

Date: 26 April 2022

Subject: FOAA Request – Responsive releasable data and closure

To: Todd Feathers (via Muck Rock)

This letter is in response to your request for records (letter) dated 03 February 2022 and received by the Maine Department of Labor (“Department”) on Friday, 11 February 2022, pursuant to the Freedom of Access Act (FOAA), 1 M.R.S. §§ 400 – 410.

You requested the following releasable responsive electronic data, for a date range (specified below). Releasable responsive data is attached. Amplifying Department comments are below:

- 1) Copies of all invoices submitted to the department by ID.me for identity verification services from the date the department's identity verification contract with ID.me began until the present. These invoices include the number of successful identity verifications completed by ID.me during the designated invoice period. However, If the Department separately maintains data on successful ID.me verifications during the duration of the contract I will accept the data in lieu of the invoices.

Department comment: The department response is in the form of a single cumulative report. Please see attached document.

- 2) Aggregate monthly data, from Jan. 1, 2019 until the date this request is processed, documenting the number of unemployment insurance applications received, approved, and denied. Please note, I am not asking for any personally identifiable information.

Department comment: No such public records exist with respect to approvals or denials of specific initial claims. The Department is not required to ‘create’ records / reports / data in response to a FOAA request; however, please reference the attached data on initial claims captured in a PDF document.

- 3) All department contracts, memorandums of understanding, statements of work, and contract performance evaluations regarding ID.me.

Department comment: The Department has provided the SHI agreement under which ID.me services are received. This is the only public record responsive to this request. SHI is the ‘value-added reseller’ with which the State of Maine has a master agreement to obtain services such as those of ID.me. The Arizona contract referenced in master agreement is also attached. These are the only documents responsive to this request.

To the extent the Department has public records responsive and releasable for your request, the Department has produced them. Please note, a state agency is not required to set aside its regular activities to respond to a FOAA request, nor is an agency required to create records that do not exist (1 M.R.S. §408-A sub-§5 and sub-§6). Records that are subject to a privilege, designated as confidential by statute, or otherwise exempt from the definition of “public records” are not subject to disclosure under FOAA.

Under FOAA, the Department is permitted to charge a fee to “cover the actual cost of searching for, retrieving and compiling the requested public record of not more than \$25 per hour after the first two hours of staff time per request” 1 M.R.S. § 408-A(8). This fee is waived.

This FOAA request is considered closed.
Thank you for your interest.

Sincerely,
Ken Boykin
Information Risk Manager and FOAA Officer
Office of the Commissioner
Maine Department of Labor
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