

#3: FOAA Record Request Procedures

I. PURPOSE

The Maine Freedom of Access Act ("FOAA") grants the public a broad right to access public records while protecting legitimate governmental interests and the privacy rights of individual citizens. The FOAA establishes the procedures and requirements the County must follow when responding to a request for public records (1 M.R.S. § 400, et seq.).

Employees shall comply with the applicable requirements in state law and this Policy when handling a request for public records.

II. PROCEDURES

- A. Employees who receive a request to inspect or copy public records shall immediately forward the request to the appropriate Public Information Officer.** The FOAA establishes specific timeframes for responding to a request. Therefore, it is imperative that employees forward requests to the responsible Public Information Officer as soon as possible. Record requests pertaining to records in the custody of the Regional Communications, District Attorney and Sheriff's Office/Jail shall be forwarded to the designated Public Information Officer in those departments. All other record requests shall be forwarded to the Public Information Officer in the Executive Department.
- B.** The Public Information Officer will be the point person for responding to the request. The Public Information Officer is responsible for ensuring that all requirements and procedures in state law are followed.
- C.** The following outlines the general procedures for responding to a record request. Public Information Officers should refer to state law to determine the specific requirements that apply to each request.
 - 1. Upon receipt of request, the Public Information Officer should create a record of the name of the requestor, the date the request was received, and other information necessary to respond to the request. An annual log of record requests should be maintained with sufficient information to identify each record requests and the actions the County has taken in regard to the request.
 - 2. A written acknowledgement of receipt of the request must be provided to the requestor within 5 working days of receipt of the request. Clarification on the number, type, or nature of the public records requested may be sought in order to administer the request.
 - 3. If the County will deny access to any public record, written notice of the denial must be provided to the requestor within 5 working days of receipt of the request or the requestor must be notified in this timeframe that the request will be denied in full or in part following a review.
 - 4. Within a reasonable time, an estimate of the time necessary to complete the request must be provided to the requestor. An estimate of any fees necessary to complete the request should also be provided. If the fee estimate is greater than \$50, this must be conveyed to the requestor for confirmation before completing the request. If the fee estimate is greater than \$100, the County may request full or partial payment prior to initiating search, retrieval, compilation, conversion, or copying of the records.

III. COSTS ASSOCIATED WITH REQUEST

The FOAA, along with other statutes, establish the fees the County may charge for responding to a public records request. Employees shall follow the fee requirements that apply to the records requested. For example:

- A. Fees.** The County generally may charge a fee to cover the actual cost of searching for, retrieving, and compiling the requested public record, except the County may not charge a fee for the first two hours of staff time per request. After the first two free hours of staff time, the County may charge up to \$25 per hour. The County may charge for the actual cost to convert an electronically stored public record into a usable format and the actual cost of a device to store the public record (i.e., a USB drive), if the storage device will be given to the requestor by the County. The County may also charge for the actual mailing costs to mail a copy of a record.
- B. Photocopies.** The County may charge a reasonable fee to cover the cost of copying. A reasonable fee is generally no more than 10 cents for an 8 1/2 x 11 black and white copy of a record.
- C. Waiver.** Fees may be waived if the requestor is indigent or if the County determines the release of the records is in the public interest because doing so is likely to contribute significantly to the public understanding of County operations and is not primarily in the commercial interest of the requestor. Public Information Officers should discuss the amount or waiver of fees with the County Manager or Assistant County Manager.

Remove Appendix B1-Schedule of Fees CCSO

AMENDMENT EFFECTIVE: OCTOBER __, 2025