

MITC FOAA Policy

After review with the Maine Department of Economic and Community Development, our parent department within state government, we are providing the section (below), relating to the handling/processing of FOAA requests that come into MITC.

Providing Public Access to Departmental Information and Proceedings

- 4.1.1 The Maine Department of Economic and Community Development conforms to the letter and spirit of the Freedom of Access Act (FOAA). All files, except enforcement, personnel, and others required by law to be kept confidential, are available for inspection during business hours. Staff must follow the Department's Freedom of Access Act Guidelines in determining the appropriate response to requests for confidential information or consult the Department's FOAA Coordinator or Director of Enforcement for guidance.**
- 4.1.2 Media representatives and members of the public have rights to observe the conduct of state business. The FOAA governs those rights, both regarding "public records" and "public proceedings."**
- 4.1.3 State business conducted electronically should, to the maximum extent practical, be conducted through the state email's system, to facilitate the storage and retention of public records. Given the ubiquity of alternative forms of electronic communications and the inability to prevent unsolicited communications made via other electronic means, communications by other electronic means are permitted, provided the sender/recipient familiarizes themselves with archiving and Freedom of Access Act requirements and complies with these requirements.**

It is MITC's policy to follow that of Maine DECD, except as allowed in our enabling statute 10 MRSA 107-B, section 945-J:

Proprietary information; other information.

Information provided to or developed by the center and included in a business or marketing plan is public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the center has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the center or the person submitting the information and would make available information not otherwise publicly available.

Tax or financial information.

Any financial statement, supporting data or tax return of any person is confidential.

Credit assessment.

Any record obtained by the center that contains an assessment of the creditworthiness, credit rating or financial condition of any person is confidential.

This section does not prohibit the disclosure of information that is otherwise available in the public domain.