Office of the Commissioner
Freedom of Access Act (FOAA) Policy

Policy #: DHHS-02-12
Issue Date: 11/07/12
Revised: 08/01/17
Revised with out revisions: 11/01/18

I. SUBJECT

Freedom of Access Act (FOAA) Policy

II. POLICY STATEMENT

It is the policy of the Department of Health and Human Services that employees shall make every reasonable effort to fully comply with the requirements of the Freedom of Access Act (FOAA) by following the procedure set forth below if and when they receive a FOAA request.

III. PROCEDURE STATEMENT

All FOAA Requests shall be processed in accordance with the attached FOAA Procedure Checklist.

IV. DEFINITIONS

FOAA Request: A verbal or written request for a copy of or access to any Public Record.

Freedom of Access Act (FOAA): 1 MRSA § 400 et seq.

Public Access Officer: General Counsel

Public Record: 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 which: 1) is in the possession or custody of the Department; 2) was received or prepared for use in connection with the transaction of Department business or contains information relating to the transaction of Department business; and 3) which is not confidential or otherwise excepted from public disclosure pursuant to FOAA.

V. ATTACHMENTS/WEBSITE LINKS

FOAA Procedure Checklist

VI. DISTRIBUTION

All Department employees via e-mail and posting on the DHHS intranet.

November 1, 2018
Date

[Signature]
Bethany Hamm
Acting Commissioner
<table>
<thead>
<tr>
<th>PERSON</th>
<th>TASK</th>
<th>DUE</th>
<th>DOCUMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recipient of FOAA Request</td>
<td>Send copy of FOAA request to the FOAA Tracking System Seatholder for Recipient’s Office</td>
<td>Immediately upon receipt of FOAA request</td>
<td>FOAA request</td>
</tr>
<tr>
<td>Recipient Office’s FOAA Tracking System Seatholder</td>
<td>Create issue in FOAA Tracking System; attach copy of FOAA request to issue; assign issue to Commissioner Office (COM); if possible, provide recommendation to Commissioner’s Office for time/cost estimate</td>
<td>Immediately upon receipt of FOAA request</td>
<td>FOAA request</td>
</tr>
<tr>
<td>Public Access Officer/Commissioner Office Seatholder</td>
<td>Send “5-day Letter” with time/cost estimate to Requestor and update issue in tracking system</td>
<td>Within 5 working days of receipt of FOAA request</td>
<td>“5-day Letter”</td>
</tr>
<tr>
<td>Public Access Officer</td>
<td>In consultation with Commissioner Office staff (e.g., Director of Media Relations), provide instructions regarding further processing of request. “Routine requests” will be assigned back to Program Office with instructions for further processing. “Denial Letter” will be sent for requests for confidential information or for failure to pay (or provide written agreement to pay) estimated cost within 30 days.</td>
<td>Within 30 days of sending of “5-day Letter”</td>
<td>Denial Letter (if appropriate)</td>
</tr>
<tr>
<td>Commissioner Office Seatholder</td>
<td>Update tracking system in accordance with Public Access Officer’s instructions and, if so instructed, assign “routine” request back to Program Office</td>
<td>When instructions provided by Public Access Officer</td>
<td></td>
</tr>
<tr>
<td>Program Office</td>
<td>If so instructed, compile responsive records</td>
<td>Within time estimated in “5-day Letter”</td>
<td>Responsive records</td>
</tr>
<tr>
<td>Program Office Seatholder</td>
<td>Update tracking system to indicate that responsive records have been compiled</td>
<td>Immediately following compilation of responsive records</td>
<td></td>
</tr>
<tr>
<td>Program Office or Public Access Officer</td>
<td>As instructed, either Program Office or Public Access Officer reviews and redacts responsive records and sends Final Response to requestor</td>
<td>Within time estimated in “5-day Letter”</td>
<td>Final Response (responsive records and cover letter)</td>
</tr>
<tr>
<td>Program Office Seatholder or Commissioner Office Seatholder</td>
<td>Depending on who sends Final Response, either Program Office or Commissioner Office Seatholder updates and closes issue in tracking system</td>
<td>Immediately following sending of Final Response</td>
<td></td>
</tr>
</tbody>
</table>