
October 28, 2022

Mr. Patrick O. Maynard
Freelance Writer
patrickmaynard@gmail.com

Dear Mr. Maynard:

The Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) is in receipt of your request (844507) pursuant to the Maryland Public Information Act, General Provisions Article (GP), § 4-101 *et seq.*, Annotated Code of Maryland. Specifically, you requested:

“I am writing to request the following documents related to state government interaction with the firm Rummel, Klepper & Kahl, LLP under the Public Information Act: -- The header information for all emails between MTA addresses and RK&K addresses in 2022 -- The total count of messages that fall into this category for each of the last 10 years As the law requires, I ask that any redacted portions of the documents be cited with a reference to the legal clause that allows the redaction, and that any remainder of the responsive documents be released. I also ask that this information be sent electronically, rather than being physically mailed. Finally, since this is information that I am seeking as part of a journalism project in the public interest, I ask that any duplication and retrieval costs be waived. As several national and state precedents have established that retrieval of email metadata does not constitute "creation" of a non-existing record but is, rather, retrieval of an existing record, I look forward to inspecting this information in a timely manner.”

On October 4, 2022, you narrowed the scope of your request to:

“What if instead of "header information," we merely said "sender, receiver, cc, bcc and date" as the request? I imagine that this would make the process rather automated, since there's nothing in any of those fields that could be considered sensitive. (And, if any of them are sensitive, they would just be mass-redacted or mass-omitted, no?)”

On October 5, 2022, you further narrowed the scope of your request to:

“Thank you for that detailed description of your situation. I see the dilemma you guys face. With that in mind, let's just do the count of emails per month. As far as keywords go, let's say we're looking for emails from RK&K addresses to MTA addresses that include the strings "rail" or "red line" in the subject line or body. As far as recipient addresses go, I'm unfortunately not sure exactly what we're looking at yet. Could we restrict it to the 10 highest-paid MTA employees for each year?

Let's also cut back that count from the last 10 years to instead start on January 1, 2015 and run to the present. This way, we have keywords, we have a limitation on the number of inboxes we're looking at, and there's nothing at all to be redacted, since we're just getting a tally of how many records there are for each month.

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Additionally, on October 13, 2022, you agreed to narrow your email search to:

“Keyword “red line” and provide just one count per year starting from 2015 of all emails received from RK&K to any MTA email address.

Pursuant to the narrowed question you provided on October 13, 2022, and in lieu of providing documents, the MDOT MTA offers the following information in response to your inquiry:

CY 2015 – 12	CY 2019 – 165
CY 2016 – 25	CY 2020 – 109
CY 2017 – 141	CY 2021 – 106
CY 2018 – 161	CY 2022 (thru October 14, 2022) – 123

GP § 4-206 authorizes MDOT to charge for time incurred to prepare, search, and review documents after the first two hours of work. There is no charge for this request.

The MDOT MTA now considers this request closed.

Pursuant to General Provisions §§ 4-1A-01 *et seq.* and 4-1B-01 *et seq.* you may file a request for mediation with the Public Access Ombudsman and, if the Ombudsman is unable to resolve the matter, may subsequently seek a resolution from the Public Information Act Compliance Board for those matters within the Compliance Board’s jurisdiction. See GP §§ 4-1A-01 *et seq.* and 4-1B-01 *et seq.* Alternatively, Pursuant to GP § 4-362, you are entitled to seek judicial review of this decision.

For efficiency reasons and to keep operational costs as low as possible, we encourage all requesters to submit their PIA requests through the MDOT online form, which can be found at www.mdot.maryland.gov. Click on the About tab at the top and then Public Information Act. You will find all PIA Representative contact information and other helpful information.

If you have any questions, you may contact Ms. Veronica Battisti, MDOT MTA Communications & Marketing Senior Director, at 410-767-8748 or vbattisti@mdot.maryland.gov. Ms. Battisti will be happy to assist you.

Sincerely,



Angel Maes
MDOT MTA PIA Representative

cc: Ms. Veronica Battisti, Senior Director, Communications & Marketing, MDOT MTA