May 22, 2020

SEN VIA E-MAIL

RE: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408

Dear Mr. Wells:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408.

Please be advised that, under § 402(3) of the Freedom of Access Act, the term “public record” is broadly defined as including:

any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, ...and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business....

It should be noted that the term “public record” includes, but is not limited to, electronic data stored on computers and electronic communications such as e-mail. Information “received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business...” includes, but is not limited to, information stored on the home computers of government officials and employees.

I am making this formal request for the disclosure of public records. This request is limited to public records created after 1 March 2020.

Specifically, I request disclosure of the following public records:

The daily tally of positive and presumed positive Covid-19 cases reported at the municipal level from the day of the first confirmed case reported to Maine CDC to the present. We also request each day’s new data to be sent on a daily basis every day until the end of the ongoing Covid-19 pandemic. And also:

The daily tally of positive and presumed positive Covid-19 cases reported at the zip code level from the day of the first confirmed case reported to Maine CDC to the present. We also request each day’s new data to be sent on a daily basis every day until the end of the ongoing Covid-19 pandemic.
Under the Maine’s Freedom of Access Act, you have five (5) working days to respond to this request. The requested records are not exempt from disclosure. If you deny all or any part of this request, please cite each specific applicable FOAA exemption and notify us of appeal procedures available under the law.

The requester is entitled to waiver of any fees under 1 M.R.S.A. §408(6)(B), as release of the records requested is in the public interest because they are likely to contribute significantly to public understanding of the operations or activities of government and are not primarily in the commercial interest of the requester. To the extent that fee-waiver is not granted, please notify the requester if the costs for retrieval, compiling and copying will be more than $75.00.

For public records stored on computer, please verify that records have not been deleted by confirming the results of searches against the computer back-up system currently in use. In addition, please be advised that destruction of public records contrary to the retention rules promulgated by the Maine State Archivist's Office is a Class E crime.

Thank you for your anticipated cooperation. I look forward to hearing from you as soon as possible.

Sincerely,

Justin Silverman
Executive Director

justin@nefac.org