

**TOWN OF SANGERVILLE  
FREEDOM OF ACCESS ACT POLICY**

1. **APPLICABILITY.** This policy applies if a request for information is made pursuant to the Maine Freedom of Access Act (FOAA), 1 M.R.S.A. §§400-414. This policy also applies whenever a Town of Sangerville employee has any reason to believe that the records requested may contain confidential or otherwise protected information.
2. **PURPOSE.** This policy is intended to provide a standardized method for responding to FOAA requests and to ensure that all public records are produced in an efficient, consistent, verifiable, and credible manner in accordance with State law.
3. **DEFINITIONS**
  - a. **PUBLIC ACCESS OFFICER.** The Town of Sangerville employee designated to serve as the contact person for the municipality with regard to requests for public records.
  - b. **PUBLIC RECORDS.** The term “public records” means 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 the State of Maine 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. Exceptions to this definition are outlined in 1 M.R.S.A. §402 (3)(A-V).
4. **RESPONSIBILITIES**
  - a. **ALL EMPLOYEES.** Town of Sangerville employees are responsible for knowing the general content of the files they possess, maintain, manage, or control. This policy must be followed when responding to a FOAA request.
  - b. **PUBLIC ACCESS OFFICER.** The Town Manager shall be designated as the Public Access Officer and shall be responsible for ensuring that responses to FOAA requests are made pursuant to the procedures outlined herein. In the absence of the Town Manager for three working days or longer, the Town Clerk shall act as the alternate Public Access Officer.
  - c. **TOWN ATTORNEY.** The Town Attorney shall be consulted regarding requests for information that may be privileged, confidential or otherwise believed to be subject to an exception to the definition of “Public Records” as outlined by State law.
5. **GUIDELINES AND PROCEDURES.** The FOAA requires that, except as otherwise provided by statute, a person has the right to inspect and copy any public record in accordance with 1 M.R.S.A. §408-A within a reasonable time of making that request to inspect or copy the public record.

- a. **FORM OF REQUEST.** The Town of Sangerville encourages FOAA requests be made in writing, using the "Town of Sangerville Freedom of Access Act Request Form" attached as Appendix A to the policy or submit the request in letter format.

All requests should include the date, specific information being requested, name of requester, address, phone number, e-mail address, and signature of requester. All requests should also include the preferred delivery format. If digital copies are requested, the Town will make every effort to provide the information in a format convenient and practical for the requester.

The Town of Sangerville may charge fees for public records in accordance with 1 M.R.S.A. §408-A (8).

- b. **INTAKE OF FOAA REQUESTS.** Any Town of Sangerville employee receiving a FOAA request shall forward the request to the Public Access Officer. The Public Access Officer shall acknowledge receipt of a request made according to the FOAA within five (5) working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the Public Access Officer will provide a good faith, nonbinding estimate of the time within which the Town will comply with the request, as well as a cost estimate, in accordance with 1 M.R.S.A. §408-A (3).
- c. **INSPECTION AND COPYING.** A person may inspect any public record during reasonable office hours. A person may copy a public record at the Town Office during reasonable office hours or may request that the Town provide a copy. The Town may charge a fee for copies.
- d. **REFUSAL OR DENIAL.** The Town of Sangerville may refuse permission to inspect or copy or abstract a public record and shall provide within five (5) working days of the receipt of the request, written notice of the denial, stating the reason for the denial or the expectation that the request will be denied in full or in part following a review.

A request for inspection or copying may be denied, in whole or in part, on the basis that the request is unduly burdensome or oppressive if the procedures established in 1 M.R.S.A. §408-A (4-A) are followed.

Failure to comply with 1 M.R.S.A. §408-A or failure to allow inspection or copying is subject to appeal as provided in 1 M.R.S.A. §409.

Approved by the Sangerville Select Board at the regular meeting February 21, 2018.

 Michael Wark, Chair

 Dale Gray

 Joanne Cabot