

**TOWN OF POLAND, 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 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 Record 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 Manager at the following addresses:

Town Manager
Poland Town Office
1231 Maine Street
Poland, Maine
04274

OR:

dlee@polandtownoffice.org

Written or oral requests submitted to Town Officials or Town employees other than the Town Manager will be referred to the Town Manager for processing and response.

(Note: The Town cannot require written requests and it cannot require persons making requests to identify themselves, although the Town still gets a reasonable time to respond. Also, as written, this makes it sound as if a written request can only be made to the Town Manager and will be rejected if made to anyone else. The statute does not support such a limitation.)

4. FORM AND CONTENT OF REQUEST

Requests in accordance with the FOAA and the Town of Poland 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:

1. 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.
2. 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.
3. Whether the request is for inspection of public records, copies of public records, or both.

(Note: The FOAA does not require a person making a request to state the reason for the request and a request cannot be denied if it is for a commercial purpose.)

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. (Note: requests may be made orally under the FOAA, but the town still has a reasonable time to respond.)

Should a request be denied by the Town 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.

7. PROCEDURES FOR APPEAL OF A DENIAL

A requestor whose FOAA request has been denied may be appealed 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 Poland Town Office.

Unless otherwise arranged, the inspection of records shall take place at the Poland 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.

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 Board of Selectmen.

9. FEES

The Town shall assess any and all fees to the requestor allowable by the State of Maine Freedom of Access Act.

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.

(Note: This change reflects the statutory limitations on requiring payment in advance.)