

Town of Bradley, 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. §§ 401-414. The policy applies to any request for inspection or copying of public records, as defined by 1 M.R.S § 402.

The purpose of this policy is to support the policy of providing public access to the public records in the possession or custody of the Town while, at the same time, complying with state law requirements as to confidential information and maintaining administrative efficiency. The Town of Bradley believes the public has the right to know the activities of the Town. In this spirit, many public documents are posted on the Town website, TownofBradley.net.

This policy shall be interpreted in a manner consistent with state law. If there is any conflict between this policy and FOAA or any other statute, as may be amended from time to time, state law shall control.

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- Maine Freedom of Access Act

FOAA Request-The term FOAA request refers to any communication from the public that asks for access, to public records within the Town of Bradley's possession or custody.

Requester-A person who submits a request for public records.

3. Procedures for Requesting Public Records

Written requests for public records are requested to be submitted to the Town Manager, who is appointed as the Town Public Access Officer, at the following address; use of the Town of Bradley Freedom of Access Request for Information is encouraged.

FOAA
C/O Town Managers Office
Town of Bradley
P.O. Box 517
Bradley, ME 04411

Written or oral requests submitted to the Town Officials or Town employees other than the Town Manager will be referred to the Town Public Access Officer for processing and response. The Public Access Officer shall be responsible for ensuring that each record request is acknowledged and that an estimate of the response
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time is provided. A request must be acknowledged and responded to regardless of whether it was delivered or directed to the Public Access Officer or whether the request was made by the Town of Bradley Freedom of Access Request for Information Form or by other means. Also, a response may not be delayed due to the unavailability of the Public Access Officer.

4. Form and Content of Request

Requests in accordance with the FOAA and this Policy Governing Access to Public Records are requested to be made in writing to ensure that a complete response is given. For the requester's convenience, email shall be considered a written request. Use of the Town of Bradley Freedom of Access Request for Information Form is encouraged. Town employees should promptly respond to informal requests that are made verbally or in writing and are day-to-day occurrences.

The following information is requested when submitting a FOAA request:

- A. The requester's contact information.
- B. A brief but detailed description of the public records being sought, being as specific as possible.
- C. Whether the request is for inspection of public records, copies of public records or both.

5. Timeline for Town Response to a Request for Public Records

The Town shall acknowledge receipt of a FOAA request within five (5) working days. Within a reasonable time after receipt of a request, the Town will provide a good faith, non-binding estimate of the time required to fulfill the request, along with a cost estimate, and must make a good faith effort to respond within that time. Factors defining a "reasonable time" shall include administrative workload, the complexity of the request and the amount of staff time required to fulfill the request.

Should a request be denied by the Town, the requester will be notified in writing of the reasons for the denial within five (5) working days. A denial of a request for public records shall be made in writing. It shall state the reason(s) for the denial. Where feasible, confidential information shall be redacted to permit production.

After review of a FOAA request, the Town may either provide copies of the records, give notice that copies of the records shall be made available upon payment of reproduction costs and/or staff time pursuant to section 8 of this policy, or give notice of the time and place for inspection of the records, depending upon the FOAA request.

The Town may request additional clarification concerning what public records are sought before responding to a request.

6. Procedures for Appeal of a Denial

A requester whose FOAA request has been denied or refused may appeal in accordance with 1 M.R.S. § 409, or may pursue any other remedy provided by Maine Law.

7. Procedures for Providing Records to Requesters

Generally, public records will be made available for inspection during normal working hours. Inspection of these records will be at the Bradley Municipal Building. Records that are considered historical may be inspected, however they will be under the supervision of a Town of Bradley employee.

Documents which the requester wishes to have copied shall be segregated during the course of the inspection. An employee of the Town must be present throughout the inspection. All copying shall be done by a Town employee. A requester may be prohibited from bringing bags, brief cases or other containers into the inspection room.

The requester can also request that the Town make and mail a copy, for which a reasonable copying fee and actual mailing costs may be charged.

The Town is not required to create a record that does not already exist.

Access to electronically stored records must be provided either as a printed document or in electronic medium in which the record is stored at the requester's option, except that an official is not required to provide access to a computer file if they have no ability to separate or prevent disclosure of confidential information in that file. The law does not require the Town to provide access to a computer terminal. Nor does it require that an electronically stored record be provided in a different electronic medium or format than the one in which it is stored. If an electronically stored record must be converted into a comprehensible or useable format in order to provide access to it, the Town may charge for the actual cost of conversion.

Copies of public records shall be provided to the requester only upon payment of any charges which are due pursuant to section 8 of this policy.

8. Fees

The Town shall assess any and all fees to the requester allowable by the FOAA in accordance with 1 M.R.S § 408-A, including: (a) fees for the cost of copying; (b) staff time required to search for, retrieve, and compile the requested records at \$25 per hour after the second hour; (c) the cost of converting an electronic record into comprehensible or usable format; and (d) mailing costs. The copying fee for a standard 8 ½ x 11 inch black and white hard copy is \$.10 per page. A per-page fee may be not be charged for copies provided electronically.

The Town shall, within a reasonable time after receipt of a FOAA request, provide the requester with an estimate of the total cost to fulfill the request. If the estimated cost exceeds \$30, an estimate of charges to fulfill the request shall be given to the requester before such work begins. Prepayment shall be required if the estimated response costs exceed \$100 or if the requester has previously failed to pay a properly assessed fee under FOAA or this policy in a timely manner. Any overpayment shall be refunded upon receipt of request by the requester through the Town's payment warrant system.

Town of Bradley

Freedom of Access Request for Information

Note: All Town of Bradley FOAA requests should be directed to the Town Manager at 207-827-7725

This form has been created to track requests for information that require staff research. It is not intended to dissuade any individuals from making a request. In accordance with 1 M.R.S. § 408-A, the Town shall provide the information requested within a reasonable period of time or shall provide a written response outlining why the information is not available within 5 working days from the receipt of this request. Requests received when the Municipal Building is closed will be considered received at 9:00 a.m. on the next business day. Public records (see 1 M.R.S § 408-A for the definition of public records) are available for review during regular business hours. The copying fee for a standard 8 ½ x 11 inch black and white hard copy is \$.10 per page. A per-page fee will not be charged for copies provided electronically. Research performed by Town employees will be charged at \$25/hour after the second hour.

Date: _____ Name of Requester: _____

Mailing Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____ Email: _____

Under the Maine Freedom of Access Act, I would like to review and/or copy all available files for the following (please be as detailed as possible):

Preferred Delivery Format: _____

An appropriate fee for copying research may be required. You will be provided a cost estimate prior to any work being performed.

Signed _____

Return to: Town Manager, Town of Bradley PO Box 517 165B Main St., Bradley ME 04411

For Office Use Only:	
Response Date: _____	Date Request Completed: _____
Cost Estimate: _____	Final Cost: _____
Date Requester Approved Cost: _____	Date Request Delivered: _____