

**James H. Henderson
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Via E-Mail Only (lawcourt.clerk@courts.maine.gov)

December 15, 2017

Matthew Pollack, Executive Clerk
Maine Supreme Judicial Court
205 Newbury Street, Room 139
Portland, Maine 04101

Regarding the Recommendations Presented to the Court in the Report of the Task Force on Transparency and Privacy in Court Records

Dear Mr. Pollack:

I am concerned about the approach to transparency contained in the recommendations of the Task Force referred to above. Having served as State Archivist for more two decades (1987-2007), I am very worried about the precedent that distinguishes paper from electronic records as public records. The working principle in Maine has been that public records have equal status “regardless of media.”

Providing access to some only by visiting a facility does not protect privacy. It does discriminate against those of limited means to acquire information possibly useful to their interests, and enhances the interest of those with greater resources.

If state and local governments follow your reasoning, selection of records posted online will tend to be promotional of innocuous government activities, while records critical of performance will be relegated to less accessible paper formats, protecting not only privacy but embarrassment from incompetence or worse.

Please ask the Task Force to reconsider their recommendations.

As a member of the Maine Freedom of Information Coalition, I heartily endorse MFOIC’s comments on this matter. Thank you for this opportunity.

A handwritten signature in black ink that reads "J. H. Henderson". The signature is written in a cursive, flowing style.