

Housing Authority of the City of Bangor Freedom of Access Act Policy

1. Purpose. The Housing Authority of the City of Bangor (“BangorHousing”) is a public body corporate and politic organized under the laws of the State of Maine. As a quasi-municipal entity, BangorHousing recognizes that transparency and public access to governmental records are essential to maintaining public trust and accountability. Accordingly, BangorHousing is committed to complying fully with the Maine Freedom of Access Act (“FOAA”), 1 M.R.S. §§ 401-414, and to providing access to Public Records except where such records are confidential, privileged, or otherwise exempt from disclosure under applicable law.

This Freedom of Access Act Policy (“Policy”) establishes BangorHousing's procedures for receiving, processing, responding to, and documenting requests for Public Records and is intended to promote consistent, timely, and lawful compliance with FOAA.

2. Applicability. This Policy applies to all requests for access to Public Records maintained by BangorHousing, regardless of whether the request is made orally, electronically, or in writing.

This Policy does not apply to:

- a. Routine requests for publicly available documents that are regularly distributed by BangorHousing;
- b. Questions seeking information rather than records;
- c. Requests requiring creation of a new record that does not already exist; or
- d. Records made confidential by federal or state law.

3. Public Policy. Consistent with Maine law, BangorHousing shall construe requests for Public Records liberally in favor of public access and narrowly construe any claimed exemptions.

4. Definitions.

a. **Public Record.** “Public Record” means a public record as defined in 1 M.R.S. § 402 and generally includes any written, printed, photographic, electronic, or other recorded information in the possession or custody of BangorHousing that is not confidential by statute, court order, or other applicable law.

b. **Requestor.** Any person requesting inspection or copies of Public Records.

c. **Public Access Officer.** The individual designated by BangorHousing pursuant to 1 M.R.S. § 413 to coordinate responses to FOAA requests.

5. Public Access Officer. Pursuant to 1 M.R.S. § 413, BangorHousing's General Counsel, in consultation with the Chief Executive Officer, shall serve as BangorHousing's Public Access Officer. The Public Access Officer shall be responsible for coordinating BangorHousing's responses to requests for Public Records and performing such other duties as may be required under FOAA.

The General Counsel may designate one or more BangorHousing employees to serve as Alternate Public Access Officers and to perform the duties of the Public Access Officer during the General Counsel's absence or as otherwise necessary to ensure timely compliance with FOAA requirements. BangorHousing's obligation to acknowledge and respond to requests for Public Records shall not be delayed by the unavailability of the Public Access Officer.

6. Public Access Officer Responsibilities. The Public Access Officer shall:

- a. Receive, track, and coordinate responses to requests for Public Records;
- b. Acknowledge requests within the time required by law;
- c. Coordinate searches for responsive records;
- d. Prepare time and cost estimates when appropriate;
- e. Consult with BangorHousing staff and outside legal counsel, as necessary, regarding confidential, privileged, or exempt records;
- f. Maintain records relating to FOAA requests and BangorHousing's responses; and
- g. Facilitate compliance with FOAA training requirements applicable to BangorHousing officials and employees.

7. Requesting Public Records. Requests for Public Records may be submitted in person; by mail; by email; or by telephone.

BangorHousing may provide a FOAA Request Form for convenience, but use of the form shall not be required.

Requests should describe the Public Records sought with sufficient specificity to permit BangorHousing to identify responsive records.

A Requestor is not required to state the purpose of the request or identify themselves as a condition of obtaining access to Public Records.

Requests should be directed to:

Public Access Officer
Housing Authority of the City of Bangor
161 Davis Road
Bangor, Maine 04401

foaa@bangorhousing.org

8. Acknowledgment of Requests. BangorHousing shall acknowledge receipt of a FOAA request within 5 working days of receiving the request. The acknowledgment may:

- a. Confirm receipt;
- b. Request clarification of the Public Records sought;
- c. Provide a time estimate for response;
- d. Provide a cost estimate; or
- e. Deny the request if appropriate under applicable law.

If the acknowledgment does not provide a good-faith estimate of the time required to respond, BangorHousing shall provide such an estimate within a reasonable time.

9. Processing Requests. Upon receipt of a request for Public Records, BangorHousing may:

- a. Provide access to the requested Public Records;
- b. Permit inspection of the records during normal business hours;
- c. Provide copies of the records electronically or in paper format;
- d. Request clarification of the request;
- e. Provide records with redactions required by law; or
- f. Deny the request if the records are exempt or unavailable.

BangorHousing is not required to create a new record, compile data in a format not maintained by BangorHousing, or answer questions that do not seek an existing record.

10. Responding to Requests. BangorHousing shall make a good-faith effort to respond completely within a reasonable time considering:

- a. The scope of the request;
- b. The volume of records involved;
- c. Staffing and operational demands;
- d. The need to review records for confidential information; and
- e. The complexity of legal or other issues presented.

11. Denial of Requests. BangorHousing may deny a request for Public Records, in whole or in part, when:

- a. The requested Public Records are confidential, privileged, or otherwise exempt from disclosure under federal or state law;
- b. BangorHousing does not possess or control the requested Public Records;

- c. The request seeks the creation of a new record, compilation, summary, or report that does not already exist; or
- d. Disclosure is otherwise prohibited by law.

Any denial of a request, in whole or in part, shall be provided in writing and shall identify the basis for the denial, including any statutory exemption or other legal authority relied upon by BangorHousing.

When only a portion of a Public Record is exempt from disclosure, BangorHousing shall, to the extent practicable, redact the exempt information and provide access to the remaining nonexempt portions of the Public Record.

Nothing in this Policy shall require BangorHousing to disclose information protected by the attorney-client privilege, attorney work-product doctrine, federal privacy requirements, or any other applicable privilege or exemption.

Without limiting the foregoing, BangorHousing may withhold or redact records containing the following:

- a. Tenant information protected by federal or state law;
- b. Personnel records and information protected by federal or state law;
- c. Social Security numbers;
- d. Medical information;
- e. Other records made confidential by state or federal law.

Nothing contained in this Policy shall be construed to limit BangorHousing's authority under applicable law to withhold, redact, or deny access to any Public Record that is confidential, privileged, or otherwise exempt from disclosure.

12. Fees. BangorHousing may charge fees as authorized by 1 M.R.S. § 408-A.

- a. **Staff Time.** The first 2 hours of staff time devoted to searching for, retrieving, compiling, segregating, redacting, and reproducing Public Records shall be provided without charge. Additional staff time may be charged at a rate not exceeding \$25.00 per hour.
- b. **Copies.** BangorHousing may charge \$0.10 per page for standard black-and-white paper copies. BangorHousing may also charge the actual cost of specialized reproduction services, large-format documents, electronic media, and the conversion of Public Records into a format that is reasonably usable by the Requestor.
- c. **Mailing Costs.** BangorHousing may charge actual mailing and delivery costs associated with providing Public Records.

13. Cost Estimates. BangorHousing may provide a good-faith estimate of the costs associated with responding to a request for Public Records.

14. Deposits and Prepayment. BangorHousing may require a deposit of up to 50% of the estimated cost of responding to a request when the estimated cost exceeds \$100. BangorHousing may also require full prepayment if a Requestor has previously failed to pay a properly assessed fee related to a prior request.

15. Fee Waivers. BangorHousing may, in its sole discretion, waive or reduce any fee otherwise authorized by this Policy when payment would create a hardship for the Requestor or BangorHousing determines that disclosure is in the public interest.

16. Inspection of Records. Public Records shall be made available for inspection during normal BangorHousing business hours at a location designated by the Public Access Officer. A BangorHousing employee may remain present during inspection of Public Records to preserve the integrity and security of the records.

Original Public Records shall not be removed, altered, marked, or destroyed.

17. Electronic Records. Where practicable, BangorHousing may provide Public Records electronically in the format in which they are maintained.

BangorHousing shall not be required to create a new database, report, spreadsheet, or data compilation that does not already exist.

18. Records Retention. Nothing contained in this Policy shall alter BangorHousing's obligations under its Document Retention Policy and Retention Schedule, as adopted by the BangorHousing Board of Commissioners and as amended from time to time, or under any applicable federal or state records retention, preservation, or recordkeeping requirements.

19. Appeals. Any person aggrieved by a denial of a request for Public Records may seek review pursuant to 1 M.R.S. § 409.

20. Training. BangorHousing officials and employees required by law shall complete FOAA training in accordance with 1 M.R.S. § 412 and related statutory requirements.

21. Policy Review. This Policy shall be posted on BangorHousing's website and made available for public inspection. This Policy shall be reviewed periodically and may be amended by the Board of Commissioners as necessary to ensure continued compliance with applicable law.