

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure Access to Public Information

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §1982, sub-§9, as enacted by PL 2005, c. 12, Pt. SS, §16, is amended to read:

9. Protection of information files. The Chief Information Officer shall develop rules regarding the safeguarding, maintenance and use of information files relating to data processing, subject to the approval of the commissioner. The office is responsible for the enforcement of those rules. ~~All~~ Although all data files are the property of the agency or agencies responsible for their collection and use, the office shall provide access to public records in compliance with the policy adopted under subsection 10.

Sec. 2. 5 MRSA §1982, sub-§10 is enacted to read:

10. Response to requests for public records. The office shall provide access to public records that exist in electronic format that are created, collected or used by any agency or agencies for which the office provides services. The Chief Information Officer shall adopt rules establishing a procedure to respond to requests for public records that exist in electronic format. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

Current law provides that data files of state agencies are the property of the agency or agencies responsible for their collection and use. The Office of Information Technology's current policy prohibits the office from providing access to other agencies' electronic records, but the office refers the requests to the appropriate agencies.

This bill amends the laws governing the Office of Information Technology to provide that the office must provide access to public records that exist in electronic format if the records requested are created, collected or used by an agency or agencies for which the office provides services. The bill requires the Chief Information Officer to adopt routine technical rules to carry out this change in law.