



TOWN OF CASCO

FREEDOM OF ACCESS POLICY

Section 1. Purpose: To establish a policy governing access to public records is established to implement the provisions of the Maine Freedom of Access Act, M.R.S. Title 1 Sections 400-414 for the Town of Casco. The purpose of these rules is to support the policy of providing public access to the public records in the possession of the Town while, at the same time, complying with state law requirements as to confidential information and maintaining administrative efficiency.

Section 2. Definition:

Terms used in this Policy Governing Access to Public Records shall have the same meaning as in the Maine Freedom of Access Act.

Section 3. Procedures For Requesting Public Records:

Written requests are preferred but not mandatory by State Law and are to be submitted to the Public Access Officer or their designee in their absence. Please submit requests at the following addresses or by phone at 207-627-4515:

Public Access Officer
Casco Town Office
627 Meadow Road
Casco, ME 04015

or

foaa@cascomaine.org

Written or oral requests submitted to Town Officials or Town employees will be referred to the Town's Manager's Office or their designee for processing and response. The Public Access Officer will confer with the Town Manager as needed regarding any information requested. The Public Access Officer or their designee shall be responsible for ensuring that each record request is acknowledged and that an estimate of the response time and cost are provided.

Section 4. Form and Content of Request:

Requests in accordance with the State FOAA Laws and the Town of Casco are requested to be made in writing but not mandatory. For the requestor's convenience, e-mail shall be considered a written request or they may use the "Request for Public Records" form provided by the Town Office.

The following information is helpful but not mandatory when submitting an FOAA request:

- A. The requestor's full name, address and phone number. If a requestor does not wish to provide this information, the requestor will be informed as to when the requested information, or an estimate, will be available.
- B. A specific description of the public records being sought, being as specific as possible. If you do not know what document you are seeking please state which specific information is being sought.
- C. Clarification of whether the request is for inspection of public records, copies of public records, or both.

Section 5. Acknowledgement for Town Response to Request for Public Records:

The Public Access Officer or their designee shall:

- A. Acknowledge receipt of the request received within 5 working days of receipt of the request.
- B. Record the receipt date of the request when a "sufficient description" of the record is received by the Public Access Officer or his/her designee or official at the office responsible for maintaining the record.
- C. Forward a request made to a department or custodian to the official who maintains the record "without willful delay."
- D. Notify the requester that the request was forwarded to the custodian of the records requested.
- E. Ensure that the request is acknowledged by the custodian to whom the request was forwarded to within 5 working days of receipt of the request or record failure of the custodian to complete that action.
- F. Review any fee waiver request.

Section 6. Estimate for Town Response to Request for Public Records:

The Public Access Officer or their designee shall:

- A. Provide an estimate of time within which the town will comply with the request within a reasonable amount of time of receiving the request. Factors defining "reasonable time" shall include administrative workload, complexity of request or amount of staff/custodial time required to fill request.
- B. Provide an estimate of fees within a reasonable amount of time of receiving the request.
- C. Seek confirmation from requester before proceeding with response for estimate greater than \$30.

Section 7. Clarification of Request, if needed:

- A. Restate the language of the request in the acknowledgment to confirm scope and content.
- B. Confer with the requester to narrow a broad request to avoid denial in accordance with State Law pursuant to M.R.S.A. Title I §408-A.

Section 8. Procedures for Notice of a Denial:

A request may be denied if the requested is too broad, confidential, privileged, or they do not exist. The Public Access Officer or their designee shall:

- A. Provide, if denying access to any public records, written notice to requester within 5 working days of receipt of the request. State the reason for denial.
- B. Provide written notice to the requester within 5 working days of receipt of the request explaining that some public records may require more time to review and may be denied after the review is complete if the records are found to be confidential or don't exist.
- C. Provide, depending on the circumstances, a supplemental denial or further explanation of the grounds for denial.
- D. Inform the requestor whose FOAA request has been denied that they may appeal in accordance with the requirements of Maine Law.

Section 9. Search:

The Public Access Officer or their designee shall:

- A. Identify who may have responsive records.
- B. Explain scope of the request such as period of time encompassed, types of public records requested and time frame for responding.
- C. Identify repositories where responsive records may be stored such as:
 - Paper files (in-office, home or records center if relevant)
 - Email in-box, drafts, deleted items, sent mail, archived emails
 - Documents on computer desktop
 - Documents in recycle bin
 - Documents in file server folder
 - Computer backup files/tapes/disk, if relevant
- D. Determine multiple key words to be used for searching, if the subject of an FOAA request may have been described in electronic records (emails, word documents, etc.) using various words, such as:
 - Names of individuals, business entities
 - Project names
 - Towns, cities, etc.
 - Common misspellings of names
 - Note: In some circumstances, it may be helpful to agree with the requester on key words.

Section 10. Confidentiality Review:

The Public Access Officer or his/her designee:

- A. Determine if any public records requested are confidential, privileged or otherwise protected from disclosure.
- B. Redact confidential or privileged material where reasonably possible rather than withholding entire public record.
- C. Provide a written notice of denial and state reason for denial if access is denied in whole or in part.
- D. Provide, depending on the circumstances, including the types and numbers of records requested, written notice may take the form of a letter summarizing the reasons for denial of access or of a more formal privilege log.

Section 11. Provide Access:

The Public Access Officer or his/her designee shall:

- A. Inform the requester that arrangement for inspection of records will be made during normal working hours of the Casco Town Office unless otherwise arranged.
- B. Segregate documents during the inspection which the requestor wishes to have copied.
- C. Be present throughout the inspection.
- D. Perform all copying.
- E. Prohibit a requestor from bringing bags, brief cases or other containers into the inspection room.
- F. Provide a record that does exist but is not required to create a record that does not already exist
- G. Provide access to electronically stored records either as a printed document or in an electronic medium in which the record is stored at the requestor's option, except that an agency or 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. If an electronically stored record must be converted into a comprehensible or usable format in order to provide access to it, the Town may charge for the actual cost of conversion.

Section 12. Time and Expenses:



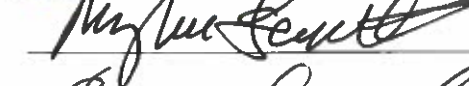


The Public Access Officer or his/her designee shall:

- A. Charge for copies of public records assessed in accordance with the "fee schedule" as approved by the Select Board and State Law.
- B. Record and document staff and custodial time, actual costs and copying fees.
- C. Provide an invoice that will account for the recorded costs and any fee waiver that has been granted.
- D. Assess Fees:
 - Reasonable copying fee as set by the Selectboard but cannot exceed \$0.10 per page for a standard 8 ½ inches by 11 inch black and white copy of a record.
 - The actual cost of searching, retrieving & compiling (compiling includes reviewing and redacting confidential information) will be the dollar amount provided by State law per hour.
 - The Town may not charge a fee for the first 2 hours of staff time after the first two hours of staff/custodian time.
 - Actual cost to convert into form susceptible of visual or aural comprehension or into usable format.
 - Actual mailing costs.
 - Copies of public records shall be provided to the requestor only upon payment of any charges which are due.
- E. Allow for inspection of public records at no charge unless the records cannot be inspected without being compiled or converted.
- F. Notify requester if fee cost is greater than \$30 (preferably in writing before proceeding).
- G. Notify the requester if the fee cost is greater than \$100.
 - If the estimated total cost is greater than \$100, the requester may be required to pay all or a portion of estimated costs before search, retrieval, compiling, conversion and copying.
 - Payment in advance may be required if the requester has previously failed to pay properly assessed fee in a timely manner.
- E. Waive part or all of the fee if:
 - Requester is indigent, or
 - The Town determines release of public record requested to be in public interest

because doing so is likely to contribute significantly to public understanding of operations or activities of government and is not primarily in commercial interest of requester.

Adopted this 16th day of May, 2023.

Approved by Casco Selectboard:

	Robert MacDonald, Chair
	Scott Avery, Vice-Chair
	Mary-Vienessa Fernandes
	Eugene Connolly
	Grant Plummer