
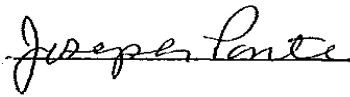


POLICY TITLE: FREEDOM OF ACCESS ACT AND OTHER INFORMATION REQUESTS		PAGE <u>1</u> OF <u>4</u>
POLICY NUMBER: 1.22		
CHAPTER 1: ADMINISTRATION, ORGANIZATION AND MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: June 27, 2005	LATEST REVISION: June 28, 2013	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

It is the policy of the Maine Department of Corrections to respond to Freedom of Access Act requests and other requests for public information with timely and accurate responses while protecting confidentiality as required by law. This policy and procedures shall be reviewed annually and updated as necessary.

IV. CONTENTS

Procedure A: Requests for Information, General
 Procedure B: Freedom of Access Act and Similar Information Requests

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Requests for Information, General

1. Staff shall handle all requests for information about a Departmental client in accordance with federal and state law and Departmental policies and procedures regarding confidentiality.
2. Staff shall handle all requests for information about Departmental staff in accordance with federal and state law and Departmental policies and procedures regarding confidentiality.
3. Staff shall handle all requests for information from other governmental agencies for general information as set out in Policy 1.16, Communication and Collaboration with Outside Agencies.
4. Staff shall handle all requests for information from the news media as set out in Policy 1.23, Contact with News Media.
5. Requests for information regarding Requests for Proposals and Responses to Requests for Proposals prior to the awarding of a contract shall be referred to the Department's designated contact.
6. Staff shall handle all requests from attorneys or legal advocacy organizations for information on how to contact a client and for releasable client records received with a proper release of information form signed by the client. The Public Affairs Coordinator for the facility/region may respond to a purely factual inquiry (for example, a probationer's conditions of probation or the wording of a policy) provided no confidential information is released. Any inquiry that would involve giving an opinion (for example, the extent of supervision being provided to a probationer or how well a policy is working) shall be referred to the Department's Public Affairs Coordinator, who shall determine the response. Staff shall refer all other requests for information from attorneys or legal advocacy organizations, including a request to discuss information contained in a client record, to the Department's legal representative in the Attorney General's office.
7. Under no circumstances is information to be released that relates to a criminal investigation or a potential criminal investigation or litigation or potential litigation involving a client, staff, visitor, or volunteer. Under no circumstances is information to be released that relates to facility security practices.
8. The Commissioner shall determine, after consultation with the Department's representative in the Attorney General's Office, the information that may be disseminated that is related to the death of an individual.
9. The Commissioner shall determine the information that may be disseminated that is related to the search for, or apprehension of, any person who has escaped from custody or who is being sought for a violation of supervision

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conditions (e.g., probation, community reintegration, supervised community confinement).

10. Requests for information from the Governor’s Office, a Legislative Committee, a judicial branch official or a Judge shall be referred to the Commissioner, or designee.
11. In the case of a request for information from a member of the general public, an individual legislator, an organization conducting a survey, or other person or entity, the Chief Administrative Officer, or designee, for the facility/region may respond to a purely factual inquiry (for example, a probationer’s conditions of probation or the wording of a policy), provided no confidential information is released. Any inquiry that would involve giving an opinion (for example, the extent of supervision being provided to a probationer or how well a policy is working) shall be referred to the Department’s Public Affairs Coordinator, who shall determine the response.

Procedure B: Freedom of Access Act and Similar Information Requests

1. Any requests described by the requester as being made under the Freedom of Access Act or similar statute shall be referred to the Department’s Public Affairs Coordinator.
2. Written requests described by the sender as being made under the Freedom of Access Act or similar statute shall be referred to the Department’s Public Affairs Coordinator immediately.
3. The Department’s Public Affairs Coordinator shall respond to a written request described by the sender as being made under the Freedom of Access Act or similar statute within five (5) working days of receipt of the request by the Department.
4. If the response is that the request is granted, the response shall include a description of any arrangements for receiving the information requested and any copying or other fees. If the response is that the request is denied, the response shall include the reason(s) for the denial (the records requested do not exist or the information requested is made confidential by law, with a citation to the specific law).
5. If there is any question about the confidentiality of information requested, the Department’s Public Affairs Coordinator shall consult with the Department’s legal representative in the Attorney General’s Office.

VII. PROFESSIONAL STANDARDS

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ACA:

ACI - 4-4019 Written policy, procedure, and practice provide that requests from federal, state, and local legislators and executives for information about operations or specific inmates are responded to promptly by facility staff and with due regard to privacy protection statutes.

ACI - 4-4021 Written policy, procedure, and practice establish the facility's commitment to informing the public and the media of events within the facility's areas of responsibility. The procedures address emergency and non-emergency responses to the media and, at a minimum, include the following:

- the identification of areas in the facility that are accessible to media representatives, consistent with preserving inmates' right to privacy and maintaining order and security
- the contact person for routine requests for information
- identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws
- special events coverage
- news release policy
- the designation of individuals or positions within the facility authorized to speak with the media on behalf of the facility

4-ACRS-7F-01 There is a public information policy that encourages interaction with the public and the news media.

4-JCF-6G-02 There is a public information policy that encourages interaction with the public and the news media.

4-JCF-6G-04 Media access procedures address emergency and nonemergency responses to the media. At a minimum, they include:

1. The identification of areas in the facility that are accessible to media representatives
2. The identification of a contact person authorized to speak with the media on behalf of the facility
3. The identification of data and information protected by federal and/or state privacy and freedom of information statutes
4. Special events coverage
5. News releases
6. Direction on appropriate responses for individuals within the facility not authorized to speak with the media.

4-JCF-6G-05 Designated facility staff respond promptly to requests from federal, state, and local legislators, executives, and other components of juvenile justice for information about operations or specific juveniles are responded to promptly by designated facility staff and with due regard to privacy protection statutes.

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