

CITY OF BALTIMORE

BRANDON M. SCOTT,  
Mayor



DEPARTMENT OF LAW  
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**Sent via Email**

Mayor Brandon Scott  
City Administrator Faith Leach  
100 N. Holliday Street  
Baltimore, MD 21201

**Re: Recent Opinion from the Maryland Attorney General**

Mayor Scott and Administrator Leach:

I am writing in connection with a recent opinion from the Maryland Attorney General's Office ("the AG") that directly addresses issues related to the Office of the Inspector General's ("OIG") access to City records that are otherwise protected by the attorney client privilege and other privacy protections. The opinion was prepared after a member of the State Senate requested the AG to opine on whether an inspector general's right to access records—even if expressly provided by local law—superseded the exceptions to disclosure found in the Maryland Public Information Act ("MPIA"). The AG concluded that it does not. Instead, the attached opinion confirms the City's obligations to protect privileged information from disclosure and explains why the City's requirements for redactions and safeguards are not discretionary—they are mandated by State law.

**The governing rule is straightforward:** the MPIA contains **mandatory confidentiality provisions** that require City custodians to withhold certain categories of records and information, even when access is requested from local inspectors general. These mandatory protections include, among other things, **attorney client communications, personnel records, medical information, and financial information**. When a mandatory exception to disclosure applies, the law requires the City to **deny inspection or redact the protected portions**. This is not optional.

The Attorney General's opinion squarely addresses whether a local law or charter provision can authorize disclosure of records to a local inspector general that State law requires to remain confidential. It concludes that a **local law or charter provision may not authorize or require** a local custodian to disclose records covered by the PIA's **mandatory exceptions**. When a State statute prohibits disclosure, any local law that purports to permit or compel disclosure is **preempted and unenforceable**. Importantly, this rule applies **regardless of whether the request comes from the public or from another local government office**, including a local inspector general whose authority derives from the local charter.

Two practical points are especially important:

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1. **These confidentiality requirements apply even outside a formal PIA request.** The City is prohibited from disclosing protected personnel, medical, or financial information in response to a public request—and the same legal prohibition applies to other forms of disclosure, including internal sharing.
2. **These protections apply even when one government office requests records from another.** Maryland courts have applied these rules in the inspector general context and held that an inspector general cannot obtain certain protected records when State law requires confidentiality—even where local law otherwise appears to grant broad access.

For these reasons, the City must continue to safeguard information that is protected from disclosure under the MPIA. The City's concern is not about obstructing oversight. It is about ensuring that oversight is conducted in a way that is **lawful**. Accordingly, the City must insist on **compliance with State law redaction requirements** for records that contain information protected by mandatory MPIA exceptions. That is why the City must immediately implement changes in the IG's direct access to records that will ensure compliance with State law. Failure to do so would constitute a knowing and willful violation of the MPIA now that the City is in receipt of the AG's guidance.

These measures will not weaken the OIG. They protect the integrity of OIG investigations and strengthen the City's ability to defend them, as the OIG will still be able to request and obtain records that do not contain materials protected from disclosure under the MPIA. They also ensure that both the OIG and the City comply with State law—law that the City cannot waive and that local enactments cannot override.

I welcome the opportunity to work collaboratively with the OIG's Advisory Board on a practical written protocol that preserves the OIG's ability to do its work while ensuring compliance with Maryland confidentiality law and reducing risk to the City.

Thank you,

Ebony M. Thompson  
City Solicitor

Enclosure: Opinion of Maryland Attorney General