

New England First Amendment Coalition

Phone 508.983.6006 Fax 617.860.2559 Web nefac.org
Twitter @FiveFreedoms Mailing Address 111 Milk Street, Westborough MA 01581

EXECUTIVE DIRECTOR
Justin Silverman, Esq.

EXECUTIVE COMMITTEE
Karen Bordeleau
NEFAC President
The Providence Journal (formerly)
Michael Donoghue
First Vice President
Vermont Press Association
Robert A. Bertsche, Esq.
Second Vice President
Prince Lobel Tye, LLP (Mass.)
Lynne DeLucia
Fundraising Chairwoman
Connecticut Health I-Team
David Rosen
Communications Chairman
David Rosen Communications (Mass.)
Gregory V. Sullivan, Esq.
Clerk
Malloy & Sullivan (Mass.)

DIRECTORS
Jonathan M. Albano, Esq.
Morgan, Lewis & Bockius LLP (Mass.)
Dan Barrett
ACLU of Connecticut
Peter Caruso, Sr., Esq.
Caruso & Caruso, LLP (Mass.)
Linda Conway
New England Newspaper & Press Assoc.
Lia Ernst
ACLU of Vermont
Edward Fitzpatrick
The Boston Globe
Richard Gagliuso, Esq.
Bernstein Shur (N.H.)
George Geers
Academy of New England Journalists
Christopher Hamblett
Barrington, R.I.
Amanda Milkovits
The Boston Globe
Maggie Mulvihill
Boston University
Jennifer Peter
The Boston Globe
Elizabeth Ritvo, Esq.
Brown Rudnick, LLP (Mass.)
Walter V. Robinson
The Boston Globe
Barbara T. Roessner
Hearst Connecticut (formerly)
Sigmund D. Schutz, Esq.
Preti Flaherty (Maine)
Todd Smith
Caledonian Record (Vt.)
Mike Stanton
University of Connecticut
Emily Sweeney
The Boston Globe
Tim White
WPRI-TV Providence
Janet Wu
WCVB-TV Boston

*Affiliations appear for
identification purposes only.*

Kevin Wells
Designated FOIA Contact
Maine Center for Disease Control and Prevention
11 State House Station
Augusta, ME 04333
kevin.wells@maine.gov

May 22, 2020

SENT 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.

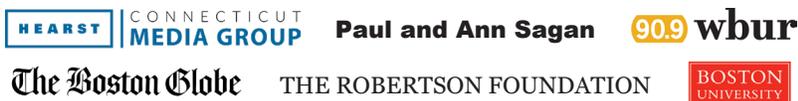
I am making this formal request for the disclosure of public records. This request is limited to public records created after 1 March 2020.

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.

MAJOR SUPPORTERS INCLUDE



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,

A handwritten signature in black ink, appearing to read 'Justin Silverman', with a long horizontal stroke extending to the right.

Justin Silverman
Executive Director

justin@nefac.org



New England
First Amendment Coalition