

FORT FAIRFIELD POLICE DEPARTMENT

Standard Operating Procedure

115 - FREEDOM OF ACCESS ACT REQUESTS

Effective Date	July 28, 2026
Legacy SOPs Replaced	SOP 96 – Public Access to Records
Review Date	July 28, 2027
Policy Classification	Administrative
Authority	Chief of Police
Version	1.0

I. PURPOSE

The purpose of this policy is to establish procedures for receiving, processing, reviewing, responding to, and documenting requests for public records pursuant to the Maine Freedom of Access Act (FOAA).

This policy is intended to ensure public access to records as required by law while protecting confidential information, maintaining the integrity of criminal justice records, and promoting consistent agency responses to record requests.

II. POLICY

It is the policy of this agency to provide access to public records in accordance with the Maine Freedom of Access Act and all applicable federal and state laws governing confidentiality, privacy, criminal justice information, investigative records, and governmental records.

The agency shall acknowledge and respond to requests for records in a timely manner, shall designate a trained Public Access Officer, and shall ensure that records made confidential by law are protected from unauthorized disclosure.

Requests for records shall be evaluated through an objective analysis, with a presumption favoring disclosure, unless a specific federal or state law makes a record, or a portion of a record, confidential or otherwise exempt from disclosure. When only a portion of a record is exempt, the agency shall redact the exempt information and release the remaining portions.

Given that this is a statutorily mandated policy pursuant to 25 M.R.S. §2803-B(1)(M), the Chief Executive Officer shall annually certify compliance as required by law.

III. DEFINITIONS

Administration of Criminal Justice: Activities relating to the anticipation, prevention, detection, monitoring, investigation, prosecution, adjudication, confinement, supervision, or rehabilitation of people involved in the criminal justice system.

Confidential Record: Any record or portion of a record made confidential by federal law, state law, court order, privilege, or other lawful authority.

Criminal History Record Information (CHRI): Information of record collected by or maintained by a criminal justice agency that identifies a person and reflects involvement in the criminal justice system as an accused person or convicted offender.

Criminal Justice Agency: A federal, state, tribal, provincial, county, or municipal agency that performs the administration of criminal justice pursuant to law.

Dissemination: The transmission of information by any means, including oral, written, electronic, photographic, audio, video, or digital communication.

Electronic Record: A record maintained in digital form, including email, databases, spreadsheets, word processing documents, digital photographs, digital audio recordings, digital video recordings, text messages, and other electronically stored information.

Intelligence and Investigative Record Information: Information collected, prepared, maintained, or used by a criminal justice agency while performing the administration of criminal justice.

Investigative Record: Any record maintained in paper, electronic, photographic, audio, video, or other format that contains intelligence or investigative record information.

Public Access Officer (PAO): The employee designated by the Chief Executive Officer to receive, coordinate, process, and respond to Freedom of Access Act requests.

Public Record: Any written, printed, graphic, electronic, photographic, audio, video, or other record in the possession or custody of the agency that has been received or prepared for use in connection with public business and is not otherwise made confidential by law.

Redaction: The removal, masking, deletion, or obscuring of confidential information from a record before release.

Requestor: Any person making a request for access to a public record.

Working Day: A day during which the agency is open for the transaction of official business, excluding weekends and recognized holidays.

IV. Legal Authority

This policy is promulgated pursuant to 25 M.R.S. §2803-B(1)(M), Title 1, Chapter 13 (Freedom of Access Act), applicable criminal justice information statutes, confidentiality statutes, records retention requirements, and all other applicable federal and state laws governing access to public records.

V. OPERATIONS

A. Public Access Officer

The Chief Executive Officer shall designate one or more employees to serve as Public Access Officers.

The designated Public Access Officer shall successfully complete all training required by the Maine Freedom of Access Act and shall maintain familiarity with applicable Freedom of Access Act requirements, retention requirements, confidentiality statutes, criminal justice information laws, agency procedures, and current Attorney General guidance concerning public records.

B. Receipt of Requests

Any written or verbal request seeking access to agency records shall be presumed to be a Freedom of Access Act request regardless of whether the request specifically references the Freedom of Access Act. Requests received by personnel other than the Public Access Officer shall be promptly forwarded to the Public Access Officer for review and processing.

C. Acknowledgment of Requests

The Public Access Officer shall ensure that each request is acknowledged within five working days of receipt.

The acknowledgment shall include a good-faith estimate of the anticipated time necessary to complete the request, identify any need for clarification, and advise the requestor if additional time is reasonably necessary due to the scope or complexity of

the request.

D. Identity of Requestor

A requestor is not required to provide a reason for requesting records and is not required to identify themselves except as reasonably necessary to facilitate delivery of records or clarification of a request.

E. Records Review

Records responsive to a request shall be reviewed to determine:

- Whether responsive records exist;
- Whether records are public;
- Whether records contain confidential information;
- Whether redactions are required;
- Whether consultation with a prosecutor, legal counsel, or another governmental entity is necessary;
- Whether responsive records require segregation of public and confidential information through partial disclosure or redaction.

Only records existing on the date the request is received shall be considered responsive to the request.

F. Release of Records

Public records shall be made available for inspection or copying within a reasonable period consistent with law.

The agency may provide records electronically, in paper form, or by another reasonable method.

Records shall not be altered except as necessary to accomplish lawful redaction.

When only a portion of a requested record is confidential, the agency should release the non-confidential portions after appropriate redaction unless disclosure is otherwise prohibited by law.

G. Confidential Records

Records objectively made confidential by law shall not be released except as authorized by law. Examples include CJIS protected criminal history record information, intelligence and certain investigative records, juvenile records, protected victim information, medical information, personnel records made confidential by law, attorney-client communications, and records protected by court order.

H. Criminal History Record Information

People seeking criminal history record information shall be referred to the Maine State Bureau of Identification.

I. Investigative Records

Requests involving investigative records shall be reviewed carefully to determine whether investigations are truly ongoing and whether disclosure of some or all the records are permitted, restricted, or prohibited by law.

When appropriate, consultation shall occur with prosecutors, legal counsel, or other governmental entities having an interest in the matter.

J. E-911 Records

Requests for E-911 recordings, transcripts, or related records shall be referred to the appropriate Public Safety Answering Point (PSAP).

PSAPs are obliged to follow standards for release of E-911 information set forth within Title 25, M.R.S. 2929.

K. Personal Communication Devices

Agency business shall not be conducted through personal communication systems or devices in a manner intended to avoid public records requirements.

Records relating to agency business may constitute public records regardless of the device or system used to create or transmit them.

L. Fees

Fees associated with records requests shall be assessed only as authorized by law.

Requestors shall be informed of anticipated costs when practical and before substantial costs are incurred.

M. Documentation

The Public Access Officer shall maintain documentation of requests received, acknowledgments, correspondence, records reviewed, redactions performed, records released, denials issued, fees assessed, and significant communications relating to each request.

N. Training

The agency shall provide training regarding Freedom of Access Act requirements, records management, confidentiality requirements, redaction procedures, and records release responsibilities.

O. Administrative Review

The Chief Executive Officer or their designee shall periodically review Freedom of Access Act practices, response procedures, training, and records management practices to ensure compliance with law and agency policy.

P. Reference Resources

Maine Freedom of Access Act: <https://www.maine.gov/foaa>

Maine Attorney General Freedom of Access Guide: <https://www.maine.gov/ag>

APPENDIX A

BOT & MLEAP STANDARDS CROSSWALK

Purpose, Policy and Legal Authority

Authority

25 M.R.S. § 2803-B(1)(M) – Freedom of Access Act Requests

1 M.R.S. §§ 401–414 – Maine Freedom of Access Act

MLEAP Standards

MLEAP 1.01 – Written Directive System

Addressed in: Sections **I, II, IV, V**

Public Access Officer Designation

Authority

25 M.R.S. § 2803-B(1)(M) – Freedom of Access Act Requests

1 M.R.S. § 413 – Public Access Officer

Addressed in: Section **V.A**

Receipt, Processing, and Response to Requests

Authority

25 M.R.S. § 2803-B(1)(M) – Freedom of Access Act Requests

1 M.R.S. §§ 408-A and 408-B – Procedures for Public Records Requests

Addressed in: Sections **V.B, V.C, V.D, V.E, V.F**

Confidential Records and Criminal Justice Information

Authority

16 M.R.S. Chapter 3 – Criminal History Record Information

1 M.R.S. § 402 – Public Records; Exceptions

MLEAP Standards

MLEAP 5.01 – Privacy and Security of Records

MLEAP 5.03 – Release of Information

Addressed in: Sections **V.G, V.H, V.I**

E-911 Records

Authority

25 M.R.S. Chapter 352 – E-9-1-1 System

Addressed in: Section **V.J**

Electronic Records and Agency Communication Systems

Authority

1 M.R.S. §§ 401–414 – Maine Freedom of Access Act

MLEAP Standards

MLEAP 5.03 – Release of Information

Addressed in: Section **V.K**

Fees

Authority

1 M.R.S. § 408-A – Fees for Copies and Staff Time

Addressed in: Section **V.L**

Documentation and Records Management

Authority

MLEAP Standards

MLEAP 5.01 – Privacy and Security of Records

MLEAP 5.02 – Records Retention

MLEAP 5.03 – Release of Information

Addressed in: Section **V.M**

Training

Authority

1 M.R.S. § 412 – Public Access Officer Training Requirements

MLEAP Standards

MLEAP 3.06 – In-Service Sworn Officer Training

Addressed in: Section **V.N**

Administrative Review

Authority

MLEAP Standards

MLEAP 1.01 – Written Directive System

Addressed in: Section **V.O**

APPENDIX B – FREEDOM OF ACCESS REQUEST TRACKING FORM

Request Number: _____

Date Received: _____

Received By: _____

Method Received:

☐ In Person

- ☐ Mail
 - ☐ Email
 - ☐ Telephone
 - ☐ Other _____
-

Requestor Name (if provided):

Contact Information (if provided):