

Charron, Jean A.

From: Emily Cordray <ecordray@mainetechnology.org>
Sent: Thursday, March 09, 2017 11:38 AM
To: Charron, Jean A.
Subject: Response to FOAA Request - Attorney Schutz

Dear Attorney Schutz:

This responds to your email, received by MTI on Friday Feb 17 at 4:33 pm, inquiring whether the Maine Technology Institute has a written policy or procedure regarding FOAA requests. We understand your inquiry to be a general inquiry and request for confirmations about the status of MTI procedures pertaining to the FOAA law, rather than an information request under the Freedom of Information Act, and provide this reply to your questions.

As an initial matter, please note that the MTI charter law contains specific guidance on the application of the Maine Freedom of Information Act to MTI operations, with special confidentiality provisions (5 MRSA section 15302-A).

MTI has a well-established operating procedure for responses to FOAA inquiries, all supervised by our FOAA Compliance Officer, the Director of Finance & Administration (DFA). I serve MTI in this capacity. The MTI procedures for developing responses to FOAA requests has been developed and reinforced by the FOAA Compliance Officer through training and consultation with the State of Maine FOAA Ombudsman and MTI legal counsel. A written SOP had not existed until, over a month ago, as part of MTI SOP revisions, we started work on a written SOP for FOAA compliance. That draft SOP is nearing completion and we will forward a copy when finalized and adopted.

The existing MTI practices are as follows:

1. Any FOAA request is directed to the MTI designated FOAA Compliance Officer, the Director of Finance and Administration (currently Emily Cordray)
2. The FOAA Compliance Officer reviews the request, works with relevant MTI staff to understand the work required to respond, schedules response deadlines, and then sends a preliminary response within five working days to the inquiring party acknowledging receipt of the FOAA and the time period likely needed to reply as well as noting any potential copying or other administrative charges allowable under FOAA. The FOAA Officer may submit requests for clarification of an inquiry where useful to help MTI staff to better understand the inquiry.
3. The FOAA Compliance Officer works with relevant MTI staff and legal counsel, as needed, to compile and deliver a complete reply. The FOAA Compliance Officer continues to serve as primary liaison with inquiring party on any follow-up correspondence.
4. The FOAA Compliance Officer retains copies of all correspondence to enable documentation of compliance with FOAA. Any telephone calls pertaining to a FOAA request should be promptly confirmed in writing to ensure mutual agreement on the content as well as complete file documentation.

After staff review of the draft SOP is completed and the final SOP adopted, we will forward our SOP to you. The SOP contents will reflect the process above, with some additional detail.

Kind regards –

Emily

Emily Ernst Cordray

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