

FREEDOM OF ACCESS REQUEST PROTOCOL

1. Formal Freedom of Access Requests must be filed in writing on the approved Freedom of Access Request Form adopted by the Town Council.
2. All such requests will be directed to the Town Manager.
3. The Town Manager shall contact the applicant to acknowledge receipt of the request and explain the protocol.
4. Pursuant to MRSA Title 1 §408 (1)(2), persons who request information shall be informed of the manner in which they may access the requested information, and the formats in which it may be provided. (copy of MRSA Title1 §408 is attached)
5. All requests for information will have a cost estimate provided to the person requesting the information prior to the cost being incurred. Costs assessed shall be consistent with the terms outlined in MRSA Title 1 §408(3)(4)(5)
6. The Town Manager shall assign response to staff for completion, according to the nature of the request. Upon completion, and payment of any associated fees, the Town Manager shall provide the requested information.
7. The Town Manager will provide to the Town Council monthly a list of Freedom of Access requests that includes the name of the person requesting, the information requested, the date the request was received, the date the information was provided, and the cost assessed for the service, and the actual cost of providing the service.

1 §408. PUBLIC RECORDS AVAILABLE FOR PUBLIC INSPECTION AND COPYING

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1. Right to inspect and copy. Except as otherwise provided by statute, every person has the right to inspect and copy any public record during the regular business hours of the agency or official having custody of the public record within a reasonable period of time after making a request to inspect or copy the public record. An agency or official may request clarification concerning which public record or public records are being requested, but in any case the agency or official shall acknowledge receipt of the request within a reasonable period of time.

[2007, c. 501, §1 (AMD) .]

2. Inspection, translation and copying scheduled. Inspection, translation and copying may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the public record sought.

[2003, c. 709, §2 (NEW) .]

3. Payment of costs. Except as otherwise specifically provided by law or court order, an agency or official having custody of a public record may charge fees as follows.

A. The agency or official may charge a reasonable fee to cover the cost of copying. [2003, c. 709, §2 (NEW) .]

B. The agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record of not more than \$10 per hour after the first hour of staff time per request. Compiling the public record includes reviewing and redacting confidential information. [2003, c. 709, §2 (NEW) .]

C. If translation is necessary, the agency or official may charge a fee to cover the actual cost of translation. [2003, c. 709, §2 (NEW) .]

D. An agency or official may not charge for inspection. [2003, c. 709, §2 (NEW) .]

[2003, c. 709, §2 (NEW) .]

4. Estimate. The agency or official shall provide to the requester an estimate of the time necessary to complete the request and of the total cost. If the estimate of the total cost is greater than \$20, the agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, subsection 5 applies.

[2003, c. 709, §2 (NEW) .]

5. Payment in advance. The agency or official may require a requester to pay all or a portion of the estimated costs to complete the request prior to the translation, search, retrieval, compiling and copying of the public record if:

A. The estimated total cost exceeds \$100; or [2003, c. 709, §2 (NEW) .]

B. The requester has previously failed to pay a properly assessed fee under this chapter in a timely manner. [2003, c. 709, §2 (NEW) .]

[2003, c. 709, §2 (NEW) .]

6. Waivers. The agency or official may waive part or all of the total fee if:

A. The requester is indigent; or [2003, c. 709, §2 (NEW) .]

B. Release of the public record requested is in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. [2009, c. 240, §4 (AMD) .]

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SECTION HISTORY

1975, c. 758, (NEW). 2003, c. 709, §2 (RPR). 2007, c. 501, §1 (AMD).
2009, c. 240, §4 (AMD).

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