



# Public Officials/Staff and Public Records

You are now a part  
of Maine's history!!

# Freedom of Access Act (FOAA)

Maine's Freedom of Access Act (FOAA) requires that State agencies make available to the public or media any government records that are requested, unless specifically exempted by the Statute due to privacy concerns.

See: [www.maine.gov/foaa/](http://www.maine.gov/foaa/).

# Freedom of Access Act (FOAA)

It is important for FOAA responses that Public Officials and Staff are retaining records (including e-mail) properly, according to the established records schedules. If Officials and Staff are prematurely deleting records/ e-mails, then this practice prevents fulfilling the legal requirements of FOAA. For government transparency (and to meet the FOAA law), records must first be preserved before they can be released to the public or media.

This online introduction explains:



- Who is responsible for public records.
- The importance of records and records management.
- The legal requirements for public records in the State of Maine.

# YOU represent the citizens...

- County Officials (*Clerks, Auditor, Assessor, Sheriff and Treasurer*)
- City Officials (*Mayor, Council Member, and various commissions*)
- Judges and special district positions
- Legislative representatives (*House and Senate*)
- Appointed positions (*Directors and other public officials*)



# Did you know?



**Effective in 1973**, the Legislature declared that it is the policy of the State to make the operations of State Government and local government more efficient, more effective and more economical through records management; and, to the end that the people may derive maximum benefit from a knowledge of state affairs, preserve its records of permanent value for study and research.

# What is a record?

- Books, papers, photographs, maps or other documentation regardless of their physical forms or characteristics (including digital records such as e-mail messages and attachments – no matter how technology may change or advance)
- Made or received in connection with the transaction of official government business
- Maintained because they serve as evidence of the agency's functions, policies, decision, procedures, operations and other activities; or because of their informational value

# What is Records Management ?

- Knowing **what** to keep
- Knowing **how** long to keep it
- Knowing **when** to legally dispose of it

For **government agencies** in the state of **Maine**, records management consist of:

- Keeping public records for the minimum required period of time as outlined in the approved records retention schedules.
  - State Agencies: [www.maine.gov/sos/arc/records/state/](http://www.maine.gov/sos/arc/records/state/)
  - Local Government: [www.maine.gov/sos/arc/records/local/](http://www.maine.gov/sos/arc/records/local/)
- Once the retention period has been met, either destroy the record or transfer records to the Archives as outlined in the approved records retention schedules.

# Why manage records?

- 1) Enables the agency to fulfill its mission effectively and saves money.
  - Timely access to accurate information is critical to an agency's ability to fulfill its mission.
  - Supports the core functions of agency business.

# Why manage records?

2) Promotes open and accountable government.

- Being organized
- Records are available and accessible
- Avoid lawsuits by readily producing requested records
- Avoid fine/penalties due to inability to produce requested records

# Why manage records?

3) Active retention and disposition reduces volume and overhead costs.

- Save on storage costs
- Save on IT costs



# What should I be keeping?

A record provides **evidence** that supports the actions and decisions made during the conduct of government business.



# What should I be keeping?

- Only those records that have retention schedules and document the conduct of business need to be kept, such as:
  - Policies, decisions, contracts, meeting minutes and resolutions
  - Protection of citizen rights – legal, fiscal, proof of ownership or authority
  - Agency-provided advice or solicitations of public input or comment

# What should I be keeping?

- Messages of cookies in the break room, potlucks, retirement parties, other social announcements are examples of records with **no retention value**.
  - These records can be destroyed when they are no longer needed

# How do I know what to keep and for how long?

Consult with the Records Officer in your agency to find out what your record retention schedules are:

([www.maine.gov/sos/arc/records/state/recordsofficers.html](http://www.maine.gov/sos/arc/records/state/recordsofficers.html))

Record retention schedules tell you:

- How to identify a record
- How long you need to keep it
- The disposition action to take once the record has met the retention period

# Records Management Staff

**Tammy Marks**

Director

287-5799

[tammy.marks@maine.gov](mailto:tammy.marks@maine.gov)

**Felicia Kennedy**

Management Analyst (*creating/amending schedules*)

287-5798

[felicia.kennedy@maine.gov](mailto:felicia.kennedy@maine.gov)

**Robert Caron**

Records Center Supervisor (*record retrieval, packing boxes for shipping, filling out forms*)

287-5792

[robert.caron@maine.gov](mailto:robert.caron@maine.gov)

**William Towne**

Records Center Assistant (*record retrieval, packing boxes for shipping, filling out forms*)

287-3627

[william.a.towne@maine.gov](mailto:william.a.towne@maine.gov)