

Town of Smithfield General Policy
Right to Know and Freedom of Access for Public Information

1. **General Statute:** Title 1 Chapter 13 subsection 401. Public Records and Proceedings declares the intent of the legislature in that the actions of a body doing the people's business shall be open and records shall be open for public inspection.
2. **Policy of the Town:** It shall be the policy of the Town of Smithfield, through its Select Board, 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. Therefore, all meetings, proceedings and records shall be open to the public and subject to public inspection except where the statute narrowly defines exemptions to this policy and the law.
3. **Definitions:** Unless otherwise stated herein, this policy shall adopt the definitions as stated in subchapter 1: Freedom of Access subsection 402 et. al.
4. **Public Access Officer (PAO):** By appointment from the Select Board, the Town Administrator is the Public Access Officer (PAO). In accordance with the statute, the receiving department shall notify the PAO and follow the fulfillment requirements as required by the statute and the Town Policy and procedures.
5. **Request Procedures:** The following procedures shall be followed when a request for information under the statute is received:
 - Upon an inquiry that is being made under the "Right to Know Law" or the official reference to the State of Maine Freedom of Access statute the receiving employee should ask that the request be put in writing with the details of what is being requested. Note: Though not required to do so by law, this will allow the Town to respond to the specifics which might save time and expense to the requestor.
 - Whether in writing or verbal, the receiving employee should notify their immediate supervisor OR contact the PAO. This should be via email, text or at the next Board Meeting, depending on sensitivity. Be prepared to provide as much detail as is available.
 - Upon review of the request, the PAO will outline the general procedure to follow in developing a response. In some cases, it may be to prepare an estimate of what it will require for research time and then copying costs so that the requestor may be notified in writing of the "good faith" estimate of time and expense and if over \$50, may require payment of the estimate to be applied to the final total expense. The requestor may not accept this, and the PAO may inform them both verbally followed by a written notice that no further work will be done until the deposit is resolved. There is no guarantee that the research will be available immediately. All requests will be complete within 2-business days, unless requestor is informed otherwise.
 - Upon approval from the PAO, the preparation for a response shall commence at the appropriate level or by assignment.

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-The Town of Smithfield requires that a clean, unused thumb drive be utilized. This drive will be provided by the Town at a cost of \$5.00 per thumb drive. This policy upholds the safety and integrity of Town devices (hard drives) and requestors personal thumb drives.

-Upon completion of the research and the aggregation of the materials, documents, or records to be reviewed, the requestor shall be notified verbally.

-If funds are due the Town, they shall first be paid in full before any of the materials are released or allowed to be reviewed. A receipt shall be issued by the front office with the funds deposited into General Government miscellaneous. The materials may then be turned over to the requestor who must sign for them on the bottom line of the written request.

-The receipt or copy of the signed request form must be sent to the PAO for record keeping purposes.

-At the initial stages of the request and upon completion of the providing the requested information, the Select Board shall be informed.

-In those cases where the Town's Attorney is to become involved, this procedure may be amended, and the appropriate notification provided to the requestor.

6. Public Inspection:

a. The Town, through its various departments, shall make available to every person those records as defined by the statute that are subject to public inspection during the regular business hours of the department or official having custody of the public record. These records shall be made available within a reasonable period of time after making a request to copy the public record.

b. Any inspection, translation and copying may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the Department or the official having custody of the public record sought.

c. Access to electronically stored records is to be provided either as a printed document or in the electronic medium in which the record is stored, at the requester's option. Note that the Town is not required to provide access to a computer file if we do not have the ability to separate or prevent disclosure of confidential information in that file nor are we required to provide access to a computer terminal. Lastly, we are not required to make a different medium or format of the data or information as it exists in our electronic files.

7. Costs Incurred:

a. A fee of \$5 per thumb drive will be charged per request. Some requests may require more than one thumb drive depending on the size of the file(s).

b. A fee may be charged when certain conditions apply.

c. Fees must be reasonable to cover the cost of copying.

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- d. A fee may be charged for the actual cost of searching for, retrieving, and compiling the requested public record of not more than \$15.00 per hour after the first hour.
- e. If translation is necessary, the department or official may charge a fee to cover the actual cost of translation.
- f. There shall be no charge for inspection.
- g. The department or official shall provide to the requester an estimate of the time necessary to complete the request and of the total cost. If the estimate is greater than \$30.00 the department or official shall first inform the requester before proceeding.
- h. If the estimate is greater than \$100.00 the department or official may require the requester to make all or a portion of the estimated costs to complete the work prior to initiating the work.
- i. Fee Schedule:
 - Cost per copy page single sided- \$.50
 - Cost per copy page double sided- \$.75
 - Cost per page faxed one sided- \$.50
 - Cost per page faxed two sided- \$.75
 - Cost per hour of research- \$15.00 after 1st hour Plus all mailing and handling charges
 - Cost per town-provided thumb drive \$5.00

8. Waiver of the Fee: The fee may be waived at the discretion of the PAO, or by the Select Board.

9. Departmental Procedures: Upon approval by the PAO, a department head may further clarify its compliance with this policy and the law assuring access to the public records. Note that the Town is not required to make a public record in response to a request though we have established a request form which maintains the general responses by the Town. This is a public document. The form is attached as part of this policy.

10. Decision not to Release Records: If the Town decides not to release the record because it is not deemed a public record, that denial and the reasons for it must be made in writing within five business days.

11. Failure to Comply: Should the Town be notified in writing and proven that it has not complied with this policy or the appropriate statutes, the PAO, or The Select Board shall immediately correct the appropriate procedure(s) and notify the complainant accordingly. Any information being sought for which the lack of compliance occurred shall then be provided at no charge.

12. Effective Date: The effective date shall be when the Board of Selectmen vote to approve and accept the above policy.

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Name of the person making the request:

Address:

Phone or Cell:

Email Address:

Date of Request:

Received By:

Description of Request:

Purpose of Request:

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Notice: The Town of Smithfield will provide information that is permissible under state law and in a format that currently exists. Different formats will not be honored. The Town will make a reasonable effort to complete the request for information in a timely manner and notify the requesting person of completion IF contact information is provided.

I have read and understood the information notice above and have been given the opportunity to ask questions that assist both parties in clarifying the details of what is being requested.

****Requests may not be fulfilled immediately, and two full business days shall be the minimum time frame for receipt.**

Signed by Requestor:

Upon Request: _____

Upon Receipt: _____

FOR OFFICE USE ONLY:

Administration or P.O.A Contacted on: _____

Estimate prepared and Requestor notified verbally or in writing (circle one): _____

Date preparation was completed: _____

Date information was distributed to the Requestor: _____

Special Circumstances required: _____

Date request was closed: _____

Copy of this form is given to the Town Clerk for Record keeping.