

**Town of Canton  
Freedom of Access to Public Records Policy**

**1. Summary and Purpose**

This policy governing access to public records is established to implement the provisions of the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-412. 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.

**2. Definitions**

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

“FOAA” means Freedom of Access Act.

“Requestor” means person who submits a request for public records under the provisions of the FOAA.

**3. Procedures for Requesting Public Records**

Written requests for public records are requested to be submitted to the Town Clerk, who is appointed as the Town Public Access Officer at the following addresses:

Canton Town Office  
P.O. Box 669  
Canton, Maine  
04221

OR:

[office@townofcantonmaine.org](mailto:office@townofcantonmaine.org)

The Administrative Assistant will confer with the Board of Selectmen as needed regarding any information request. The Administrative Assistant shall be responsible for ensuring that each records request is acknowledged and that an estimate of the response time is provided, but a request must be acknowledged and responded to regardless of whether it was delivered or directed to the Administrative Assistant. Also, a response may not be delayed due to the unavailability of the Administrative Assistant.

**4. Form and Content of Request**

Requests in accordance with the FOAA and the Town of Canton Policy Governing Access to Public Records are requested to be made in writing to ensure that a complete response is given, but a written request is not required. For the requestor’s convenience, e-mail shall be considered a written request.

The following information is requested when submitting a FOAA request:

- A. The requestor's full name, address, phone number and email address.. 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 brief 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. Whether the request is for inspection of public records, copies of public records, or both.

#### **5. Timeline for Town Response to Request for Public Records**

The town shall respond to a request in a "reasonable time" after the receipt of such request, and must provide a good faith non-binding estimate of the response time and must make a good faith effort to respond within that time.

Should the Town deny a request, the requestor shall be notified of the reasons for the denial within 5 business days.

Factors defining "reasonable time" shall include administrative workload, complexity of request or amount of staff time required to fill request.

#### **6. Town Response to Request for Public Records**

After review of a request for public records, the Town may either provide the materials; give notice that the materials shall be made available upon payment of reproduction costs and/or staff time, or give notice of the time and place for inspection of records. A denial of a request for public records shall be made in writing. It shall state the reason(s) for the denial.

The town may request additional clarification concerning what public records are sought before responding to a request.

#### **7. Procedures for Appeal of a Denial**

A requestor whose FOIA request has been denied may appeal in accordance with the requirements of Maine Law.

#### **8. Procedures for Providing Records to Requestor**

Inspection of records at Town Offices – Generally, public records will be made available for inspection during the normal working hours of the Canton Town Office.

Unless otherwise arranged, the inspection of records shall take place at the Canton Town Office.

Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. An employee of the Town may be present throughout the inspection.

Generally, all copying shall be done by a Town employee. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

Person requesting copies can also request the Administrative Assistant to make and mail a copy, for which a reasonable copying fee and actual mailing costs may be charged.

Access to electronically stored records must be provided 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.

Copies of public records shall be provided to the requestor only upon payment of any charges which are due.

Charges for copies of public records shall be assessed in accordance with the "fee schedule" as approved by the Select Board.

## 9. Fees

The Town shall assess any and all fees to the requestor allowable by the State of Maine Freedom of Access Act. Current law authorizes a charge of up to \$ 15.00 per hour after the first hour of staff time.

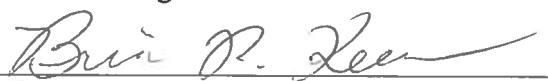
Should a requestor make a request requiring Town employee time to fill such request, which exceeds the allowable "free" time allotted by the FOAA, an estimate of charges to fulfill the request shall be given to the requestor before such work begins. Prepayment shall be required if the estimated response costs exceed \$100 or if the requestor has previously failed to pay a properly assessed fee under this policy in a timely manner. Any overpayment shall be refunded upon receipt of request by requestor through the Town's payment warrant system.

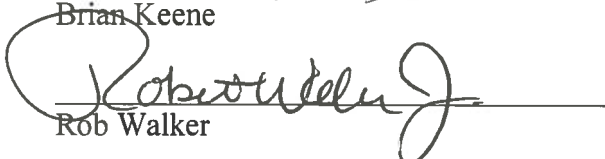
Link to Maine F.O.A.A. [www.maine.gov/foaa](http://www.maine.gov/foaa)

This Policy is enacted at a regular and duly called meeting on this 14th day of November, 2013.

  
Shane Gallant – Chairman of the Board

  
Lisa Cummings – Co-Chair

  
Brian Keene

  
Rob Walker