

**Town of Falmouth / Falmouth School Department
Protocol on Requests for Public Records Under
Maine's Freedom Of Access Law ("Right-To-Know")
1 M.R.S.A. §§401, et seq.**

PURPOSE: It is the purpose of this protocol to ensure that every person has access to public records in the possession of the Town [School Department] and that the time and method of providing public records to persons requesting them both complies with their rights under the law and allows for the smooth functioning of governmental departments.

DEFINITION: Definition of the term "public records" can be found in 1 M.R.S.A. 402(3). The Town [School Department] is prohibited by law, however, from releasing information classified as confidential under state or federal law.

GUIDELINES CONCERNING ACCESS TO PUBLIC RECORDS:

1. Persons requesting access to public records are asked to complete the attached form and present it to the Town [School Department] during regular business hours.¹ The request should designate by name or reasonable description a document or group of documents in existence on the date of the request. Requests for future documents cannot be honored. Requests should be as specific as possible to assist Town [School Department] staff in retrieving information and, thereby, to decrease unnecessary costs.

All information requests should be forwarded to the Town's [School Department's] Public Access Officer, who is the Town Manager [Superintendent]. In the event a public records request is received by another employee or official of the Town [School Department], such request will be forwarded to the Public Access Officer for processing. The Public Access Officer may in his or her discretion appoint a designee or replacement, in which case the public will be notified of who is serving as the Public Access Officer.

Within five business days of the request for access to public records, the Public Access Officer or his/her designee will provide a written acknowledgement of the request and confirmation that the public records will be made available within a reasonable period of time or an explanation of why the information is not available to the public and cannot be released.

2. The process to obtain public records could include any or all of the following tasks: searching for, retrieving, compiling, copying, translating, or preparing records for inspection and distribution. These tasks will all occur at such time as will not delay or inconvenience the regular activities of the Town [School Department].

¹ The Freedom of Access Act does not require that requests be in writing and persons seeking access to public records are not obligated to put their request in writing without forfeiting their right to inspect and copy the records. However, the Town / School Department strongly urge members of the public to put their request in writing to maintain a record of when the request was received and to make certain that the documents requested can be located as quickly as possible and made available for inspection.

a. Inspection of Records. Public records may be inspected, by appointment, during normal business hours at a time and in a manner that ensures protection of the records and does not delay or inconvenience the regular activities of the Town [School Department] department that is the custodian of the record. If circumstances warrant, the Town [School Department] in its sole discretion may determine that public records can be sent electronically or by mail.

b. Protection of Records. To protect its public records, the Town [School Department] may require that an employee or official of the Town [School Department] be present during inspection and/or copying of documents.

c. Scheduling. When the presence of an employee or official is required to ensure the protection of any record, the inspection or copying shall be scheduled during the regular business hours of the Town [School Department].

d. Copying. If Town [School Department] copiers are used, the charge to the person requesting the copies shall be the current rate charged by the Town [School Department] (schedule attached). If any record is copied on a photocopier other than one belonging to the Town [School Department], the Town [School Department] reserves the right to have an employee or official present at the time the record is copied to protect the record. In such cases, the Town [School Department] shall charge the person copying the record any costs incurred by the Town [School Department] in providing an employee or official to be present to protect the record or records, in accordance with 1 M.R.S.A. § 408.

e. Fees for obtaining records will be charged pursuant to 1 M.R.S.A. §408. Fees may include not only the fees listed below but also the payment of costs incurred by the Town [School Department] in searching for, retrieving, compiling, copying, translating, preparing for inspection and distribution of public records as may be allowed by 1 M.R.S.A. §408(3). In accordance with 1 M.R.S.A. §408, the Town [School Department] will not charge for the first hour of staff time needed to process a public records request. Advance payment may be required under certain circumstances. Pursuant to 1 M.R.S.A. §408(5), this can be done when the estimated total cost exceeds \$100, or the requester has previously failed to pay a properly assessed fee under this chapter in a timely manner. Fee waivers are available under certain, limited circumstances.

3. Any denial by the Town [School Department] of a request to inspect a public record may be appealed to Superior Court by the person whose request is denied within five (5) working days of receipt of the denial.

4. This policy is a guide. Within the law, this protocol may be altered in the sound discretion of the Town Manager [Superintendent of Schools] as may be necessary to meet specific circumstances.

Fee Schedule

Photocopies (Black and White)	\$0.10 per page
Color Copies	\$0.20 per page
Plotter Copies	\$5.00 per page
Police Reports	\$1.00 per page
Photos (Police)	\$10.00 each
Meeting DVD	\$20.00 each
Police Recording	\$20.00 each