TOWN OF READFIELD, MAINE
POLICY GOVERNING ACCESS TO PUBLIC RECORDS
UNDER THE MAINE FREEDOM OF ACCESS ACT

1. SUMMARY AND PURPOSE

This policy governing access to public records is established to implement the provisions of the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-412. The purpose of these rules **are** 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.

"FOAA" means Freedom of Access Act.

"Requestor" means person who submits a request for public records under the provisions of the FOAA.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Written requests for public records are requested to be submitted to the Town Clerk, who is appointed as the Town Public Access Officer at the following addresses:

Town Clerk
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 other than the Town Clerk will be referred to the Town Public Access Officer for processing and response. The **public access officer** will confer with the Town Manager as needed regarding any information request. The **p**ublic **a**ccess **o**fficer shall be responsible for ensuring that each records request is acknowledged and that an estimate of the

response time is provided, but a request must be acknowledged and responded to regardless of whether it was delivered or directed to the public access officer. Also, a response may not be delayed due to the unavailability of the public access officer.

4. FORM AND CONTENT OF REQUEST

Requests in accordance with the FOAA and the Town of Readfield Policy Governing Access to Public Records are requested to be made in writing to ensure that a complete response is given, but a written request is not required. For the requestor's convenience, e-mail shall be considered a written request.

The following information is requested when submitting a 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 brief 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. Whether the request is for inspection of public records, copies of public records, or both.

5. TIMELINE FOR TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

The town shall respond to a request in a "reasonable time" after the receipt of such request, and must provide a good faith non-binding estimate of the response time and must make a good faith effort to respond within that time.

Should a request be denied by the Town, the requestor shall be notified of the reasons for the denial within 5 working days.

Factors defining "reasonable time" shall include administrative work load, complexity of request or amount of staff time required to fill request.

6. TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

After review of a request for public records, the Town may either provide the materials; give notice that the materials shall be made available upon payment of reproduction

costs and/or staff time, or give notice of the time and place for inspection of records. A denial of a request for public records shall be made in writing. It shall state the reason(s) for the denial.

The town may request additional clarification concerning what public records are sought before responding to a request.

Acknowledgement of receipt of request. **PL 2013, c. 1216 amends 1 M.R.S.A. (SS) 408-A to require officials to acknowledge receipt of a public records request within five working days. (A good faith, nonbinding estimate of when the request will be fulfilled, along with a cost estimate, must still be provided "within a reasonable time.") Also, if an official refuses a request but fails to provide written notice of denial, stating reasons, within five working days (a longstanding requirement), this is now considered a failure to allow inspection, which is subject to appeal to Superior Court within 30 days (formerly five working days). Effective 10/9/13**

7. PROCEDURES FOR APPEAL OF A DENIAL

A requestor whose FOAA request has been denied may appeal in accordance with the requirements of Maine Law.

8. PROCEDURES FOR PROVIDING RECORDS TO REQUESTORS

Inspection of records at Town Offices – generally, public records will be made available for inspection during normal working hours of the Readfield Town Office.

Unless otherwise arranged, the inspection of records shall take place at the Readfield Town Office.

Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. An employee of the Town may be present throughout the inspection.

Generally, all copying shall be done by a Town employee. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

Person requesting copies can also request the public access officer to make and mail a copy, for which a reasonable copying fee and actual mailing costs may be charged. A request for a copy need not be made in person or in writing. **(If not in person or in**

writing how else would a request be made?)

Town is not required to create a record that does not already exist.

Access to electronically stored records must be provided 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.

Copies of public records shall be provided to the requestor only upon payment of any charges which are due.

Charges for copies of public records shall be assessed in accordance with the "fee schedule" as approved by the Select Board.

9. FEES

The Town shall assess any and all fees to the requestor allowable by the State of Maine Freedom of Access Act. Current law authorizes a charge of up to $ 15.00 per hour after the first hour of staff time.

Should a requestor make a request requiring Town employee time to fill such request, which exceeds the allowable "free" time allotted by the FOAA, an estimate of charges to fulfill the request shall be given to the requestor before such work begins. Prepayment shall be required if the estimated response costs exceed $100 or if the requestor has previously failed to pay a properly assessed fee under this policy in a timely manner. Any overpayment shall be refunded upon receipt of request by requestor through the Town's payment warrant system.

10. 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 www.maine.gov/foaa

Amended 11/05/2012

Legal notes in the October 2013 Maine Townsman:

New FOAA Amendments:

Subscriber email addresses for noninteractive notices, etc. **PL 2013, c. 339 amends 1 M.R.S.A. (SS) 402(3) to except from the definition of "public records" email addresses obtained by a political subdivision of the State, such as a municipality or school district, for the sole purpose of disseminating non-interactive notices, updates and cancellations. Subscriber email addresses for newsletters are not included in this exception, however, and remain a public record. Effective 10/9/13**

Concealed handgun permit holder personal information. **PL 2013, c. 54 amends 25 M.R.S.A. (SS) 2006 to make confidential all personally identifying information on all concealed handgun permits issued. (The law has long made confidential all permit applications and all permit denials.) The only information that remains public on issued permits is the municipality of residence, the date of issuance, and the date of expiration. Effective prior to Legislature adjournment 2013**

Veterans' property tax exemption applications. **PL 2013, c. 973 amends 36 M.R.S.A. (SS) 653 (1) to make confidential all applications and supporting materials for veterans' property tax exemptions. Any record showing that a veteran's exemption has been granted remains public, however. Effective prior to Legislature adjournment 2013.**