



TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
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TOWN OF GRAFTON
Grafton, Massachusetts

ADMINISTRATIVE POLICY
PUBLIC RECORDS ACCESS POLICY

Policy Statement

It is the policy of the Town of Grafton, Massachusetts, to conform and comply with all laws and regulations regarding public records. Applicable laws and regulations include, but are not limited to, MGL Chapters 7 and 66 as amended by Chapter 121 of the Acts of 2016 and 950 CMR 32 as enacted by the Office of the Secretary of the Commonwealth.

Introduction

On June 2, 2016, Governor Baker signed into law a major revision of the Public Records Law, which takes effect on January 1, 2017. The Secretary of the Commonwealth issued final revisions of 950 CMR Section 32 et seq. on December 16, 2016.

The new law and proposed regulations make several important changes to how municipalities respond to public records requests. In brief, cities and towns now must (1) create and appoint a new municipal position or positions: Records Access Officer; (2) respond to public records requests within 10 (ten) business days; and (3) post on their websites public records guidelines and identify and provide contact information for all Records Access Officers.

Records Access Officers

Each city, town, and district must create and maintain a new position or positions: Records Access Officer (RAO). The new law states: "...Each agency and municipality shall designate 1 or more employees as records access officers. In a municipality, the municipal clerk or the clerk's designees, or any designee of a municipality that the chief executive officer of the municipality may appoint, shall serve as records access officers..."

The new law states that the RAO "...shall at reasonable times and without unreasonable delay permit inspection or furnish a copy of any public records...or any segregable portion of a public record, not later than 10 business days following the receipt of the request, provided that:

- i. The request reasonably describes the public record sought;
- ii. The public record is within the possession, custody or control of the agency or municipality that the records access officer serves; and
- iii. The records access officer receives payment of a reasonable fee..."

The Town of Grafton's Board of Selectmen appointed Town Clerk, Kandy Lavallee as the Records Access Officer (RAO).

Kandy Lavallee

Town Clerk
30 Providence Road
Grafton, MA 01519
Lavalleek@graffton-ma.gov
508-839-5335 x 1195

Procedure:

Requests for public records may be made orally in person or in writing via letter or by email. Requests for records that are made “over the counter” at Town offices may be made to and handled by the custodian of the requested records; provided, however, that if such a request will necessitate allocation of significant time or resources, the custodian of the requested records will inform the appropriate RAO who will provide such response as may be necessary or appropriate. Any person requesting public records may seek out and contact any Grafton Department Head or RAO for assistance in determining the appropriate custodian of records.

School related requests should be made to the Office of the Superintendent:

Dr. James Cummings
Superintendent of Public Schools
30 Providence Road
Grafton, MA 01519
cummingsj@graffton.k12.ma.us
508-839-5421 x1

Police related requests should be made directly to the Chief of Police:

Chief Normand Crepeau
Chief of Police
28 Providence Road
Grafton, MA 01519
chief@grafftonpolice.com
508-839-8517

All town and school staff should be familiar with the **exemptions** (see below) to the definition of “public records” contained in the Public Records Law.

Good Faith Customer Service:

In an effort to provide expeditious customer service, simple and reasonable records requests may be accessible at the department level upon request. If a Town Department receives a records request, the respective department shall make an effort to fulfill the request if it’s simple, reasonable and can be easily produced by the department as part of regular business work flow. If the request requires more than one-half hour of staff time to collect requested records, the department shall notify the Records Access Officer of such request for direction.

Fees:

The RAO may assess a reasonable fee for the production of a public record, except those records that are freely available for public inspection (see 950 CMR 32.08); and pursuant to MGL Chapter 66, Section 10(a)(iii), the RAO may require the payment of the reasonable fee prior to production of the requested records.

- Fees shall conform to the provisions of 950 CMR 32.08(2) or other applicable law, including that black and white copies and printouts shall be charged at \$.05/page, whether one or two-sided.

- The actual cost of producing a copy of a requested record shall be assessed for records not susceptible to ordinary means of reproduction.
- The Town of Grafton may assess fees for employee time required in connection with search, segregation, or copying of requested records (see MGL Chapter 66, Section 10(d)(iii)(B))
- If the request for public records requires employee time for search, segregation, or copying, including employees or necessary vendors, such as legal counsel, technology and payroll consultant or others as needed, such time shall be assessed as a fee to the requester based upon the prorated hourly rate of the lowest paid employee in that office capable of doing the work. Provided further, however, that if the work needed to reply to the request requires time for an employee compensated in excess of \$25/hour, the Town may petition the Massachusetts Supervisory of Records for permission to charge in excess of \$25/hour.

Records Retention:

The Town of Grafton and the School Department shall follow the Secretary of State's Municipal Records Retention Manual for guidelines to minimize records storage costs to the Town.

Helpful Resources:

Massachusetts Public Record Law: <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>

Public Records Law exemptions: <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>

Code of Massachusetts Regulation (CMR) 950 CMR 32 Office of the Secretary of the Commonwealth:
<http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/900-999cmr/950cmr.html>

Municipal Records Retention Manual:

http://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf