

NEW PUBLIC RECORDS LAW RESPONDING TO A PUBLIC RECORDS REQUEST: MUNICIPAL TIMELINE

Counting begins the business day* after receipt of request

<p>10 BUSINESS DAYS RESPONSE DUE</p> <p><i>NOTE: Failure to respond within 10 business days forfeits right to assess fees.</i></p>	<p>Last day to:</p> <ol style="list-style-type: none">1. Produce records; or2. Deny request in writing, citing with specificity application of exemptions; or3. Provide detailed written response stating exemptions, and/or need for additional time. <p>SEE OTHER SIDE FOR REQUIRED ELEMENTS OF WRITTEN DENIAL OR RESPONSE</p>
<p>20 BUSINESS DAYS</p> <p><i>NOTE: Consider filing petition in connection with response within 10 business days or well in advance of deadline.</i></p>	<p>Last day to petition State Supervisor of Records for:</p> <ol style="list-style-type: none">1. Extension of time;2. Charge for “employee time” at rate more than \$25.00/hr.;3. Charge for time spent segregating or redacting4. Relief from frivolous or harassing requests <p>Supervisor’s decision due within 5 days of receipt of petition.</p> <p>SEE OTHER SIDE FOR PETITION CRITERIA</p>
<p>25 BUSINESS DAYS</p>	<p>Last day to produce records absent Supervisor approved extension (unless requestor agrees to more time).</p>
<p>55 BUSINESS DAYS</p>	<p>Last day to produce records if Supervisor approves maximum extension.</p>

*The term “business day” excludes weekends, legal holidays and unexpected closure of custodian’s office.

Initial Written Response/Denial to Requestor - Required Elements (Within 10 Business Days)

1. Confirm receipt and date of request;
2. Identify requested records or categories of records not within possession or custody of RAO; identify agency, municipality, RAO or custodian with custody, if known;
3. Identify records that RAO intends to withhold and/or redact, *detailing with specificity* reasons therefor and asserting applicable exemptions;
4. Identify records produced or intended to be produced and, if necessary, a detailed statement describing why response time in excess of 10 business days is required;
5. Identify anticipated timeframe for production – cannot exceed 25 business days after receipt of request without extension – and provide detailed explanation of how request unduly burdens other responsibilities, including, magnitude or difficulty of request, size of office, office hours;
6. If more than 25 days response time is anticipated, notify requestor of possible/actual petition to Supervisor for extension of time and include request for requestor’s voluntary assent to additional time;
7. Suggest a modification of request if appropriate to reduce estimated response time and cost;
8. Itemized good faith estimate of fees; and
9. Statement of requestor’s right to appeal to Supervisor pursuant to G.L. c.66, §10A(a) and/or to Superior Court pursuant to G.L. c.66, §10A(c).

Criteria for Petitions to State Supervisor of Records

Petitions for Extension of Time for “Good Cause” should address:

1. Scope and extent of search for and segregation of records;
2. Scope of redaction necessary to prevent unlawful disclosure;
3. Capacity and normal business hours of RAO or department;
4. Efforts to fulfill current and previous requests;
5. Whether request, individually or as part of series, from the same requestor, is frivolous or intended to harass or intimidate municipality; and
6. Whether public interest is served by expeditious disclosure.

Petitions related to Fees should assert, in good faith:

1. Request is for a commercial purpose; **or**
2. The request could not prudently be completed without redaction, segregation or fee in excess of \$25 per hour; the fee is reasonable and not designed to limit, deter or prevent access to requested public records; balancing the public interest in disclosure and the requestor’s ability to pay.

**The term “business day” excludes weekends, legal holidays and unexpected closure of custodian’s office.*