

Public Records Requests

Making a request for Public Records

The Massachusetts Public Records Law (Law), found under Chapter 66, Section 10 of the Massachusetts General Laws, applies to records made or received by a Massachusetts governmental entity. Unless the requested records fall under an exemption to the Law, the responsive documents must be made available to the requester. **A list of exemptions may be found under Chapter 4, Section 7(26) of the Massachusetts General Laws.**

On June 3, 2016, Governor Baker signed An Act to Improve Public Records into law. Provisions in the new law will take effect on January 1, 2017.

- <https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter121>
Under the new provisions, agencies and municipalities are required to designate 1 or more Records Access Officer (RAO). The RAO has a duty to:
 - Coordinate the agency's or municipality's response to requests for access to public records;
 - Assist individuals seeking public records in identifying the records requested;
 - Assist the custodian of records in preserving public records; and
 - Prepare guidelines that enable requestors to make informed requests.
- Electronic Records

The following RAO's are available to be contacted directly to assist the public with requests within their departments:

Fire Department, Chief Thomas Stark

tstark@shdistrict1.org

413-533-7112

Fire Prevention, Capt. Jason Houle

JHoule@shdistrict1.org

413-533-7112

Water Department, Jeffrey A. Cyr, Superintendent

jacyr@shdistrict1.org

413-533-4576

Primary RAO

Kari Scytkowski

KScytkowski@shdistrict1.org

413-538-9044 x 3

Electronic Records

As of January 1, 2017, the Records Access Officer (RAO) must provide public records to a requestor in an electronic format unless the record is not available in an electronic format or the requestor does not have the ability to receive or access the records in a useable electronic format.

Additionally, as of January 1, 2017, agency RAOs will be required to provide on a searchable website electronic copies of commonly requested records, including: final opinions, annual reports, minutes of open meetings and agency budgets. Municipal RAOs will also be required to post commonly requested records on their municipal websites, to the extent feasible.

Response Time

Beginning January 1, 2017, a RAO must permit inspection or furnish a copy of a requested public record within **10 business days** following receipt of the request. RAOs may petition the Supervisor of Records for an extension if they

are unable to grant access to the requested public records in this time period.

While requests for records may be made verbally, in person, it is preferable to make the request in writing to reduce confusion. A copy of the written request is required to file an appeal with the Supervisor of Records.

Fees

The Supervisor of Records' Public Access Regulations allowing records custodians to charge **5 cents** for black and white paper copies or computer printouts of public records for both single and double-sided sheets was codified and will remain effective with the new law.

Beginning January 1, 2017, if a response to a public records request requires **more than 2 hours** of employee time, a municipal RAO may assess a fee of the hourly rate of the lowest paid employee with the skills necessary to search for, compile, segregate, redact or reproduce a requested record. However, the fee shall not exceed \$25 an hour, unless **approved** by the **Supervisor of Records**. *Municipalities with populations of 20,000 people or fewer will be permitted to charge for the first 2 hours of employee time.*

Administrative Appeals

As of January 1, 2017, if an agency or municipality fails to comply with a requirement of the new law, the requestor may file an appeal with the Supervisor of Records who will then issue a determination on the public status of the records within 10 business days of receipt of the request for an appeal.

Attorney Fees

Under the new Public Records Law, if a requestor prevails in a court action against an agency or municipal RAO, the court may award the requestor attorney fees or costs.

Making a Public Records Request

Mail In:

Anyone may request records directly to the RAO. The Law does not

require any specific format for making a request, but using the form below will ensure that all information needed is submitted. You may print and mail the completed form to:

Fire District No.1 Clerk
144 Newton Street
South Hadley, MA 01075

If you do not receive a satisfactory response you may appeal to the Supervisor of Records. See *Appealing a Denial of Access to Public Records in Massachusetts* click on the link below for more information:

- <http://www.sec.state.ma.us/pre/preapp/appidx.htm>

For additional information about making a request or filing an appeal, see [950 CMR 32.08 \(2\)](#) by clicking on the link below:

- <http://www.sec.state.ma.us/pre/prepdf/950-CMR-32-00-2017-Edition-final.pdf>