

Tammy Hodgman

From: Tammy Hodgman
Sent: Wednesday, February 5, 2025 2:40 PM
To: Michelle England
Subject: RE: SmartProcure Public Records Request to Town Of Windham For PO/Vendor Information

Hi Michelle,

Though I did provide the records you requested recently, I gave you the benefit of the doubt until our attorneys could provide guidance. Their advice is included below.

In this instance, we would assume that the raw data is indeed stored somewhere within the Town's software; however, it appears that the specific report being requested does not exist as a pre-existing document. The requester is asking the Town to generate a new report by running the software—essentially asking for the creation of a compilation of data that is not otherwise available. FOAA does not require the Town to do this.

Importantly, FOAA explicitly provides that the Town "shall provide access to an electronically stored public record in the medium in which the record is stored." The data in question is stored as raw information, not in the form/medium of a pre-generated report. As such, the Town is not required to create or reformat the data into a new report. Maine law does provide that if information does not exist in the form requested, but the information is contained in other records, the person requesting it must be so informed and invited to inspect and copy it in the form available. Our advice would be to inform the requester that the request is exempt under 1 M.R.S. § 408-A(6) because fulfilling it would require the creation of a record that does not currently exist (a specific report).

Please note that future requests will not be fulfilled by a query of raw data from our software.

Thank you,

Tammy Hodgman

Executive Assistant and Website Coordinator | tahodgman@windhammaine.us

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | www.windhammaine.us

Ph. 207.892.1907 | Fax 207.892-1910

PUBLIC HOURS: Monday 7:00-5:00 Tuesday 7:00-6:00 Wednesday 7:00-5:00 Thursday 7:00-4:00

NOTICE: Under Maine's Freedom of Access ("Right to Know") law, documents – including emails – in the possession of public officials about town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.

From: Michelle England <mengland@smartprocure.com>

Sent: Friday, January 24, 2025 10:22 AM

To: Tammy Hodgman <tahodgman@windhammaine.us>

Subject: Re: SmartProcure Public Records Request to Town Of Windham For PO/Vendor Information

Warning: Unusual sender <mengland@smartprocure.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Good morning Tammy,

Can you please provide me with an update? Should you have any questions or concerns please reach out. Have a great day!

Michelle England

Data Acquisition Specialist



Direct: [561-609-6855](tel:561-609-6855) | Support: [954-420-9900](tel:954-420-9900)

Email: mengland@smartprocure.com

On Tue, Jan 14, 2025 at 1:03 PM Michelle England <mengland@smartprocure.com> wrote:

Good morning Tammy,

Thank you for your response. I understand an agency or official is not required to create a record if it does not exist per your FOAA laws.

Based on the previous records received, electronically stored records from the agency exist, therefore "shall provide access to an electronically stored public record in the medium in which the record is stored, at the requester's option.

The report provided seems to be a canned report within your software. Can you confirm the name of your software?

Should you have any questions or concerns please reach out.

Have a great day!

Michelle England

Data Acquisition Specialist



Direct: [561-609-6855](tel:561-609-6855) | Support: [954-420-9900](tel:954-420-9900)

Email: mengland@smartprocure.com

On Mon, Jan 13, 2025 at 8:41 AM Tammy Hodgman <tahodgman@windhammaine.us> wrote:

Good morning,

This email serves as acknowledgment and response to your request. The report requested is not a report that we create as part of our normal course of business. It does not exist. Per 1 M.R.S. § 408-A(6) we are not required to prepare reports, summaries, or compilations not in existence on the date of your request.

Thank you,

Tammy Hodgman

Executive Assistant and Website Coordinator | tahodgman@windhammaine.us

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-----Original Message-----

From: Michelle England <mengland@smartprocure.com>

Sent: Saturday, January 11, 2025 9:02 AM

To: Tammy Hodgman <tahodgman@windhammaine.us>

Subject: SmartProcure Public Records Request to Town Of Windham For PO/Vendor Information

Warning: Unusual sender <mengland@smartprocure.com>

You don't usually receive emails from this address.

Make sure you trust this sender before taking any actions.

Dear Tammy Hodgman or Custodian of Public Records,

SmartProcure is submitting a public records request to the Town Of Windham for any and all purchasing records from 9/26/2024 to current. The request is limited to readily available records without physically copying, scanning, or printing paper documents. Any editable electronic document is acceptable.

The specific information requested from your record-keeping system is:

1. Purchase order number. If purchase orders are not used a comparable substitute is acceptable, i.e., invoice, encumbrance, or check number 2. Purchase date 3. Line item details (Detailed description of the purchase) 4. Line item quantity 5. Line item price 6. Vendor ID number, name, address, contact

person and their email address

If you would like to let me know what type of financial software you use, I may have report samples that help to determine how, or if, you are able to respond.

As an added security and privacy measure, there will be a unique upload link for any new requests moving forward, including this one. We appreciate your assistance towards this request. You may also attach the information to this email.

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fupload.smartprocure.com%2f%3fid%3dc2RqPWEyYlZQMDAwMDAwTFY2QVlBVyZzdD1NRSZvcmc9VG93bk9mV2luZGhhbSZvaWQ9MTEwNzA%253D&c=E,1,ZHM6QblISKlbw3R7Esdqog_b-ndu1gjlRydpq5qtRdX_gJrKv-0bUTdUCQOOcS_8ZCWzGdcFcOLn-QFnK7xCr8GjygeknFszRU_BGEPKnUFLQ,,&typo=1

If this request was misrouted, please forward it to the correct contact person and reply to this communication with the appropriate contact information.

If you have any questions, please feel free to respond to this email, or I can be reached at the phone number below in my signature.

Regards,

Michelle England
Data Acquisition Specialist
SmartProcure
Direct: (561) 609-6019
Email: mengland@smartprocure.com