



## **Requesting a Public Record:**

### **What is a FOAA Request?**

The Freedom of Access Act (FOAA) is a Maine state statute guaranteeing access to the "public records" and "public proceedings" of state and local government bodies and agencies.

### **What exactly IS a “public record”?**

A public record is...

- Written, printed, or graphic matter, or electronic data with information;
- Either directly or after a translation into a visual or auditory format;
- In possession of a state entity or public official; and
- Used in connection or relating to a public or government business.<sup>1</sup>

There are over 300 statutory exceptions to public record<sup>2</sup>.

### **Who can request a public record?**

Per the language of the FOAA, “every person” has the right to inspect and copy public records “during reasonable office hours”, whether you are a resident of Maine or not. “An agency or official may not charge a fee for inspection unless the public record cannot be inspected without being converted or compiled, in which case the agency or official may charge a fee as provided in subsection 8.”<sup>3</sup>

### **How to submit a FOAA request:**

A person can mail or email a completed the request form. A digital form is available on the City’s webpage. A printed version will be available in the City Clerk’s Office for residents to fill out while at City Hall. The City would like to encourage the use of the online version of the form.

Please be specific – include the specific, detail description of the material you would like to request; try to identify the specific office/department where record(s) is/are located time frame; subject of record; and contact information for response including email address, mailing address, or phone number.

### **What happens next?**

Upon receipt of the FOAA request, the City Clerk will reply with an acknowledgement that the request was received. If the request was incomplete, then you may be asked for additional clarification concerning your request. If your request is denied, the City Clerk’s Office must notify you of the request denial within five working days of the request<sup>4</sup>. The record must be made available “within a reasonable time”.

- You can schedule time for your inspection, translation, copying as long as it is within regular business hours and does not affect regular daily activities.
- For a public record that is comprised of a mixture of public and private documents, confidential information may need to be redacted or blackened out; or public access may be denied.
- The City is not required to prepare reports, summaries, or contemplations of public records<sup>5</sup>

The City Clerk notifies the person that the requested information is ready for pick up, to be emailed, or to be mailed depending on what was requested with the FOAA request. If payment is required, payment will need to be received before the documents are made available.

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<sup>1</sup> 1 M.R.S. § 402 (3)

<sup>2</sup> Examples are, but not limited to, information of a personal nature consisting of an individual's medical information, credit or financial information, character, misconduct or disciplinary action, social security number, or that would be confidential if it were in the possession of another public agency or official is not a public record.

<sup>3</sup> 1 M.R.S. § 408-A

<sup>4</sup> 1 M.R.S. § 409-A (4)

<sup>5</sup> 1 M.R.S. § 408-A