06-05.00 – POLICY ON THE DISCLOSURE OF PUBLIC RECORDS

I. Policy Statement: Pursuant to Maryland Code, General Provisions Article, § 4-201(b) the University is authorized to adopt reasonable rules and regulations to carry out its obligations under the Public Information Act.

II. Definitions:

A. “Act” means the Public Information Act, General Provisions Article, §§ 4-101 through 4-601, of the Annotated Code of Maryland.

B. “Applicant” means the person or governmental unit that asks to inspect public records.

C. “Contact Person” is the person designated by the General Counsel from time to time as the Towson University representative who should be contacted when members of the public wish to request a public record from Towson University. The Contact Person can be contacted by emailing generalcounsel@towson.edu.

D. “Official Custodian” means an officer or employee of Towson University who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

E. “Public Record” has the meaning stated in § 4-101(h) of the Act.

F. “University” means Towson University.

G. “Working Day” means a day other than Saturday, Sunday, or a State holiday.

III. Responsible Executive and Office:

Responsible Executive: General Counsel

Responsible Office: Office of the General Counsel

IV. Entities Affected by this Policy: All divisions, colleges, departments and operating units.
V. Procedures:

It is the policy of the University to facilitate access to the Public Records of the University, when access is allowed by law.

A. Official Custodians

Unless otherwise provided by law, the University’s officers, including the President, the Provost and Vice President for Academic Affairs, the Vice President for Administration and Finance and Chief Fiscal Officer, the Vice President of University Advancement, the Vice President for Student Affairs, the Vice President of Marketing and Communications, the Vice President for Innovation and Applied Research, and the Director of Athletics are the Official Custodians of the documents maintained by their respective divisions.

B. Who May Request Public Records

Any person may apply to inspect or copy Public Records of the University.

C. Contents of Written Request

A written request shall:

1. contain the Applicant’s name and address;
2. be signed by the Applicant; and,
3. reasonably identify, by description, the Public Records sought.

D. Requests to be Addressed to the Contact Person

A request to inspect or copy a Public Record of the University shall be addressed to the Contact Person. It is the responsibility of the person requesting information to send the request to the Contact Person. Any University employee other than the Contact Person who receives a request will forward the request to the Office of General Counsel, and will notify the requester that he/she needs to contact the Office of General Counsel. However, any such forwarded requests are not deemed to have been “received” by the University until they are received by the Contact Person.

E. Response to Request

1. Within three (3) working days after receiving a request from the Office of General Counsel, the Official Custodian or his/her designee will respond to the Office of General Counsel with all of the following information applicable to the request:
a. A copy of the documents requested, or a reasonable estimate of the time it will take to produce the records, and the time spent on producing the records and any other information necessary to calculate the cost of producing the documents requested. In the latter case, the Official Custodian will provide the records requested to the Office of General Counsel no later than ten (10) working days after receiving the request from the Office of General Counsel.

b. If a requested Public Record is not in the custody or control of the Official Custodian, the Official Custodian must promptly notify the Contact Person and, if possible, provide the Contact Person with the name of the Official Custodian of the Public Record and the location or possible location of the Public Record.

c. If a requested Public Record of the University is in the custody and control of the Official Custodian, but is temporarily unavailable for inspection or copying, notification that the records are temporarily unavailable for inspection and/or copying, and providing a date within a reasonable time for inspection and/or copying.

d. If the Official Custodian knows that a University Public Record has been destroyed or lost, notification that the Public Record is not available and an explanation of the reason why the Public Record cannot be produced.

2. The Office of General Counsel will respond to the person or entity requesting Public Records in accordance with the provisions of the Act.

F. Notice to and Consideration of Views of Person Potentially Affected by Disclosure

1. Unless prohibited by law, the Contact Person may provide notice of a request for inspection or copying of any Public Record of the University to any person who, in the judgment of the Office of General Counsel, could be adversely affected by disclosure of that Public Record.

2. The Office of General Counsel may consider the views of the potentially affected person before deciding whether to disclose the Public Record to an Applicant.
G. Time and Place of Inspection

1. An Applicant may inspect any Public Record of the University that the Applicant is entitled to inspect at a mutually convenient date and time during the normal working hours of the University.

2. The inspection shall occur on University premises, in a suitable and convenient location as determined by the Office of General Counsel, after taking into account the Applicant’s expressed wish.

Related Policies:

Approval Date: 08/30/2004

Effective Date: 08/30/2004

Amended Date: 05/06/2015
03/23/2016

Approved by: President’s Council 08/30/2004