

RIGHT TO KNOW ADVISORY COMMITTEE LEGISLATIVE SUBCOMMITTEE

DRAFT AGENDA
September 9, 2013
10:00 a.m.
Room 438, State House, Augusta

Convene

1. Welcome and Introductions
Judy Meyer, Chair
2. Review Subcommittee tasks
 1. Issues raised in LD 258, An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Meetings of Public Bodies;
 2. Issues raised by enacted amendments to FOAA & Ombudsman laws:
 - LD 104, An Act to Amend the Laws Governing Public Records (PL 2013, c. 339);
 - LD 1216, An Act to Amend the Freedom of Access Act (PL 2013, c. 350); and
 - LD 1511, An Act Regarding Coordinated Access to Public Records of State Agencies (PL 2013, c. 229);
 3. Encryption of emergency communications – see letter from Maine Criminal Justice Academy;
 4. AFA Committee Meetings---party caucuses during budget discussions?
 5. Whether government records containing “personal information” that is protected under 10 MRSA Chapter 210-B, Notice of Risk to Personal Data, also ought to be protected from public disclosure;
 6. Whether the Maine Revised Statutes also ought to be reviewed at regular intervals to determine whether currently publicly accessible records ought to instead be protected from public disclosure due to personal privacy-related concerns;
 7. In light of the United States Supreme Court’s recent decision in *McBurney v. Young*, 569 U.S. ____ (2013), whether the FOAA ought to be clarified to state that it is available for use by Maine citizens/residents as a means to access Maine, county and municipal government records and proceedings;
 8. As a matter of clarification of policy, whether the exceptions listed in the definition of “public records” are intended to be permissive or mandatory;
 9. Whether the law needs to be made clearer that public employees’ date of birth information is not subject to public disclosure;
 10. Whether a formal, standardized policy ought to be developed governing the storage, retention, and disposition of government emails;
 11. Whether government records containing personal information about private citizens ought to be generally protected from public disclosure; (overlapping issue with Bulk Records Subcommittee); and
 12. Issues raised by LD 549 as amended, An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age (carried over)
3. Other?

Next scheduled Legislative Subcommittee meeting: Thursday, October 3, 2013, 10:00 a.m.

Adjourn

RIGHT TO KNOW ADVISORY COMMITTEE
Bulk Records Subcommittee

AGENDA
September 10, 2013
10:00 a.m.
Room 438, State House, Augusta

Convene

1. Subcommittee name change
2. Topics of discussion

Technical Public Policy Issues:

- a. Whether the payment in advance threshold of 1 MRSA § 408-A(10) ought to be lowered, at least in some cases;
- b. As a matter of transparency, whether persons making FOA requests should be able to do so anonymously;
- c. Whether the FOAA ought to be able to be used as an additional tool of discovery when a formal adjudicatory proceedings is already pending;
- d. Whether the FOAA ought to focus solely on the public accessibility of records, and not on the public accessibility of information;

Practical Public Policy Issues:

- e. “Abuse” of the Freedom of Access Act (FOAA);
- f. Whether restrictions should be placed on requesters;
- g. The unintended, adverse impacts of the FOAA (for example, on the preservation of historical information and on the efficiency of communications in government);
- h. Whether FOAA requests made for commercial purposes ought to be subject to the fee restrictions of 1 MRSA § 408-A(8).

Privacy of Citizens’ Personal Information Included in Public Records
(overlapping issue with the Legislative Subcommittee):

- i. Whether government records containing personal information about private citizens ought to be generally protected from public disclosure
3. Next steps
 2. Scheduling future subcommittee meetings
 3. Other

Adjourn

**RIGHT TO KNOW ADVISORY COMMITTEE
PUBLIC RECORDS EXCEPTIONS SUBCOMMITTEE**

DRAFT AGENDA
September 11, 2013
2:00 p.m.
Room 438, State House, Augusta

Convene

1. Welcome and Introductions
Suzanne Goucher, Chair

2. Review of Existing Exceptions Remaining from 126th Legislature
 - A. Title 22, section 8754, reporting of sentinel events *{chart: 3}*

 - B. Exceptions Included in LD 420, An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions:
 - Title 22, sections 1696-D and 1696-F, related to the Community Right-to-Know Act *{chart: 1, 2}*
 - Title 26, section 3, relating to information, reports and records of the Director of Labor Standards within the Department of Labor *{chart: 4}*
 - Title 26, section 934, relating to report of the State Board of Arbitration and Conciliation in labor dispute *{chart: 5}*
 - Title 29-A, section 152, subsection 3, relating to the Secretary of State's data processing information files concerning motor vehicles *{chart: 7}*
 - Title 29-A, section 257, relating to the Secretary of State's motor vehicle information technology system *{chart:8}*
 - Title 29-A, section 517, subsection 4, relating to motor vehicle records concerning unmarked law enforcement vehicles *{chart: 9}*
 - Title 38, section 585-B, subsection 6, paragraph C, relating to mercury reduction plans for air emission source emitting mercury *{chart: 28}*
 - Title 38, section 585-C, subsection 2, relating to the hazardous air pollutant emissions inventory *{chart: 29}*

 - C. Exceptions Tabled by Subcommittee in 2012 in Titles 26 through 39-A *{chart: 6, 10 through 27, 30 through 39}*

3. Other?

Adjourn

**RIGHT TO KNOW ADVISORY COMMITTEE
PUBLIC RECORDS EXCEPTIONS SUBCOMMITTEE**

DRAFT AGENDA
September 25, 2013
1:00 p.m.
Room 438, State House, Augusta

Convene

1. Welcome and Introductions
Suzanne Goucher, Chair
2. Exceptions Tabled at September 11th Meeting
 - Title 22, section 8754, related to reporting of sentinel events *{chart: 3}*
 - Title 22, sections 1696-D and 1696-F, related to the Community Right-to-Know Act *{chart 1, 2}*
 - Title 28, section 755, related to liquor licensees' business and financial records *{chart: 6}*
 - Title 34-A, section 5210, subsection 4, related to the State Parole Board report to the Governor *{chart 16}*
3. Review of Existing Exceptions in Titles 26 to 39-A *{chart 19 to 27, 30 to 39}*
4. Future Process for Review
 - Re-establish same process and timetable for review?
 - How to address "new" exceptions enacted since initial RTK AC review?
5. Other?

Adjourn

**RIGHT TO KNOW ADVISORY COMMITTEE
LEGISLATIVE SUBCOMMITTEE
AND
PUBLIC POLICY SUBCOMMITTEE**

DRAFT AGENDA
October 3, 2013
10:00 a.m.
Room 126, State House, Augusta

Convene

1. Welcome and Introductions
Judy Meyer and Chris Parr, Subcommittee Chairs
2. Public records versus public information
 - See 5 MRSA §200-I, sub-§2, ¶F (LD 1511, PL 2013, c. 229) – tracking “requests for information”
3. Compliance with new law (LD 1216, PL 2013, c. 350)
 - Deadlines to respond, failure to comply
 - Court case response deadlines
4. Should government records containing personal information about private citizens be generally protected from public disclosure (or protect just the personal information in public records)?
 - What is “personal information”?
 - Federal Privacy Act
 - Registers of Deeds
 - Public employees’ date of birth information (personnel records)
 - Email addresses (LD 104, PL 2013, c. 339)
5. “Abuse” of the Freedom of Access Act (FOAA);
 - Definition of “abuse”?
 - Should restrictions be placed on requesters?
 - Number
 - Scope or frequency
 - Who
 - Manner of request
 - Other remedies?
 - Should FOAA requests for commercial purposes be subject to the fee restrictions of 1 MRSA § 408-A, sub-§8
 - What is a “commercial purpose”?
6. Standard fees and fee schedules adopted by agencies?
7. Update on State e-mail management protocol
8. Other?
9. Schedule additional meetings

Adjourn

**RIGHT TO KNOW ADVISORY COMMITTEE
LEGISLATIVE SUBCOMMITTEE**

DRAFT AGENDA
October 3, 2013
9:00 a.m.
Room 126, State House, Augusta

Convene

1. Welcome and Introductions
Judy Meyer, Chair
2. Issues raised in LD 258, An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Meetings of Public Bodies;
3. Encryption of emergency communications
 - Summaries of 2012 Encryption Subcommittee meetings
 - Proposed legislation, allocated and unallocated
4. Other?
5. Schedule additional meetings

Note: The Legislative Subcommittee meets jointly with the Public Policy Committee on October 3, 2013 at 10:00 a.m.

Adjourn

**RIGHT TO KNOW ADVISORY COMMITTEE
PUBLIC RECORDS EXCEPTIONS SUBCOMMITTEE**

DRAFT AGENDA
November 4, 2013
1:00 p.m.
Room 438, State House, Augusta

Convene

1. Welcome and Introductions
Suzanne Goucher, Chair
2. Exceptions Tabled/Voted at September 25th Meeting Needing Further Review:
 - Title 22, section 8754, related to reporting of sentinel events *{chart: 3}*
 - Title 22, sections 1696-D and 1696-F, related to the Community Right-to-Know Act *{chart 1, 2}*
 - Title 28, section 755, related to liquor licensees' business and financial records *{chart: 6}*
 - Title 35-A, section 8703, subsection 5, related to telecommunications relay service communications *{chart 19}*
 - Title 37-B, section 708, subsection 3, related to documents collected or produced by the Homeland Security Advisory Council *{chart 24}*
 - Title 38, section 414, subsection 6, related to records and reports obtained by the Board of Environmental Protection *{chart 26}*
 - Title 38, section 470-D, related to individual water withdrawal reports *{chart 27}*
3. Review of Existing Exceptions in Titles 26 to 39-A *{chart 30 to 39}*
4. Future Process for Review
 - Re-establish same process and timetable for review?
 - How to address "new" exceptions enacted since initial RTK AC review?
5. Other?

Adjourn

**RIGHT TO KNOW ADVISORY COMMITTEE
LEGISLATIVE SUBCOMMITTEE
AND
PUBLIC POLICY SUBCOMMITTEE**

DRAFT AGENDA
November 12, 2013
10:00 a.m.
Room 438, State House, Augusta

Convene

1. Welcome and Introductions
Judy Meyer and Chris Parr, Subcommittees Chairs
2. *Discussion of LR 2490, which proposes to make confidential certain aquaculture and seafood processing information (Sponsor and constituent invited, not confirmed)*
3. Remote participation by members in public proceedings, LD 258
 - Other states' approaches
4. Proposed adjustments to new law (LD 1216, PL 2013, c. 350)
 - Deadlines to respond, failure to comply
 - Court case response deadlines
5. Solutions for curbing "abuse" of the Freedom of Access Act (FOAA);
 - Letter from Maine Water Utilities Association
 - Draft proposal
6. Draft legislation: redacting Social Security numbers from filings in the Registries of Deeds
7. Update on State e-mail management protocol
8. Can FOA requests be made anonymously? Does it matter if the request is in writing?
9. Should FOAA requests for commercial purposes be subject to the fee restrictions of 1 MRSA §408-A, sub-§8? What is a commercial purpose?
10. Review of standard fees and fee schedules adopted by agencies
11. Review of allocation of responsibilities between the Advisory Committee and the Ombudsman
12. State-level "privacy acts" - Should government records containing personal information about private citizens be generally protected from public disclosure (or protect just the personal information in public records)? How do other states address?
13. Additional issues, questions?
14. Schedule additional meetings

Adjourn