

**Town of Northport
Freedom of Access Act
(Right To Know Law)
Policy**

THE FREEDOM OF ACCESS ACT (FOAA) also known as the Right To Know Law, is a Maine State statute that is intended to assure the general public access to both public proceedings and public records of government bodies and agencies. Title 1 M.R.S.A, §401-413

PURPOSE: It shall be the policy of the Town of Northport that all meetings, proceedings and records that pertain to ongoing operations of the local government are part of the efforts to conducting the people's business. All meetings, proceedings and records shall be open to the public and subject to public inspection, except where the statute defines exemptions to the law and this policy. This policy does not apply to requests for federal agencies operating in Maine or to federal government records. A federal statute, Freedom of Information Act (FOIA) applies to the federal government.

DEFINITIONS: Unless otherwise stated, this Policy shall adopt the definitions as stated in Title 1 M.R.S.A. §402, Freedom of Access Definitions.

PUBLIC ACCESS OFFICER: The Town Administrator shall be the public access officer who serves as the contact person in regards to requests for public records. The public access officer is responsible for ensuring that each public record request is acknowledged within a reasonable period of time and that a good faith estimate of when the response to the request will be complete is provided. The public access officer shall serve as the resource person concerning freedom of access questions and compliance. The unavailability of the public access officer may not delay a response to a request.

PUBLIC INSPECTION:

- a. The Town's Public Access Officer, or his or her designee, shall make available to every person those records defined by statute that are subject to public inspection during regular business hours of the town office or the official having custody of the record. These records shall be made available within a reasonable period of time after making a request for a public record. 1 M.R.S.A. §408-A(3)
- b. Any inspection, translation, and/or copying may be scheduled at such a time as to not interfere or inconvenience the regular activities of the office.

COSTS:

- a. The Town may charge a reasonable fee to cover the cost of making copies as well as mailing fees. 1 M.R.S.A. §408-A(1) (2) (8) (E)
- b. A fee may be charged for the actual cost of searching for, retrieving and compiling the requested public record of not more than \$15 per hour after the first hour. 1 M.R.S.A. §408-A(8) (B)
- c. There shall be no charge for inspection.

- d. The public access officer shall provide the requester an estimate of the time necessary to complete the request and the total cost. If the estimate is more than \$30, the official shall inform the requester before proceeding.
- e. The public access officer may require the requester to pay a portion of the total cost prior to initiating the work if it is estimated to be more than \$100. 1M.R.S.A. §408-A(9) (10)
- f. Fee schedule:
 - Cost per copy, fax or scanned page single sided: \$.25
 - Cost per copy, fax or scanned page double sided: \$.50
 - Cost per hour of research: \$15.00 after 1st hour
 - Plus all mailing and handling charges
- g. The fee may be waived, but is not required, if the requester is indigent or release of the information would be in the public's interest and not the commercial interest of the requester

RECORDS NOT RELEASED: If the public access officer decides to not release a record because it is not deemed a public record, the denial and the reasons for it will be made in writing to the requester within five (5) working days.

STANDING REQUESTS: Only those records that exist on the date of the request are required to be made available for inspection and copying, subject to any applicable exemptions. 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 requested after the date of the original request.

EFFECTIVE DATE: This policy shall become effective as of the approval date by the Board of Selectmen.

Dated: November 19, 2012