

**TOWN OF HOWLAND  
FREEDOM OF ACCESS POLICY**

**1 PURPOSE**

- 1.1 This policy establishes guidelines for public requests for information from the Town of Howland under the Maine Freedom of Access Act (FOAA).

**2 DEFINITIONS**

- 2.1 Public Record – shall be defined as "any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business". A number of exceptions are specified. {1 M.R.S. § 402(3)}

**3 THE PUBLIC INFORMATIONAL OFFICER**

- 3.1 The Town Manager shall serve as the Public Information Officer.

**4 REQUEST FOR PUBLIC RECORDS**

- 4.1 The Town of Howland will require written requests for public records. The request must be as specific as possible when describing the records sought. The request must clearly explain the type of records being sought, from what timeframe and what subject the records should contain. If unclear the Public Information Officer may request clarification concerning which public record or public records are being requested.
- 4.2 Once a request is made the Public Information Officer will acknowledge receipt of a request within 5 working days of receipt of the request. {1 M.R.S. § 408-A(3) P.L. 2013, ch. 350}
- 4.3 If the request is granted, the records will then be made available "within a reasonable period of time" after the request was made. {1 M.R.S. § 408-A} The Public Information Officer can schedule the time for the inspection, conversion and copying of the records during the regular business hours of the town office, and at a time that will not delay or inconvenience the regular activities of the town office. 1 M.R.S. § 408-A(5).
- 4.4 The Town is not required to prepare reports, summaries, or compilations not in existence on the date of the request. {1 M.R.S. § 408-A(6)}
- 4.5 The Town and/or Public Information Officer are not required to explain or answer questions about public records. The FOAA only requires officials and agencies to make public records available for inspection and copying.

- 4.6 The Town is required to make available for inspection and copying, subject to any applicable exemptions, only those public records that exist on the date of the request. Persons seeking to inspect or obtain copies of public records on a continuing basis are required to make a new request for any additional records sought after the date of the original request.
- 4.7 The Public Information Officer shall keep a copy of the written request for public records, the acknowledgement and the response to the recipient which will be made available for public viewing during regular business hours.

## **5 HOW INFORMATION WILL BE MADE AVAILABLE**

- 5.1 A person may inspect or copy any public record in the Town Office during reasonable office hours. The Public Information Officer may mail the copy upon request. The Town may charge a reasonable fee to cover the cost of making the copies, as well as actual mailing costs. {1 M.R.S. § 408-A(1), (2), (8)(E)}. The cost for copying records shall be \$0.25 per copy. Normal standard mailing rates shall apply.
- 5.2 The Town may also charge fees for the time spent searching for, retrieving, compiling or redacting information from the requested records to include any fees charged by outside entities that are utilized to provide the information being requested. The FOAA authorizes agencies or officials to charge \$15 per hour after the first hour of staff time per request. {1 M.R.S. § 408-A(8)(B)}
- 5.3 The Public Information Officer will prepare an estimate of the time and cost required to complete a request within a reasonable amount of time of receipt of the request. If the estimate is greater than \$30, the Public Information Officer will notify the requester before proceeding. The Town may request payment of the costs in advance if the estimated cost exceeds \$100 or if the requester has previously failed to pay a fee properly assessed under the FOAA. 1 M.R.S. § 408-A(9), (10) P.L. 2013, ch. 350

## **6 STATUTORY EXEMPTIONS**

- 5.1 The FOAA provides that certain categories of documents are not public records. Included among these are records that have been designated confidential by statute, documents subject to a recognized legal privilege such as the attorney-client privilege or the work-product privilege, records describing security plans or procedures designed to prevent acts of terrorism, medical records, juvenile records, and the personal contact information of public employees contained within records. 1 M.R.S. § 402(3)(A)-(O)

A list of records or categories of records deemed by statute to be confidential or otherwise not a public record, see the Statutory Exceptions List located on the FOAA website at <http://www.mainelegislature.org/legis/foa/>.

This Freedom of Access Policy adopted this 18<sup>th</sup> day of December, 2017 by the  
Howland Board of Selectmen.

Michael O Harris

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Al Z Brown

Board of Selectmen