

Receipt

- When a FOAA request is received it should be directed to the Public Service Manager who should note the date that it is received and notify the attorney working on the case and the Public Advocate. Public Service Manager
- What is the date of receipt?
The date a request is received is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the record.
- Response within 5 working days:
The Public Advocate shall acknowledge receipt of a request within 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. (See below re: letter acknowledging request). Public Advocate

FOAA Tracking

Identify the FOAA request by assigning it a name. In the administration folder of the G Drive, create a general FOAA folder and within this folder create folder for the specific FOAA request. Also create a Slack Channel with notification to those who will be working on the request. The notification needs to specify the specific responsibilities of each staff member assigned to the request.

Special Assistant to PA

Letter Acknowledging Request

- Create template to be used for letter acknowledging request. Letter should:
i) Restate the language of the request in the acknowledgment to confirm scope and content.
ii) If necessary, communicate with requester to narrow a broad request.
iii) Send letter by certified mail. (This is not required by law but office experience has been that it is a good idea.) Public Service Manager / PA

Estimate

- Provide an estimate of time within which the agency will comply with request as well as a cost estimate within a reasonable amount of time of receiving the request. [§ 408-A(3)] (This does not need to be in the letter acknowledging receipt but should be provided soon after. If we have estimates when we send the letter acknowledging receipt provide the estimates in the letter acknowledging receipt) At the same time seek confirmation from requester before proceeding with response for estimate greater than \$30. (see below time & expense).
 - i) FOAA requires a reasonable time frame for providing records. [§ 408-A]
 - ii) Review and respond to any fee waiver request.

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Notice of denial

- Provide written notice to requester within 5 working days of receipt of the request if denying access to any public records. State the legal basis for the denial. [§ 408-A(4)]
- If the identification of confidential records requires more time, provide an initial written notice within 5 working days of receipt of the request explaining that access to some public records may be denied after the review is complete. This notice may be combined with acknowledgement of receipt.
- A supplemental denial or further explanation of the grounds for the denial may be provided depending on the circumstances.

Public Service Manager / PA

Search

- ***Due diligence: Can you demonstrate that you conducted a search reasonably calculated to uncover all relevant documents?***
 - i) Those assigned to the FOAA should identify who may have responsive records.
 - ii) Identify repositories:

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- a) Email regardless of source or location
- b) Local repositories (“My Documents” and other local collections)
- c) Shared (non-custodian-based) repositories
- d) Hardcopy documents
- e) Slack
- Scope of the search: Develop a set of relevant filter criteria such as a keyword list, date range and file types.

Confidentiality review

- Determine if any public records requested are confidential, privileged or otherwise protected from disclosure. [§ 402(3), 408-A]
 - i) Redact confidential or privileged material where reasonably possible rather than withholding entire public record.
- If access is denied in whole or in part, provide written notice of denial and state reason for denial. [§ 408-A(4)]
- Depending on the circumstances, including the types and numbers of records requested, written notice may take the form of a letter summarizing the reasons for denial of access or of a more formal privilege log.

Staff member

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Public Service Manager / Staff member

Provide access

Schedule time to inspect records; provide paper copies; or provide access to an electronically stored record as either a printed document or in the medium it is stored at the discretion of the requester. [§ 408-A(5) &(7)]

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Time and expense

- Track staff time, actual costs and copying fees.
- The invoice will account for the recorded costs and any fee waiver that has been granted.
- Fees:
 - i. Reasonable copying fee [§ 408-A(8)(A)] OPA cost is: 10¢ per page.

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- ii. Actual cost of searching, retrieving & compiling (compiling includes reviewing & redacting confidential information) of \$15/hour after the first hour of staff time. [§ 408-A(8)(B)]
 - iii. Determine actual cost to convert into form susceptible of visual or aural comprehension or into usable format. [§ 408-A(7)(A) & (8)(C)]
 - iv. Actual mailing costs. [§ 408-A(8)(E)]
- No charge for inspection unless public record cannot be inspected without being compiled or converted. [§ 408-A(1) & (8)(D)]
- Fee notification if cost is greater than \$30.
 - i. If estimated total cost is greater than \$30, you must inform requester (preferably in writing) before proceeding. [§ 408-A(9)]
- Fee notification if cost is greater than \$100.
 - i. If estimated total cost is greater than \$100, requester may be required to pay all or portion of estimated costs before search, retrieval, compiling, conversion & copying. Public Service Manager
 - ii. Payment in advance of search, retrieval, compiling, conversion & copying may be required if requester has previously failed to pay properly assessed fee in timely manner. [§ 408-A(9) & (10)] Public Service Manager
- Part or all of the fee may be waived if:
 - i. Requester is indigent, or
 - ii. The agency determines release of public record requested to be in public interest because doing so is likely to contribute significantly to public understanding of operations or activities of government and is not primarily in commercial interest of requester.

Scan a copy of the FOAA packet and save to the G Drive and appropriate slack channel, send material, letter and invoice if fee not waived to requestor by certified mail. Also with a call to the requester

notifying them that the material has been sent.

Close the FOAA request. Archive G Drive folder and slack channel.

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