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 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.

"Public Access Officer" is the appointed employee of the town responsible for ensuring that each public record request is acknowledged within a reasonable period of time and that a good faith, non-binding estimate of when the response to the request will be complete is provided. A public entity that receives a public record request must acknowledge and respond to the request regardless of whether it was delivered to or directed to the Public Access Officer. The unavailability of a Public Access Officer cannot delay a response to a request therefore the Public Access Officer shall designate another employee to serve as an alternate Public Access Officer.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Written requests for public records are requested to be submitted to the Public Access Officer at the following addresses:

> Public Access Officer
> Town of Poland
> 1231 Maine Street
> Poland, Maine 04274

OR:
> poa@polandtownoffice.org

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

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 Public Access Officer 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 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.

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 Public Access Officer must acknowledge receipt of the FOAA request within five working days of the request. The Public Access Officer shall respond within a "reasonable amount of time" with (1) a good faith, nonbinding estimate of the time within which the municipality will comply with the request and (2) a cost estimate for complying with the request. Requests may be made orally under the FOAA, but the Public Access Officer still has five working days to acknowledge receipt of the request. It is not required by law that the records be provided for inspection and or copying within five (5) business days.

Should a request be denied by the Public Access Officer the requestor shall be notified of the reasons for the denial within five (5) business 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 Public Access Officer may request additional clarification concerning what public records are sought before responding to a request.

7. <u>PROCEDURES FOR APPEAL OF A DENIAL</u>

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

8. <u>PROCEDURES FOR PROVIDING RECORDS TO REQUESTORS</u>

A person may inspect or request a copy of a public record during reasonable office hours or may request that the Public Access Officer provide a copy of the record.   If requested, copies must be mailed to requestor.
Electronically stored public records must be provided as either a printed document or in the medium in which the record is stored, at the requestor's option; provided, however, that an electronic record need not be disclosed if the agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with the file. A computer terminal need not be provided to the requestor.

It is not required of the public entity to create a record that does not exist.

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. The Public Access Officer, designated alternate or town employee may be present throughout the inspection.

Generally, all copying shall be done by the Public Access Officer, designated alternate ortown 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. <u>FEES</u>

The following costs shall be applied to FOAA requests:

A. Any and all copy requests in which fees shall coincide with the town's Fee Schedule for copy requests.

B. The cost of searching for, retrieving and compiling the requested public record(s) to be assessed at not more than fifteen dollars ($15.00) per hour.

C. The first hour of staff time is free to the requestor per request.

D. A fee will be assessed for the cost to convert a public record into a form susceptible of visual or aural comprehension or into a usable format.

E. Any and all mailing costs.

The Public Access Officer must notify the requestor of any request that is estimated to cost thirty dollars ($30.00) or more to fulfill.

Should the requestor make a request which requires additional time by the Public Access Officer to fill such request, in which it 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 one hundred dollars ($100) or if the requestor has previously failed to pay a properly assessed fee under this policy in a timely manner. This reflects the statutory limitations on requiring payment in advance.

Any overpayment shall be refunded upon receipt of request by requestor.

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