

TOWN OF NORTH YARMOUTH PUBLIC RECORDS REQUEST POLICY
Freedom of Access Act (FOAA)
Title1 MRS § 402

PURPOSE: This policy delineates the process by which the Town of North Yarmouth ensures citizens access to public records (electronic and paper) and public proceedings in accordance with the Maine Freedom of Access Act.

DEFINITION of “Public Record”: The Freedom of Access Act defines “public record” as “any written, printed or graphic matter of 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 of any of its political subdivision, 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 also specified.

REQUESTS FOR PUBLIC RECORDS

1. A Freedom of Access Act (FOAA) request to inspect or copy public records must be made in writing, verbally, e-mail or phone by completing the attached form and presenting it to an employee at Town Hall during regular business hours.
2. The Town will acknowledge the request in writing (via USPS, e-mail or fax) within a reasonable time, not to exceed five business days, and provide an estimate of the time necessary to complete the request and of the total cost.
 - a. To protect records, the Town may require that an employee or official of the Town be present during inspection and/or copying of documents.
 - b. When the presence of an employee or official is required to ensure the protection of any record, the inspection or copying shall be scheduled as promptly as possible during regular business hours provided that it will not delay or inconvenience the regular activities of the employee or official.
 - c. The Town shall charge a fee of \$.10 per page to cover the cost of copying.
 - i. Records that are already available in electronic format may be emailed to the requester at no charge or provided on a CD for a charge of \$13.00 per disc.
 - d. The Town shall charge a fee of \$15 per hour after the first hour of staff time to cover the cost of searching for, retrieving and compiling the requested public record.
 - e. If the estimate of the total cost is greater than \$30.00, the Town will inform the requester before proceeding.
 - f. If the estimate of the total cost is greater than \$100.00 or the requester has previously failed to pay a properly assessed fee in a timely manner the Town may require the requester to pay all or a portion of the estimated costs prior to fulfilling the request.
3. If the Town denies a request to inspect or copy a public record, a written decision stating the Reason for denial will be made within five (5) working days of the request. Denial of a request to inspect or copy a public record may be appealed to any Superior Court within the State within five (5) working days of receipt of the written notice of denial.
4. Unauthorized removal of a government document, failure to return a government document and damaging a government document are Class D crimes.