

**TOWN OF ACTON, 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 (FOAA), 1 M.R.S.A. §§ 401 et seq. The purpose of this policy is to support access to public records in the possession of the Town of Acton 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 have the same meanings as in the Maine Freedom of Access Act, 1 M.R.S.A. §§ 400 et seq.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Written FOAA requests are preferable and may be submitted to the Town's Public Access Officer at the following address:

Town Administrator

Town of Acton

35 H Road

Acton, ME 04001

If any FOAA requests are made verbally or in writing to any municipal employee, the employee shall relay the request to the Public Access Officer as soon as possible. Should the Public Access Officer be unavailable to respond, a replacement Public Access Officer shall be designated, and the requests will be handled by the designee.

4. FORM AND CONTENT OF REQUEST FOR PUBLIC RECORDS

A FOAA request for public records should include the following information:

- 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 the exact document is not known, state what specific information is being requested.
- c. Whether the request is for inspection of public records, copies of public records, or both.

Requestors are encouraged to use the attached form. The Freedom of Access Act does not require that requests be made in person or in writing. However, the Town strongly urges members of the public to put their request in writing to maintain a record of when the request was received and to make certain that the documents requested can be located as quickly as possible and made available for inspection.

5. TIMELINE FOR RESPONSE TO REQUEST FOR PUBLIC RECORDS

- a. Acknowledgment of Receipt and Request for Clarification. The Public Access Officer or his/her designee will acknowledge receipt of a FOAA request within five (5) working days of receiving the request and may request clarification concerning which public records are being requested.
- b. Estimate of Time for Response and Fees. Within a reasonable time of receiving the request, the Public Access Officer or his/her designee shall provide a good faith, nonbinding estimate of the time within which the Public Access Officer or his/her designee will comply with the request, as well as a cost estimate as provided in 1 M.R.S.A. §408-A (9). Factors affecting "reasonable time" include administrative workload, the complexity of the request, and the amount of time required to comply with the request. The process to obtain public records could include any or all of the following tasks: searching for, retrieving, compiling, copying, converting, or preparing records for inspection and distribution. The Town shall make a good faith effort to fully respond to the request within the estimated time.
- c. Denial of a Request. Should a request be denied by the Town, the requestor shall be notified of the reason for the denial or the expectation that the request will be denied in full or in part following a review within five (5) working days. A request for inspection or copying may be denied, in whole or in part, on the basis that the request is unduly burdensome or oppressive. *See* 1 M.R.S.A. § 408-A(4-A). A denial is subject to appeal pursuant to 1 M.R.S.A. § 409.

6. RESPONSE TO REQUEST FOR PUBLIC RECORDS

- a. No Requirement to Create a Record. The Town is not required to create a public record that does not already exist.
- b. Copying and Inspection. Public records may be inspected during normal business hours of the Acton Town Office. Inspection and conversion of electronically stored public records and copying of a public record shall be scheduled to occur at a time that will not delay or inconvenience the regular activities of the Town.

Documents which the requestor wishes to have copied shall be marked and/or 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 or other containers into the inspection area. Copies of public records shall be assessed in accordance with the "fee schedule" attached hereto. The Town will not provide advice, interpretation, or reformatting of the requested public records.

- c. Mailing. The Town shall mail the copy of the public record upon request and may charge the requestor the actual mailing costs.

7. FEES

- a. Payment of Costs. Fees for obtaining records will be charged pursuant to 1 M.R.S.A. § 408-A(8). Fees may include fees listed on the fee schedule and payment of costs incurred by the town in complying with the request. In accordance with 1 M.R.S.A. § 408-A(8)(B), the Town will not charge for the first hour of staff time needed to process a public records request and will charge \$15.00 per hour after the first hour of staff time per request. The rate is billed in 15 minute increments.
- b. Advance Payment. The Town may require advance payment if the total costs of the search, retrieval, compiling, conversion, and the copying of the public record is estimated to exceed \$100.00 or the requestor has previously failed to pay a properly assessed fee under this policy in a timely manner.

8. CONFIDENTIAL RECORDS

The FOAA provides that certain categories of documents are not public records. Included among these are records that have been designated as confidential by statute, records subject to a recognized legal privilege, personal contact information concerning public employees, and information contained in communications between a constituent and an elected official if certain criteria are met. See 1 M.R.S.A. § 402(3) for a non-exclusive list of confidential information.

9. MISCELLANEOUS

- a. Intentional removal of a government document, failure to return a government document, and damaging a government document are Class D crimes as further described in 1 M.R.S.A. § 452.
- b. This policy is a guide. Within the law, this protocol may be altered in the sound discretion of the Board of Selectmen as may be necessary to meet specific circumstances. This policy does not alter, narrow, or enlarge any right provided by Maine law.

Adopted on May 29, 2007; Amended July 26, 2012; Amended February 14, 2013, Amended January 8, 2015, Amended March 6, 2018

Elise Miller

Elise Miller

E Miller

Edward Walsh

Kimberly Stacey Horn

Kimberly Stacey-Horn