

TOWN OF READFIELD, MAINE
POLICY GOVERNING ACCESS TO PUBLIC RECORDS UNDER
THE MAINE FREEDOM OF ACCESS ACT M.R.S.A. Title 1 §408-A
(Amended: 02/09/2016)

1. SUMMARY AND PURPOSE

This policy governing access to public records is established to implement the provisions of the Maine Freedom of Access Act, M.R.S.A. Title 1 Sections 400-414. The purpose of these rules is to support the policy of providing public access to the public records in the possession of the Town while, at the same time, complying with state law requirements as to confidential information and maintaining administrative efficiency.

2. DEFINITIONS

Terms used in this Policy Governing Access to Public Records shall have the same meaning as in the Maine Freedom of Access Act.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Written requests are preferred but are not mandatory by State Law and to be submitted to the Public Access Officer or his/her designee in their absence. Please submit request at the following addresses or by phone at 207-685-4939:

Public Access Officer
Readfield Town Office
8 Old Kents Hill Rd.
Readfield, Maine 04355

OR: readfield.clerk@roadrunner.com

Written or oral requests submitted to Town Officials or Town employees will be referred to the Town's Public Access Officer or his/her designee for processing and response. The Public Access Officer will confer with the Town Manager as needed regarding any information requested. The Public Access Officer or his/her designee shall be responsible for ensuring that each record request is acknowledged and that an estimate of the response time and cost are provided.

4. FORM AND CONTENT OF REQUEST

Requests in accordance with the State FOAA Laws and the Town of Readfield Policy Governing Access to Public Records are requested to be made in writing but not mandatory. For the requestor's convenience, e-mail shall be considered a written request or they may use the "Request for Public Records" form provided by the Town Office.

The following information is helpful but not mandatory when submitting an FOAA request:

- A. The requestor's full name, address and phone number. If a requestor does not wish to provide this information, the requestor will be informed as to when the requested information, or an estimate, will be available.
- B. A specific description of the public records being sought, being as specific as possible. If you do not know what document you are seeking please state which specific information is being sought.
- C. Clarification of whether the request is for inspection of public records, copies of public records, or both.

5. ACKNOWLEDGMENT FOR TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

The FOAA or his/her designee shall:

- A. Acknowledge receipt of the request received within 5 working days of receipt of the request.

- B. Record the receipt date of the request when a “sufficient description” of the record is received by the FOAA Officer or his/her designee or official at the office responsible for maintaining the record.
- C. Forward a request made to a department or custodian to the official who maintains the record “without willful delay.”
- D. Notify the requester that the request was forwarded to the custodian of the records requested.
- E. Insure that the request is acknowledged by the custodian to whom the request was forwarded to within 5 working days of receipt of the request or record failure of the custodian to complete that action.
- F. Review any fee waiver request.

6. ESTIMATE FOR TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

The FOAA Officer or his/her designee shall:

- A. Provide an estimate of time within which the town will comply with the request within a reasonable amount of time of receiving the request. Factors defining “reasonable time” shall include administrative work load, complexity of request or amount of staff/custodial time required to fill request.
- B. Provide estimate of fees within a reasonable amount of time of receiving the request.
- C. Seek confirmation from requester before proceeding with response for estimate greater than \$30.

7. CLARIFICATION OF REQUEST IF NEEDED

The FOAA Officer or his/her designee may:

- A. Restate the language of the request in the acknowledgment to confirm scope and content.
- B. Confer with the requester to narrow a broad request to avoid denial in accordance with State Law M.R.S.A. Title 1 §408-A.

8. PROCEDURES FOR NOTICE OF A DENIAL

A request may be denied if the requested is too broad, confidential, privileged, or they do not exist.

The FOAA Officer or his/her designee shall:

- A. Provide, if denying access to any public records, written notice to requester within 5 working days of receipt of the request. State the reason for denial.
- B. Provide written notice to the requester within 5 working days of receipt of the request explaining that some public records may require more time to review and may be denied after the review is complete if the records are found to be confidential or don’t exist.
- C. Provide, depending on the circumstances, a supplemental denial or further explanation of the grounds for denial.
- D. Inform the requestor whose FOAA request has been denied that they may appeal in accordance with the requirements of Maine Law.

9. SEARCH

The FOAA Officer or his/her designee shall:

- A. Identify who may have responsive records.
- B. Explain scope of the request such as period of time encompassed, types of public records requested and time frame for responding.
- C. Identify repositories where responsive records may be stored such as:
 - Paper files (in-office, home or records center if relevant)
 - Email in-box, drafts, deleted items, sent mail, archived emails
 - Documents on computer desktop
 - Documents in recycle bin
 - Documents in file server folder
 - Computer backup files/tapes/disk, if relevant
- D. Determine multiple key words to be used for searching, if the subject of an FOAA request may have been described in electronic records (emails, word documents, etc.) using various words, such as:
 - Names of individuals, business entities
 - Project names
 - Towns, cities, etc.
 - Common misspellings of names
 - Note: In some circumstances, it may be helpful to agree with requester on key words.

10. CONFIDENTIALITY REVIEW

The FOAA Officer or his/her designee

- A. Determine if any public records requested are confidential, privileged or otherwise protected from disclosure.
- B. Redact confidential or privileged material where reasonably possible rather than withholding entire public record.
- C. Provide a written notice of denial and state reason for denial if access is denied in whole or in part.
- D. Provide, depending on the circumstances, including the types and numbers of records requested, written notice may take the form of a letter summarizing the reasons for denial of access or of a more formal privilege log.

11. PROVIDE ACCESS

The FOAA Officer or his/her designee shall:

- A. Inform the requester that arrangement for inspection of records will be made during normal working hours of the Readfield Town Office unless otherwise arranged.
- B. Segregate documents during the course of the inspection which the requestor wishes to have copied.
- C. Be present throughout the inspection.
- D. Perform all copying.
- E. Prohibit a requestor from bringing bags, brief cases or other containers into the inspection room.

- F. Provide a record that does exist but is not required to create a record that does not already exist
- G. Provide access to electronically stored records either as a printed document or in an electronic medium in which the record is stored at the requestor's option, except that an agency **or** official is not required to provide access to a computer file if they have no ability to separate or prevent disclosure of confidential information in that file. The law does not require the Town to provide access to a computer terminal. Nor does it require that an electronically stored record be provided in a different electronic medium or format. If an electronically stored record must be converted into a comprehensible or usable format in order to provide access to it, the Town may charge for the actual cost of conversion.

12. TIME AND EXPENSE

The FOAA Officer or his/her designee shall:

- A. Charge for copies of public records assessed in accordance with the "fee schedule" as approved by the Select Board and State Law.
- B. Record and document staff and custodial time, actual costs and copying fees.
- C. Provide an invoice that will account for the recorded costs and any fee waiver that has been granted.
- D. Assess Fees:
- Reasonable copying fee as set by the Select Board.
 - Actual cost of searching, retrieving & compiling (compiling includes reviewing and redacting confidential information) will be the dollar amount provided by State law per hour after the first hour of staff/custodian time.
 - Actual cost to convert into form susceptible of visual or aural comprehension or into usable format.
 - Actual mailing costs.
 - Copies of public records shall be provided to the requestor only upon payment of any charges which are due.
- E. Allow for inspection of public record at no charge unless the records cannot be inspected without being compiled or converted.
- F. Notify requester if fee cost is greater than \$30 (preferably in writing before proceeding).
- G. Notify requester if fee cost is greater than \$100.
- If estimated total cost is greater than \$100, requester may be required to pay all or a portion of estimated costs before search, retrieval, compiling, conversion and copying.
 - Payment in advance may be required if requester has previously failed to pay properly assessed fee in a timely manner.
- E. Waive part or all of the fee if:
- Requester is indigent, or
 - The Town determines release of public record requested to be in public interest because doing so is likely to contribute significantly to public understanding of operations or activities of government and is not primarily in commercial interest of requester.

13. CLOSE THE FOAA REQUEST

The FOAA Officer or his/her designee shall:

- A. Record and keep a record of all requests, dates acknowledged and dates filled.
- B. Copy the invoice to the Collection Clerk for record of payments.
- C. Confirm with the requestor when possible in writing or verbal that the request has been filled.

14. TRAINING

- A. As required by State Law a Public Access Officer, municipal officers, clerks, treasurers, assessors and budget committee members shall complete a course of training on the requirements relating to public records and proceedings. The official or Public Access officer shall complete the training not later than the 120th day after the date the elected official takes the oath of office to assume the person’s duties as an elected official or the person who is designated as a public access officer.
- B. Upon completion of the training course the elected official or public access officer shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training completed and the date of completion. Copies of all certifications shall be filed with the Town.
- C. It is preferred but not mandatory that all committee, board or commission members take an FOAA training.

15. TECHNOLOGY AND EFFIECIENCY

In an effort to be efficient and transparent the Town of Readfield will provide and work towards making all public documents accessible to the public using technology that will allow the public to access information as quickly and as easily as possible.

16. STATE PUBLIC ACCESS OMBUDSMAN

The new law funds an Assistant State Attorney General position to serve as a Public Access Ombudsman. The Ombudsmen’s duties include working to informally resolve complaints by the public and public officials concerning FOAA and, upon request, issuing advisory opinions on the interpretation of and compliance with the FOAA.

Link to FOAA information www.maine.gov/foaa www.readfield.govoffice.com

Policy Governing Access to Public Records Under the Maine Freedom of Access Act, adopted by the Select Board on 10/11/2011, amended 11/05/2012 and amended this 9th day of February 2016.

Select Board for the Town of Readfield:

SS
Valarie Pomerleau, Chair

SS
Tom Dunham, Vice Chair

SS
Bruce Bourgoine

SS
Allen Curtis

SS
Chris Sammons