

## **Public Information Act Policy**

### **PUBLIC INFORMATION REQUESTS**

In an attempt to standardize the treatment of all citizens requesting information, the following policy and procedures will be utilized by the Town Staff.

Under the Public Information Act, citizens may avail themselves of the public record. Personnel files, Client-Attorney information, Staff Agenda Comments and Closed Meeting files are not public record. If there is any doubt as to whether a document is public, the Town Attorney must be consulted immediately.

In order to insure that the staff is not accused of showing bias, all requests for information must be in writing or by email to the Town Clerk.

Upon receipt of the Public Information Request, the Clerk shall determine if it will require more than ten working days to produce the public record. If the Clerk reasonably believes so, the Clerk shall within 10 working days of receipt of the request indicate in writing or by electronic mail 1) the amount of time that the custodian estimates it will take to produce the public record, 2) an estimate of the range of fees that may be charges, and 3) the reason for the delay. Specific files or documents should be provided as soon as possible and the Town Clerk should keep a record of the document requested, provided and copied. If a file is being produced for examination, the Town Clerk should not leave documents that are being inspected unattended. Original documents are not to leave the premises. Photocopies can be made at the set cost per page. Use of digital responses is encouraged to deliver information when at all practical. See the paragraph below labelled "COSTS"

The Public Information Act requires the Town to produce public documents in its possession. Hence, staff members are not to discuss Town policy or events and/or departmental issues with persons requesting information. All such inquiries must be referred to the Town Administrator and be in writing.

The Response of the Town to Requests should be forwarded to the Requestor as soon as possible and except in unusual circumstances, within thirty days of receipt of the request. If the applicant provides consent, the length of time may be extended by an additional 30 days. If an applicant requests relief from State Public Information Act Compliance Board, the Town's time for the response to the request is extended until the final decision is reached on the complaint

Persons who request Town Meeting Agendas and specifically related materials, may pick-up, and view on line, a copy of such three days prior to Council meetings, provided the

material has been made available to the Mayor and Town Council. The Town Administrator's Agenda Comments and all other confidential material will be excluded.

**COSTS.** If more than two hours of staff time is required to gather and copy requested information, the Town may charge a reasonable administrative charge for the additional hours. The Town Attorney should be consulted for legal advice. The costs shall include mailing costs for large requests as appropriate, as well as staff time prorated for each individual employee's or agent's salary and actual time attributable to the search for and preparation of the records in question. While the Town is allowed to charge for the Attorney's time as well, the Town policy is not to charge for attorney time either for routine requests or unless more than 30 minutes of Attorney time is required for the request.

**WAIVER OF COSTS.** If an applicant requests a waiver of fees, the Town Administrator may waive the fees if the applicant avers by affidavit that he or she is indigent (having an income of less than 50% of the median family income for the State as reported by the Federal Register), or if, after consideration of the ability to pay the fee, and other relevant factors, the Town Administrator determines it would be in the public interest.

The Public Information Act Compliance Board can hear claims brought by the public alleging unreasonably high fees if the cost exceeds \$350.

In the event that a requestor expresses concern about the costs articulated or the timing, the Clerk shall make an effort to discuss the issue with the requestor, after notifying the Town Administrator. Otherwise the State appointed Public access ombudsman will be available to members of the public as well as to local governments for compliance issues and questions arising from PIA requests.

If there is a denial of any information, the Town must notify the party within 10 days ordinarily by letter from the Town Attorney. Any denial shall contain 1) the reason for the denial, 2) the legal authority for the denial, 3) a brief description of the undisclosed record sufficient to enable the applicant to assess the applicability for the denial, and notice of the remedies available for review of the denial.