

§200-I. Public Access Division; Public Access Ombudsman

1. Public Access Division; Public Access Ombudsman. There is created within the Department of the Attorney General the Public Access Division to assist in compliance with the State's freedom of access laws, Title 1, chapter 13. The Attorney General shall appoint the Public Access Ombudsman, referred to in this section as "the ombudsman," to administer the division.

[PL 2007, c. 603, §1 (NEW).]

2. Duties. The ombudsman shall:

A. Prepare and make available interpretive and educational materials and programs concerning the State's freedom of access laws in cooperation with the Right To Know Advisory Committee established in Title 1, section 411; [PL 2007, c. 603, §1 (NEW).]

B. Respond to informal inquiries made by the public and public agencies and officials concerning the State's freedom of access laws; [PL 2007, c. 603, §1 (NEW).]

C. Respond to and work to resolve complaints made by the public and public agencies and officials concerning the State's freedom of access laws; [PL 2007, c. 603, §1 (NEW).]

D. Furnish, upon request, advisory opinions regarding the interpretation of and compliance with the State's freedom of access laws to any person or public agency or official in an expeditious manner. The ombudsman may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed under Title 1, chapter 13. Advisory opinions must be publicly available after distribution to the requestor and the parties involved; [PL 2013, c. 229, §1 (AMD).]

E. Make recommendations concerning ways to improve public access to public records and proceedings; and [PL 2013, c. 229, §1 (AMD).]

F. Coordinate with the state agency public access officers the compilation of data through the development of a uniform log to facilitate record keeping and annual reporting of the number of requests for information, the average response time and the costs of processing requests. [PL 2013, c. 229, §2 (NEW).]

[PL 2013, c. 229, §§1, 2 (AMD).]

3. Assistance. The ombudsman may request from any public agency or official such assistance, services and information as will enable the ombudsman to effectively carry out the responsibilities of this section.

[PL 2007, c. 603, §1 (NEW).]

4. Confidentiality. The ombudsman may access records that a public agency or official believes are confidential in order to make a recommendation concerning whether the public agency or official may release the records to the public. The ombudsman's recommendation is not binding on the public agency or official. The ombudsman shall maintain the confidentiality of records and information provided to the ombudsman by a public agency or official under this subsection and shall return the records to the public agency or official when the ombudsman's review is complete.

[PL 2007, c. 603, §1 (NEW).]

5. Report. The ombudsman shall submit a report not later than January 15th of each year to the Legislature and the Right To Know Advisory Committee established in Title 1, section 411 concerning the activities of the ombudsman for the previous year. The report must include:

A. The total number of inquiries and complaints received; [PL 2007, c. 603, §1 (NEW).]

B. The number of inquiries and complaints received respectively from the public, the media and public agencies or officials; [PL 2007, c. 603, §1 (NEW).]

C. The number of complaints received concerning respectively public records and public meetings; [PL 2007, c. 603, §1 (NEW).]

D. The number of complaints received concerning respectively:

- (1) State agencies;
- (2) County agencies;
- (3) Regional agencies;
- (4) Municipal agencies;
- (5) School administrative units; and
- (6) Other public entities; [PL 2007, c. 603, §1 (NEW).]

E. The number of inquiries and complaints that were resolved; [PL 2007, c. 603, §1 (NEW).]

F. The total number of written advisory opinions issued and pending; and [PL 2007, c. 603, §1 (NEW).]

G. Recommendations concerning ways to improve public access to public records and proceedings. [PL 2007, c. 603, §1 (NEW).]

[PL 2015, c. 250, Pt. B, §1 (AMD).]

6. Repeal.

[PL 2009, c. 240, §7 (RP).]

SECTION HISTORY

PL 2007, c. 603, §1 (NEW). PL 2009, c. 240, §7 (AMD). PL 2013, c. 229, §§1, 2 (AMD). PL 2015, c. 250, Pt. B, §1 (AMD).

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