



Public Records Law Policy

January 7, 2020

Basic Information

1. The Massachusetts Public Records law (Chapter 66) is strict about time limits: 10 business days for an initial response, 25 days for actual production of records, and, with the prior approval of the state Supervisor of Records, an additional 30 days “for good cause.”
2. Each town must designate a Records Access Officer (RAO) – in Royalston that RAO is the Royalston Town Clerk. Most requesters will use the identified phone number, mail address or e-mail address (records@royalston-ma.gov). Unless the response is very simple, the RAO will *not* accept telephone requests; callers will be told to come in person or send a written request.
3. Messages sent to “Records” will also be sent to the Royalston Administrative Assistant (AA), who acts as the RAO’s backup to cover for RAO absences from office. If necessary, the AA will handle the town’s response to requests for public documents.
4. The custodian of the records is the department head, employee or committee chair, each of whom should have a designated backup.

Public Records

1. Every record made or received by a government entity or employee is presumed to be a public record unless a specific statutory exemption permits or requires it to be withheld in whole or in part.
2. The more information departments and committees put on line, the easier the job of providing it will be. The law specifically favors being able to tell responders, “See our website.” If the requester does not have access to online resources, however, paper copies must be provided.
3. E-mail related to town business *is* subject to the Public Records Law. The personal notes of employees and committee members are *not* subject to the law.
4. *Every* committee must keep minutes of *every* meeting – ideally, they should be typed up and uploaded to My Town Government (MTG) after they have been approved. (The custodian of committee records can consult with the Town Clerk about how this done.)
5. Exhibits – letters, plans, other documents that are part of a committee’s official business – are also public records. A list of such exhibits should be included at the bottom of the minutes of the meeting at which they were used. Ideally, these too should be uploaded to MTG, but at minimum they must be kept safe, with the location known by more than one person.
6. It isn’t practical to upload oversize plans or drawings like those routinely provided to the Planning Board and the Building Inspector, but again, they must be kept safe, with the location known by more than one person.
7. Public records requests for committee information (minutes, committee documents, e-mail) will be forwarded by the RAO to the committee address. The chair will be the “first responder,” but each committee should designate a Backup #1 and Backup #2 in case the chair is not available.

Procedure

We stress the importance of departments and committees working cooperatively with the RAO. The law places enormous burdens on small towns, which depend on employees with limited hours and on volunteers who staff committees. Royalston can, however, be taken to court over failure to comply with the law. If the court rules for the complainant, Royalston will be liable for all court costs.

1. The RAO will forward any request to the custodian of the records and maintain a log of all requests.
2. The RAO will send an initial response letter – an acknowledgement of receipt of the request – within 10 business days.
3. If any employee or committee member receives a direct request, he or she should *immediately* forward it to the RAO, who will send the initial response. In the interest of meeting time deadlines, the employee or committee member should also immediately begin compiling the requested information.
4. The compiler of the requested records must first determine whether the request is for true public records or instead asks for exempt records or ones from which certain information that must be redacted before being released. Anyone with questions about exemptions should consult with the RAO.
5. If the request is anything but a very simple one, the records custodian will need to provide a written estimate of cost to the RAO – no more than \$25 per hour for time, 5 cents per page for regular copies, actual cost for oversize copies. The Select Board has voted to pay town employees for this extra work and to put fees from committees into a Public Records Account. The estimate should be provided *ASAP* – the clock starts with the receipt of the request.
6. Once the records are compiled, they should be forwarded to the RAO, who will send them to the requester. Compilers should complete the task as expeditiously as possible because the RAO works limited hours each week.
7. The requested records must be provided within 25 business days. If this is too little time, the records custodian must let the RAO know *ASAP* so he or she can request an additional 30 days.
8. If the records custodian is close to the 25-day deadline, he or she should send the response to the requester directly – but he or she must cc the RAO on that response– the town *must* maintain a record of this activity.