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MEMORANDUM

To: Joint Standing Committee on Government Oversight
From: Maine Department of Health and Human Services
Date: October 9, 2025
Subject: Information regarding FOAA request discussed at September 17, 2025 meeting

Following the discussion of a letter received by the Committee regarding a FOAA request from Ryan Michaels, and in response to discussion during Director Schleck's report to the Committee at your most recent meeting, the Department is writing to provide some supplemental information to inform your consideration of the request.

Mr. Michaels' original request named five OCFS staff and requested a significant volume of records, including any "internal communications-including emails, chat messages, memos, or meeting notes-sent or received by" these individuals that referenced the following terms:

- "Ryan Michaels" or rtgmich@gmail.com
- My [Ryan Michaels'] public social media presence or content, including but not limited to:
 - Facebook
 - TikTok (@mindspace.w.ryan.m)
 - YouTube (Together We Grow)
 - Instagram (@together_we_grow_rm)
- "Together We Grow"
- "Mindspace"
- "C.A.M." or related advocacy initiatives
- References such as "video," "TikTok," "social media," "threat," "disorderly," "harassment," or "press"

Notably, this initial request was for communications between OCFS leadership regarding Mr. Michaels and his advocacy work, not for child welfare records.

Upon receiving this request, OCFS set to work with partners at the Office of Information Technology (OIT), as we do with any FOAA request that involves the need to conduct a comprehensive search of staff electronic communications utilizing key terms. Based on the resulting volume of responsive records produced by this search, the original request resulted in a Time Cost Estimate of \$2,200.

Later, in communication Mr. Michaels, he broadened his request to include 16 named current and/or former OCFS staff as well as communication from any current or former Department employee who may have worked with Mr. Michaels' family since 2017. The request was also expanded to include a number of additional key terms and search queries identified by Mr. Michaels. This significant expansion, more than tripling the number of staff involved and increasing the number of terms Mr. Michaels was requesting be queried, resulted in a significant increase in the Time Cost Estimate to over \$50,000. Notably, this expansion also functionally widened the net to include any correspondence regarding child welfare involvement with Mr. Michaels and/or his family, should such records exist.

This request is not, as it was characterized in the recent GOC discussion of this matter, a father making a "specific, honed-in" request for his personal records. Among the Committee there also appeared to be confusion regarding the difference between records subject to FOAA (like Department correspondence) and records not subject to FOAA.

Although, as required by state and federal law, the Department can neither confirm nor deny that we hold any such records for any individual, the Department's child welfare records are statutorily exempted from FOAA by 22 MRSA §4008, which states (in relevant part),

"All department records that contain personally identifying information and are created or obtained with the department's child protective activities and activities related to a child while in the care or custody of the department, and all information contained in these records, are confidential and subject to release only under the conditions of subsection 2 and 3."

There is no avenue by which any individual can obtain child welfare records via FOAA. These records contain very sensitive, private information of thousands of Maine children and families and subjecting them to FOAA by members of the public would be a violation of the Department's duty of care to clients involved with child welfare, and a violation of 22 MRSA §4008. While child welfare records are not subject to release under FOAA, the Department does have a process whereby case participants may request to review the Department's records of involvement with their family in accordance with 22 MRSA §4008. OCFS staff regularly facilitate meetings with clients to review the Department's file regarding their involvement with child welfare. At times, Department staff may redact the confidential information of others contained in those records to ensure the safety and privacy of all involved. Disclosure of confidential child welfare records also regularly occurs pursuant to orders of the Maine District Court and required discovery in court cases and administrative hearings.

The Department has communicated with Mr. Michaels and shared information regarding the process to request the opportunity to review any records he believes the Department may hold regarding himself or his family that are not subject to FOAA. Should any constituent seek to review Department records pertaining to themselves or a case that involves them, they are invited to request an appointment with the Department for that purpose.

Regarding the materials Mr. Michaels has requested that are subject to FOAA and were specifically referenced at the September 17, 2025 meeting, the amount of the estimate was over \$50,000 due to the volume of emails that were located in OIT's initial search of email inboxes and other forms of electronic communication. During the inquiry process, OIT found a total of 15,282 emails that met the criteria provided by Mr. Michaels, totaling 7.9 GB of data. Each email must then be reviewed by a member of OCFS' staff for confidential information and redacted using the technology available for such work, Adobe Pro.

Respectfully, stating that the Department is constructively denying Mr. Michaels access to any records that may exist due to the good faith time cost estimate produced by the Department is a misrepresentation of the request at hand. The Time Cost Estimate at issue is responsive to an extensive request and provides a detailed explanation of the calculation, repeated below.

Breakdown of Estimate Provided to the Requestor:

Using the additional search metrics you provided, we have identified approximately **15,282 emails** that may be responsive to your inquiry. Based on our review criteria, we estimate:

- Each email averages **2 pages** in length
- Each email will require approximately **4 minutes** to review and, where necessary, redact any information that we are legally required to withhold

This results in an estimated **122,256 minutes**, or approximately **2,037 hours** of work.

Given current staffing and workload considerations, we anticipate that it will take approximately **9 to 12 months** to complete your request.

The Department has afforded and will continue to afford individuals the opportunity to review any records we may hold that statute entitles them to review, in-person should a request be made through the appropriate District Office to do so.