



AMERICAN CIVIL LIBERTIES UNION

Maine

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VIA EMAIL

Emily Carrington, City Clerk
City of Auburn
60 Court Street
Auburn, ME 04210
ecarrington@auburnmaine.gov

November 7, 2025

**Re: Request for Inspection and Copying of Public Records Pursuant to the
Maine Freedom of Access Act, 1 M.R.S. § 408-A**

Dear Ms. Carrington:

This is a request for inspection and copying of public records under 1 M.R.S. § 408-A, submitted by the American Civil Liberties Union of Maine (“ACLU of Maine”). I am an attorney with the American Civil Liberties Union Foundation, which represents the ACLU of Maine in this request.

It is our understanding that the City of Auburn is operating Flock Camera Systems. Flock Camera Systems and products are manufactured and operated by Flock Group Inc., doing business as Flock Safety (“Flock”).¹ These cameras and their data are controlled by Flock—but as recently as August 2025, federal agencies were able to avoid compliance with local laws while accessing data through Flock systems.² The Flock Camera Systems Transparency Portal states that Auburn uses nine license plate readers, has an “acceptable use policy,” and that Auburn shares its Flock-obtained data with other law enforcement agencies, among other details.³

To increase public understanding regarding the current agreement between the City of Auburn and Flock, the potential costs associated with that agreement; and who is authorized to access the City of Auburn’s Flock Camera System and any data collected by that system, we request the following public records:

- (1) Any agreement between the City of Auburn and Flock;
- (2) All documents related to any agreement produced in response to Request 1, including but not limited to: the City of Auburn’s internal communications regarding any agreement

¹ Flock Safety Legal Agreements and Policies, Trademark Notice, last accessed Nov. 6, 2025, available at <https://www.flocksafety.com/legal>.

² Flock Safety, Ensuring Local Compliance, Aug. 25, 2025, last accessed Nov. 6, 2025, available at <https://www.flocksafety.com/blog/ensuring-local-compliance>.

³ Auburn ME PD, Flock Transparency Portal, last accessed Nov. 6, 2025, available at <https://transparency.flocksafety.com/auburn-me-pd>.

and communications between any Auburn government employee or agent and any Flock employee or agent related to any agreement;

- (3) All communications between any Auburn government employee or agent and any Flock employee or agent related to authorized end users and terms of access to the data stored in the Flock Camera Systems;
- (4) All documents related to expenses incurred by the City of Auburn in pursuit of an agreement with Flock or the procurement of a Flock Safety product; and
- (5) All policies, procedures, or protocols governing the City of Auburn's use of information obtained from Flock Group Inc. or by a Flock product.

Maine's Freedom of Access Act (FOAA) must "be liberally construed and applied to promote its underlying purposes" of promoting openness and transparency in governance, and exceptions to the law are interpreted narrowly. 1 M.R.S. § 401. The law broadly defines the term "public records" to include:

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.

1 M.R.S. § 402(3).

The term "public records" includes, but is not limited to, electronic data stored on computers and electronic communications such as e-mails and text messages. 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, phones, and other devices of government officials and employees.

Under FOAA, you are required to acknowledge this request within five working days. You are further required, within a reasonable time, to provide an estimate of the time frame for your response. 1 M.R.S. § 408-A(3). Failure to comply in good faith with the requirements of FOAA can result in substantial penalties. *See, e.g., Human Rights Defense Center v. MCCA Risk Pool*, (Super. Ct. No. 21-131) (ordering government entity to pay over \$130,000 in attorneys' fees and costs based on its bad faith failure to comply with FOAA request for records); *see also* 2023 ME 56, 301 A.3d 782 (affirming trial court's decision finding that government entity acted in bad faith and that requester was therefore entitled to attorney's fees).

Any exceptions to the FOAA must be strictly construed and a governmental entity invoking a FOAA exception bears the burden to show just and proper cause. *MaineToday Media, Inc. v. State*, 2013 ME 100, ¶ 9, 82 A.3d 104. If a FOAA exception applies to only a portion of a requested record, you must produce the record with only that portion of the record redacted. *See*,

e.g., *Anctil v. Dep't of Corrections*, 2017 ME 233, ¶¶ 6, 23; *Doyle v. Town of Falmouth*, 2014 ME 151, ¶ 9, 106 A.3d 1145.

If you deny all or any part of this request, please provide written notice of the denial and the asserted basis for that denial within five working days of the receipt of the request, as required by law. 1 M.R.S. § 408-A(4). Please cite each specific FOAA exemption that you assert as a basis for your denial. To the extent that you deny this request on the basis of 16 M.R.S. § 804, please indicate which subsection of the statute is applicable to the withheld records.

Under 1 M.R.S. § 408-A(11)(B), ACLU of Maine is entitled to a waiver of any fees because release of the requested records is in the public interest. Release of the requested records is “likely to contribute significantly to public understanding of the operations of activities of government and is not primarily in the commercial interest of the requester.” 1 M.R.S. § 408-A(11)(B). To the extent that a fee waiver is not granted, please provide the justification for that denial. If a fee will charged for any part of the request, please also provide a cost estimate within a reasonable time as required by law. *See* 1 M.R.S. § 408-A(3), (9).

If any records responsive to this request are stored electronically, please produce them in the medium in which they are stored. *See* 1 M.R.S. § 408-A(7).

Please provide the requested records and any required acknowledgments, written notices, or time or cost estimates to me by email at area@aclumaine.org. Please also cc Paralegal Emma Gerber on any such communications at egerber@aclumaine.org.

If the requested records cannot be provided by email, please mail them to:

Alicia Rea
ACLU of Maine
P.O. Box 7860
Portland, ME 04112

Thank you for your anticipated cooperation. We look forward to hearing from you as soon as possible and no later than five working days from your receipt of this request.

Respectfully,



Alicia Rea
Policy Fellow
ACLU of Maine Foundation
area@aclumaine.org
Counsel for ACLU of Maine