the BSWE had “previously sent a partial response,” and that this production of records completed the response to the complainant’s PIA request.

On September 15, 2025, and prior to receipt of the records produced at the end of September, the complainant contacted the Public Access Ombudsman to request dispute resolution assistance.<sup>5</sup> The complainant disputed the completeness of the BSWE’s

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<sup>2</sup> Given the context of the complaint, we take this acronym to refer to the Association of Social Work Boards, an organization that provides “assessments, resources, and support to uphold professional standards” in social work. Assoc. Social Work Boards, <https://www.aswb.org/> (last visited Mar. 23, 2026).

<sup>3</sup> If a custodian reasonably believes it will take longer than ten working days to produce responsive records, the PIA requires that the custodian notify the requester in writing and provide certain information, including the reason for the delay and an estimate of any fees associated with production. Md. Code Ann., Gen. Provisions § 4-203(b)(2).

<sup>4</sup> Statutory citations are to the General Provisions Article of Maryland’s Annotated Code unless otherwise stated.

<sup>5</sup> 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

response to her PIA request. During the course of the mediation process, the BSWE issued two supplemental responses. The first, sent on November 18, 2025, explained that, though the BSWE had already made “efforts to recover emails from its prior Executive Director,” it would “make an additional request to the MD Department of Information Technology [“DoIT”] to see if it can access that inbox to locate any emails responsive to [the] request.” That letter also advised that the BSWE “conducted a second preliminary search” and was providing “additional information related to the Maryland survey.” The second letter, sent on December 15, 2025, stated that a “second search turned up some additional email correspondence between former Board Chair—Sondra Petty and ASWB.org.” The BSWE attached those records. In addition, the BSWE attached correspondence from DoIT “indicating that they were unable to recover remains from the prior Executive Director.” The BSWE stated that it had “made sincere efforts to locate, review and disclose information that is responsive to [the] PIA request.”

On December 29, 2025, the Ombudsman issued a final determination stating that the dispute was partially resolved. The complainant then filed this complaint with our Board with respect to the portion of the dispute that was not resolved—i.e., her contention that “the BSWE has not produced all emails related to the development and implementation of the survey.” The complainant points out that the records produced reveal “multiple instances of correspondence and information regarding the BSWE survey that was published in April 2025,” but that the emails begin in December 2024. At that point, the complainant contends, “the survey questions had already been developed” and “an individual or entity had already been selected and paid to administer and analyze the survey.” The complainant argues that it is “not plausible that the concept, development, contracting, and planning for this survey occurred without any email correspondence prior to December 2024.”

In response to the complaint, the BSWE maintains that it has “provided all the records it has available that are responsive to the original request.” Noting that the BSWE has “conducted two thorough searches of its records to ensure it provided any and all responsive documents,” the BSWE advises that it conducted a third search in response to this complaint. That search turned up one additional record, which the BSWE attaches with its response. That record contains emails exchanged on December 11, 2024, concerning that structure of the survey. Notably, in one of the emails, an MDH employee suggests that MDH “could possibly purchase these types of services” but that MDH “may have [an] inhouse solution.”

In reply, the complainant asks, if the BSWE maintains that “no emails or other written communications exist from the survey’s planning and development phases,” that the BSWE “explain how the project was discussed, developed, and coordinated in the

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

absence of such communications.” The complainant reiterates her position that a “project of this scope would ordinarily generate written correspondence,” and suggests that “clarification of the process would help assess whether the search for responsive records was reasonably conducted.”

### 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). We have interpreted our authority to review denials broadly to include allegations that a custodian’s insufficient and unreasonable search led to a failure to locate all responsive records. *See* PIACB 23-03, at 3-4 (Nov. 2, 2022); *see, e.g.*, PIACB 26-22 (Jan. 21, 2026). 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).

Maryland’s Legislature enacted the PIA to provide “access to information about the affairs of government and the official acts of public officials and employees.” § 4-103(a). The PIA requires that custodians of public records allow inspection and copying of those records, unless an exemption from disclosure applies. §§ 4-201(a), 4-205(b). 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)). Our State’s Supreme Court has explained that a reasonable search does not require a custodian to “robotically examine every record in [the agency’s] possession,” but instead that custodians should focus “on where responsive records are likely to be found.” *Id.*; *see, e.g.*, PIACB 26-22, at 4-5 (Jan. 21, 2026) (finding a search for a letter related to a tort claim reasonable where the custodian searched the hardcopy and electronic files for the claim and asked employees familiar with the claim about where the letter might be located). In the end, 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 about the BSWE’s search for records to resolve this complaint. *See* § 4-1A-06(b)(4). Understanding that the complaint is focused on the part of the complainant’s PIA request that sought “[a]ll internal and external emails sent and received by BSWE members related to the survey with a final report date of April 15, 2025,” we asked the BSWE to provide an affidavit from a person with knowledge that detailed the steps that the BSWE took to look for those records. We asked that the affidavit include information about which email accounts were searched, whether archived and deleted email was searched, and what parameters were used (i.e., the time period, key

words, etc.). We also asked the BSWE to provide its correspondence with DoIT regarding the search for records, including the email explaining why DoIT could not access the emails of the former BSWE executive director.

In response, the BSWE provided an affidavit from Karen Richards, its Executive Director (“Richards Affidavit”). Ms. Richards avers that, upon receipt of the complainant’s PIA request, she asked the current BSWE Board members<sup>6</sup> to perform a search of their email accounts for emails containing the word “survey” in “any timeframe up to April 15, 2025.” The Richards Affidavit states that the BSWE Board members were instructed to search “spam, trash, and email.” To search the accounts of four retired BSWE Board members, *see supra*, note 6, Ms. Richards states that she asked information technology staff to “delegate” those accounts to her, and that she searched the accounts according to the parameters outlined above. The Richards Affidavit also states that “attempts to retrieve the prior Executive Director’s email inbox were unsuccessful due to her account being deleted rather than disabled.”<sup>7</sup>

According to the Richards Affidavit, after the complainant contacted the Ombudsman, Ms. Richards performed “a second search of Board staff emails using the search term ‘survey,’” and “found additional email correspondence with the Board’s Database Specialist regarding the survey.” The Richards Affidavit states that those emails were produced to the complainant. Ms. Richards also states that, while preparing the affidavit for our Board, she “learned that another Health Occupation Board had successfully obtained emails from State addresses when they were previously told the email was not recoverable,” and therefore “made another request for Board Members’ email correspondence with ASWB, candidate appointments, and the survey.” The Richards Affidavit avers that, on February 24, 2026, this request to DoIT “yielded additional Board member email files,” which “had not previously been reviewed or provided to [the complainant].”<sup>8</sup>

After review of the submissions, including the Richards Affidavit, we find that the BSWE’s initial search for records was unreasonable in that the BSWE did not employ all

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<sup>6</sup> Ms. Richards provides a list of email accounts for “prior board members back to 2022” (four) and “current active board members” (ten). All accounts are Maryland.gov accounts.

<sup>7</sup> Ms. Richards attaches emails exchanged with DoIT in August 2025 stating that “all data has been lost,” because “[a]ll entries disappear[] after 6 months from deletion date.” Another email, sent in December 2025, explains that there is “only a 20-day period before the email account is permanently deleted,” and that DoIT “can reinstate an email if it has been disabled,” but cannot “reactivate a deleted account after a set period.”

<sup>8</sup> The BSWE asks that we extend the time for issuing our decision so that it can review these newly-found records for responsiveness and potential redaction or withholding. Because we are bound by statutory timelines, *see* § 4-1A-07, we decline to do so.

“methods that can be reasonably expected to produce the information requested.” *Glass*, 453 Md. at 232. While it was not unreasonable to ask the BSWE Board members to search their own email accounts as part of the overall search, the submissions demonstrate that the BSWE had the ability, through DoIT, to perform a more comprehensive search from the beginning. We note the complainant’s observation that the BSWE did not produce any email records regarding the survey that were dated before December 2024, when many of the details concerning the structure and implementation of the survey had apparently already been decided. The lack of earlier email records should have been a red flag for the BSWE that its search method may have been insufficient.

We are mindful that the reasonableness of a search is not measured by “whether it locates every possible responsive record.” *Id.* at 212. But here it appears that the BSWE’s failure to have DoIT perform the search of the accounts earlier in the process led to a failure to locate a significant number of emails that, according to the Richards Affidavit, “had not previously been reviewed or provided” to the complainant. While there may be circumstances under which it is reasonable for a custodian to ask employees to search their own accounts for responsive records and rely only on those results, such was not reasonable here given the search capacities available to the BSWE. *See, e.g.*, PIACB 21-12, at 7 (May 27, 2021) (recognizing that “the City is a small jurisdiction and that its police department might not have the staff and/or budget to conduct a more sophisticated search of an email archive”). Because the parameters of the BSWE’s most recent search are not entirely clear to us, we direct the BSWE to ask DoIT to perform a search of all current and former BSWE Board member and staff email accounts for records related to the April 2025 BSWE survey. To the extent that this is search performed in February 2026, as identified in the Richard Affidavit, the BSWE need not conduct an additional search. The BSWE must produce any additional non-exempt responsive records to the complainant.

### **Conclusion**

Based on the submissions, including the Richards Affidavit, and for the reasons explained above, we find that the BSWE conducted an insufficient and unreasonable search for records responsive to the complainant’s PIA request. We direct the BSWE to perform an additional search, as detailed above, and produce any non-exempt responsive records to the complainant within thirty days of this decision and order.

### **Public Information Act Compliance Board**

*Sareesh Rawat, Chair*  
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