

**Right to Know Advisory Committee**

**PROPOSED DRAFT CORRESPONDENCE CONCERNING AVERAGE RESPONSE  
TIME DATA FOR FOAA REQUESTS  
*REFLECTS DECISIONS MADE AT NOV 10<sup>th</sup> MEETING***

December 1, 2021

Neal Goldberg  
Legislative Analyst  
Maine Municipal Association

Re: Freedom of Access Act Requests Response Time

Dear Mr. Goldberg:

During the first meeting of the Right to Know Advisory Committee, the Public Access Ombudsman asked the committee to consider how the fee waiver provision in the State's freedom of access law is applied and what impact that may have on accessibility of public records. The committee discussed the issue of fee waivers during the November 10<sup>th</sup> meeting.

During the meeting, discussion focused on the impact that recent changes to the freedom of access law increasing the amount of time without charge dedicated to searching for, retrieving and compiling the requested public record would have on fee waiver requests. Previous information provided to the Advisory Committee from surveys conducted by MMA in 2019 and 2020 indicated that the majority of FOAA requests could be completed within an hour. The Advisory Committee is interested in learning how many requests can now be completed without charge in the increased timeframe of two hours and if this change reduces the number of fee waiver requests and as a result the number of waiver denials.

As such, the Advisory Committee requests that the Maine Municipal Association survey municipalities to gather data related to the number of FOAA requests that can be searched for, retrieved and compiled within two hours. The Committee asks that you report back to the Committee regarding this matter by December 1, 2022.

We appreciate your attention to this matter.

Sincerely,

Representative Thom Harnett, Chair  
Right to Know Advisory Committee