

RESPONSE TO PUBLIC RECORDS REQUESTS

POLICY

I. INTRODUCTION

As a public body, the Town is obligated to adhere to Mass General Law Chapter 66 Public Records. The purpose of this policy is to reiterate to the public and to Town Members of the Town's obligations and to suggest internal Town procedures to manage the workflow associated with requests.

Public records include paper documents and electronic records in the possession of any Town board, committee, commission or employee at the time of the request. Under Chapter 66, records are to be retained for periods defined by the Supervisor of Public Records. Unless specifically exempted, a record in the possession of the Town is presumed to be a record available for inspection by the public.

The Public Records Law defines the responsibilities of the Town when receiving and responding to requests. For example, the Town must respond to a records request within 10 days. That response may be the record which was requested, a request for clarification, a denial of the request or an estimate (if over \$10) to produce the records. The Town is obligated to redact information which is exempted by the Public Records Law or other statutes. The Town may charge for labor involved with searching, reproducing, redacting and re-filing records "at the pro-rated hourly rate of the lowest paid person capable of performing the task". The Town may also charge for electronic and paper copies according to a schedule in the Law. The Town is not obligated to create a record nor to respond to prospective requests.

The Law also recommends, but does not require, that records requests be made in writing in order to preserve a right of appeal. However, verbal requests must be honored.

A Guide to the Massachusetts Public Records Law is available through the Secretary of Commonwealth's office and at www.sec.state.ma.us.

II. **POLICY**

It is the policy of the Town to respond to public records requests in accordance with Chapter 66. The Town will strive to respond in a timely and efficient manner to requests, but makes no policy to respond other than as described in Chapter 66. The Town will exercise its rights under Chapter 66, including recovering its costs to produce records.

III. **PROCEDURES AND CONTROLS**

Any member of the Town is potentially a records custodian with obligations under Chapter 66. Any town member receiving a request must act upon it. If the receiver is not the records custodian, he or she is obligated to direct this request to the actual custodian.

It is recommended that public records requests to be submitted through the office of the Town Clerk. The Town Clerk shall keep a record of such requests, direct requests to records custodians as required and follow up to ensure appropriate response.

It is requested that the Clerk be notified of requests submitted directly to other records custodians. The Clerk shall record these requests, and assist custodians with Public Records Law advice as needed.

Records custodians are obligated to respond to public records requests.