

Coordinated Access to Public Records of State Agencies

Report to the Joint Standing Committee on Judiciary
January 2014

SUMMARY OF STATE AGENCY FOAA ADMINISTRATION

AGENCY	ORGANIZATIONAL STRUCTURE	FOAA TRACKING SYSTEM	DISTINGUISH “FOAA” FROM REQUEST FOR INFORMATION	POLICY	RESPONDING TO FOAA REQUESTS	UNIFORM DATA TRACKING & REPORTING	COMMENT
<p>Department of Administrative & Financial Services</p>	<p>Nine bureaus including Maine Board of Tax Appeals, Maine Revenue Services, Bureau of Alcoholic Beverages, Bureau of General Service, Bureau of Human Resources, Office of Information Technology, Bureau of the Budget, Office of the State Controller</p>	<p>Excel spreadsheet and Outlook calendar;</p>	<p>Requests made pursuant to FOAA treated more formally</p> <p>Majority are treated as regular requests for public information</p>	<p>Written policy being updated and combined with Department communications policy</p>	<p>Instant results of web search engines leads to public expectation that compiling responsive public records simple</p> <p>Broad requests and confidentiality of financial and tax data require multiple staff and time</p>	<p>Thousands of requests for public information annually</p> <p>Only formal FOAA requests tracked</p> <p>During busy periods tracking may cease due to resource constraints</p>	<p>Limit any centralized tracking to formal FOAA requests only</p>
<p>Department of Agriculture, Conservation & Forestry</p>	<p>Four bureaus including: Bureau of Agriculture, Food and Rural Resources, Bureau of Parks and Lands, Bureau of Resource Information and Land Use Planning, Bureau of Forestry And multiple boards, commissions, councils and committees</p>	<p>Centralized agency hard copy log and electronic folders</p>	<p>FOAA requests coordinated through public access officer</p> <p>Requests for information responded to directly by staff</p>	<p>No written policy</p> <p>Compliant procedures followed</p>	<p>Large number of requests from different people on same subject</p> <p>Broad requests that could have thousands of pages of responsive documents</p>	<p>Uniform log with limited data tracking would require some resources to set up but matches how currently track FOAA requests</p>	

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Department of Corrections		Access database	Requests made pursuant to FOAA treated as such All others considered a request for information	None	OIT sometimes called in to assist with electronic files Difficulty estimating cost when OIT or other agencies involved	Uniform log with limited data could be tracked by system currently in place	DOC does not need a centralized tracking system
Department of Defense, Veterans & Emergency Management	Bureau of Veterans Services, Maine Emergency Management Agency, Maine Military Authority, Maine Army and Air National Guard	Ad hoc system	Very few FOAA requests Federal side of department processes FOIA requests	None		Tracking of FOAA requests is ad hoc due to limited volume	Federal FOIA forms and procedures already in place; any centralized FOAA system should mirror as much as possible for continuity and simplicity
Department of Economic & Community Development	Maine Office of Tourism, Maine International Trade Center, Maine Technology Institute, Office of Community Development	Printed file	Very few FOAA requests Routine requests for information not tracked	None		Due to limited volume, tracking of agency FOAA requests is a simple process	The simpler the better
Department of Education	Divisions, called “teams” include Learning Systems, School Finance & Operations, Special Services, Learning through Technology, and a state-run school system, Education in the Unorganized Territories, Child Development Services System, Maine Commission for Community Service, State Board of Education	Excel spreadsheet	Requests made pursuant to FOAA are treated as such Some requests for information are forwarded to the public access officer if the recipient has a question or thinks it may be a FOAA though not labeled as one	Written policy updated 12/2013	Broad requests, particularly involving several years’ worth of emails from numerous staff, are time consuming and impact day-to-day duties	Current system could track limited data	Calculation of “average response time” not useful as requests are so varied in scope Current system where requesters contact us directly works well

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<p>Department of Environmental Protection</p>	<p>Three bureaus include: Bureau of Air Quality, Bureau of Land & Water Quality, Bureau of Remediation & Waste Management And Regional offices across the State</p>	<p>Access database</p>	<p>FOAA request defined as any communication from public that is made pursuant to FOAA; requests records that are likely to contain privileged or confidential information and procedures are not already in place for such records; or from which it is apparent that the requester intends that a full and complete search of Department records be made</p>	<p>Written Standard Operating Procedure</p>	<p>Requests usually require coordination of records search and compilation of multiple staff</p>	<p>Uniform log with limited data could be tracked by system currently in place</p>	
<p>Department of Health & Human Services</p>	<p>Major offices and divisions include: Office for Family Independence, Licensing & Regulatory Services, MaineCare Services, Maine Center for Disease Control, Substance Abuse and Mental Health Services, Aging and Disability Services, Child & Family Services</p>	<p>Implementing new “Footprints” customized tracking tool</p>	<p>Only requests that reference the public access statute are treated as FOAA requests</p>	<p>Written policy updated 11/2012</p>	<p>Limited staff resources and training and staff training regarding public records and records management</p>	<p>Once the “Footprints” system is fully implemented, FOAA data tracking is not expected to be significant problem</p>	<p>Duplicative use of two systems if centralized system does not facilitate the processing of requests that are received directly by the Department centrally and at its various offices</p>

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<p>Inland Fisheries & Wildlife</p>	<p>Five bureaus and divisions include: Bureau of Administrative Services, Bureau of Resource Management, Bureau of Warden Service, Division of Engineering and Realty, Division of Public Information and Education</p>	<p>Excel spreadsheet</p>	<p>Requests made pursuant to FOAA are tracked as such</p> <p>Routine business with customers and unofficial information requests are responded to by appropriate staff</p>	<p>Written policy currently being updated</p>	<p>How to charge a fair fee when opposing parties on an issue ask for the same public records</p> <p>Billing requester for OIT services when FOAA only allows \$15 per hour charge and OIT bills agency more than that</p>	<p>Information required by uniform log is currently tracked in agency system</p>	
<p>Department of Labor</p>	<p>Seven agencies include: Bureau of Employment Services, Bureau of Labor Standards, Bureau of Rehabilitation Services, Bureau of Unemployment Compensation, Center for Workforce Research and Information, Maine State Workforce Investment Board, Maine Labor Relations Board</p>	<p>Excel spreadsheet</p>	<p>Relatively few FOAA requests; occasionally requests for a large number of records</p> <p>Requests made pursuant to FOAA are tracked as such</p>	<p>Written policy currently being updated</p>	<p>Many of DOL records are confidential and need significant redaction to comply with confidentiality rules</p>	<p>Uniform data could be kept on a single spreadsheet in secure agency location and sent to AG's Office for reporting</p>	<p>Any tracking system must ensure that confidential claimant or client information is protected</p>
<p>Department of Marine Resources</p>	<p>Four bureaus include: Bureau of Policy and Management, Bureau of Marine Patrol and Licensing, Bureau of Marine Science, Bureau of Public Health</p>	<p>Excel spreadsheet</p>	<p>Few FOAA requests</p> <p>Complicated requests requiring more time are treated as FOAA requests</p> <p>Requests that may take less than a day to compile are treated as basic requests for information</p>	<p>No written policy</p>	<p>Due to staff shortages response may take longer than normally would with a full staff</p>	<p>Uniform log with limited data tracking of FOAA requests could be done with current system</p> <p>Tracking all requests for information would take more time to track than to process the request</p>	

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<p>Department of Professional & Financial Regulation</p>	<p>Five agencies within DPFPR: Office of Professional and Occupational Regulation, Office of Securities, Bureau of Insurance, Bureau of Financial Institutions, Bureau of Consumer Credit Protection Six professional licensing boards affiliated with the Department: Board of Licensure in Medicine, Maine State Board of Nursing, Board of Dental Examiners, Board of Osteopathic Licensure, Maine State Board of Optometry, Board of Licensure for Professional Engineers</p>	<p>Four DPFPR agencies maintain a spreadsheet; The Bureau of Financial Institutions uses a paper file. Most of the affiliated boards track FOAA requests</p>	<p>Requests that cite the statute are treated by all DPFPR agencies and affiliated boards as a FOAA request</p> <p>Some agencies, such as the Office of Securities, treat requests for lists of licensees as a FOAA request regardless of citation to the law</p> <p>All other requests are treated as routine requests for information</p>	<p>No written policy</p> <p>Compliant procedures followed</p>	<p>Lack of specificity in some requests that need clarification or narrowing of scope</p> <p>Due to amount of confidential information in agency and affiliated board records, considerable staff time required to review and redact; a concluded investigation could contain hundreds or thousands of pages that need to be reviewed for confidentiality</p> <p>If request relates to a matter currently under investigation, may be necessary to assist requester in understanding that material is confidential</p>	<p>Even with centralized system, FOAA requests will continue to be submitted directly to specific agencies</p>	<p>Any system that adds extra steps to the processing of FOAA requests, could potentially require more staff time, delaying response time or adding costs</p>
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<p>Department of Public Safety</p>	<p>Nine agencies within DPS: Bureau of Capitol Police, Bureau of Consolidated Emergency Communications, Gambling Control Board, Bureau of Highway Safety, Maine Criminal Justice Academy, Maine Drug Enforcement Agency, Maine Emergency Medical Services, Office of the State Fire Marshal and Maine State Police (MSP) including Eight MSP field troops, MSP Crime Lab, MSP Records Management Services Unit, MSP Traffic Unit, MSP Special Investigations Unit, MSP Bureau of Identification, MSP Commercial Vehicle Enforcement Unit, Two MSP Major Crimes Units, MSP Information and Analysis Center</p>	<p>MSP use multiple, decentralized systems for tracking</p> <p>Of the other agencies in DPS, six use electronic and/or paper case files, one uses a spreadsheet, and one ad hoc</p>	<p>Requests that cite the statute are treated by all DPS agencies as a FOAA request</p> <p>Some agencies, such as the Gambling Control Board and Bureau of Consolidated Emergency Communications treat all requests as FOAA requests</p> <p>The Maine Criminal Justice Academy assigns full time staff to implement a procedure for the large volume of all requests</p> <p>The Bureau of Capitol Police considers requests for records that may be confidential or require redaction as FOAA requests</p> <p>All other requests are treated as routine requests for information</p>	<p>Four agencies have written policies, five do not</p>	<p>Some requesters do not make payment after records are provided</p> <p>Processing timeframes/deadlines set forth in FOAA difficult to meet due to very large volume of MSP records</p> <p>Broad scope of requests requires multiple offices of MSP to search for records</p> <p>Due to number of MSP offices, requests must be passed along to office with custody of responsive records, taking extra time</p>	<p>Depend on the level of detail required. Logging every phone call would be very time consuming and require additional staff</p> <p>Depending on the data collection parameters, this could be labor intensive and affect ability to perform responsibilities of agency</p> <p>The development, implementation and effective use of a centralized FOAA administration system within MSP would be difficult and likely require additional staff</p> <p>Four agencies responded that a uniform log with limited data tracking of FOAA requests could be done with current system</p>	<p>Important to define a FOAA request</p>
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<p>Department of Transportation</p>	<p>Four bureaus including: Bureau of Finance and Administration, Bureau of Transportation Systems Planning, Bureau of Project Development, Bureau of Maintenance and Operations</p>	<p>Excel spreadsheet</p>	<p>All requests for documents treated as FOAA requests</p>	<p>No written policy Compliant procedures followed</p>		<p>Uniform log with limited data tracking of FOAA requests could be done with current system</p>	<p>Responding to each FOAA request requires an understanding of Departmental projects and activities and the role of each employee. A team of staff must navigate the agency in the search for and review of documents. The challenge of identifying the appropriate employee with responsive records would not be alleviated if the process were centralized outside of the Department</p>
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