

TOWN OF SCARBOROUGH
POLICY ON FREEDOM OF ACCESS ("Right-to Know") LAW REQUESTS
1 M.R.S.A. 401 et seq.

PURPOSE: It is the purpose of this policy to ensure that all citizens have access to public records in the possession of the Town and that the time and method of providing public records to members of the public 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 is required by law to provide a written confirmation of when the information will be made available or a written explanation why the information is not available to the public. The Town is prohibited by law from releasing information classified as confidential.

RULES FOR ACCESS TO PUBLIC RECORDS

1. Persons requesting to see or copy must fill out the attached form and present it to the Town during regular business hours. Within five business days, the Town must provide the requested information, a written confirmation of when the information will be made available, or a written explanation why the information is not available to the public.
2. Public records may be inspected during normal business hours at a time and in a manner that ensures protection of the records and does not disrupt or obstruct the smooth functioning of the department that is the custodian of the record.
 - a. Protection of Records. To protect records, the Town may require that an employee or official of the Town be present during inspection and/or copying of documents.
 - b. 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 as promptly as possible during the regular business hours provided that the scheduling shall minimize disruption of the function of the department.
 - c. Copying. Any record that is copied by the Town shall be copied during the regular business hours on a schedule that does not disrupt the functioning of the department. If Town copiers are used, the charge to the person requesting the copies shall be the current rate charged by the Town. If any record is copied on a photocopier other than one belonging to the Town, the Town reserves the right to have an employee or an official present at the time the record is copied to protect the record. In such cases, the Town shall charge the person copying the record any costs incurred by the Town in providing an employee or official to be present to protect the record or records.
3. Any denial by the Town of a request to see a public record shall be made in writing within five business days of the request. Such denial may be appealed to Superior Court by the person whose request is denied within five working days of receipt of the denial.
4. Unauthorized removal of a government document, failure to return a government document, and damaging a government document are Class D crimes.