This Freedom of Access policy passed by the Board of Selectmen on February 20, 2014 shall supersede any previous Freedom of Access policy in place prior to this date.
RIGHT TO KNOW AND FREEDOM OF ACCESS FOR PUBLIC INFORMATION

GENERAL POLICY

1 GENERAL STATUTE
1.1 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
2.1 It shall be the policy of the Town of Harrison, through its Board of Selectmen, 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 PUBLIC ACCESS OFFICER
3.1 The Board of Selectmen shall designate an employee of the Town as the public access officer.
3.2 It is the responsibility of the public access officer to acknowledge each request within a reasonable period of time.
3.3 The unavailability of the public access officer may not delay a response to a request.

4 TRAINING
4.1 A public access officer and/or an elected official subject to this training shall complete the training not later than 120 days after the date the official takes the oath of office or assumes the designated duties.
4.2 Municipal officers, clerks, treasurers, assessors and budget committee members of municipal government are required to be trained.
5 DEFINITIONS
5.1 Unless otherwise stated herein, this policy shall adopt the definitions as stated in 1 M.R.S.A. §402 et. al.

6 PUBLIC INSPECTION
6.1 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 a request for the record is made.

6.2 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.

7 COSTS INCURRED
7.1 A fee may be charged when certain conditions apply. See Fee Schedule.
7.2 Fees must be reasonable to cover the cost of copying.
7.3 A fee may be charged for the actual cost of searching for, retrieving and compiling the requested public record. See Fee Schedule.
7.4 If translation is necessary, the department or official may charge a fee to cover the actual cost of translation.
7.5 A fee may be charged for the actual cost to convert a public record into a usable format.
7.6 There shall be no charge for inspection unless the public record cannot be inspected without being compiled or converted.
7.7 The department or official shall provide to the requester an estimate of the time necessary to complete the request and of the total cost. See Fee Schedule for guidelines.
8 WAIVER OF THE FEE

8.1 The fee may be waived by the department or official if the requester is indigent or the release of the public record is in the public interest and would likely contribute significantly to public understanding of the operations or activities of the local government and is not primarily in the commercial interest of the requester.

9 DECISION NOT TO RELEASE RECORDS

9.1 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 (5) working days.

10 FAILURE TO COMPLY

10.1 Should the Town be notified in writing and proven that it has not complied with this policy or the appropriate statutes, the Department Head and the Town Manager 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.

10.2 Any request for information under the state statute that is refused and is brought to superior court by the applicant and is found in their favor, may entitle them to reimbursement of legal fees.
GIVEN UNDER OUR HANDS THIS 13\textsuperscript{th} DAY OF FEBRUARY A.D. 2014

HARRISON BOARD OF SELECTMEN:

______________________________________
William Winslow, Chairman

______________________________________
Kathy Laplante, Vice Chairman

______________________________________
Christine Davis

______________________________________
Matthew Frank

______________________________________
Richard St. John

A True Copy
Attested___________________________ Date__________
RIGHT TO KNOW AND FREEDOM OF ACCESS FOR PUBLIC
INFORMATION PRODUCING PUBLIC RECORDS PROCEDURES

1 PURPOSE

1.1 At the direction of the Select Board, the Manager’s Office has created this information to assist town committees in complying with both the Maine Freedom of Access Law as well as setting the standard for all town committee’s in meeting the elements of producing a public record. This procedure is based on State statute 1 M.R.S.A. § 400.

2 DEFINITIONS

2.1 When a town appointed Board or Committee meets they are engaged in a “Public Proceeding” as defined by State statute 1 M.R.S.A. § 402.

2.2 The term “public proceeding” means the transactions of any function affecting any or all citizens Harrison by any subcommittee, committee, board or commission.

2.3 As a result of the public proceeding a “public record” must be created by law.

2.4 The Freedom of Access Act defines “public record” as “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 this State 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 revised 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”. A number of exceptions are specified.
3 ELEMENTS OF THE HARRISON PUBLIC RECORD

3.1 The Harrison Select Board has determined that the following elements shall be included as a minimum in the production of a public record. Though a committee may decide to digitally record their proceedings, at the very minimum, such recordings shall be converted to a written public record and electronically distributed.

3.1.1 Name of the committee
3.1.2 Date, Time and Location of the meeting
3.1.3 Agenda
3.1.4 A listing of those in attendance and those invited to speak
3.1.5 Each motion made and seconded and by whom
3.1.6 The result of each motion
3.1.7 A brief line or narrative about the subject matter(s) in discussion even if no vote is taken
3.1.8 A listing of future agenda items
3.1.9 Items, issues or recommendations that are being voted on to be passed to the Select Board or other committees
3.1.10 Time of adjournment
3.1.11 Minutes (written & electronic – if available)
3.1.12 Note that such a public record is not intended to be a “word for word” transcription of the proceedings, simply a summary for the reader to understand what business was being transacted and the outcomes, if any.

4 DISTRIBUTION

4.1 The public record should be drafted within one (1) week of the end of the committee meeting, even if only in draft form, and submitted to the Clerk’s office to be placed on file.
TOWN OF HARRISON
Right to Know and Freedom of Access for Public Information
Committee Meeting Public Record
Meeting Attendance

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Request for Access to Public Records

I request access to the following public records of the Town of Harrison:

_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

Fees: See Fee Schedule
Date:_________________

Signature:____________________________

Print Name:____________________________

Address:______________________________________________________________

Telephone:_______________________ Email: _______________________________

Staff Use:
Date received:_____________________ By:_________________________________

Date material provided:__________________

Request denied:___________
Reason for Denial:_____________________________By:___________________

Date:____________________ Date Notified:____________________