



## **TOWN OF EASTON**

### **PUBLIC RECORDS ACCESS GUIDELINES**

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. c.66 and c.4, §7(26) provides that a municipality must, within 10 business days (Monday through Friday, excluding legal holidays), respond to a request for records by providing access to or a copy of such records, or explaining any delay or denial. These guidelines are intended to assist members of the public seeking access to public records in the custody of the Town of Easton.

#### **GENERAL INFORMATION**

1. **Business Hours & Locations:**

**Town Hall (136 Elm Street):**

Monday	8:30 AM – 7:30 PM *
Tuesday, Wednesday, Thursday	8:30 AM – 4:30 PM
Friday	8:30 AM – 12:30 PM

\*Following a Monday holiday when Town Hall Offices are closed,  
Town Hall will be open until 7:30 p.m. on Tuesday.

**Public Works (130 Center Street):**

Monday – Friday	7:00 AM – 3:00 PM
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**Summer Hours:**

Monday – Thursday	7:00 AM – 4:00 PM
Friday	7:00 AM – 11:00 AM

**Water Division (417 Bay Road):**

Monday – Friday	7:00 AM – 3:00 PM
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**Summer Hours:**

Monday – Thursday	7:00 AM – 4:00 PM
Friday	7:00 AM – 11:00 AM

**Schools Department (50 Oliver Street)**

Monday - Thursday	8:00 AM - 4:30 PM
Friday	8:00 AM – 3:30 PM

**Summer Hours:**

Monday – Friday	8:00 AM - 3:00 PM
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**Police Department (46 Lothrop Street)**

Monday - Friday	8:00 AM - 4:00 PM
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**Fire Department (413 Bay Road)**

Monday – Thursday	8:00 AM – 4:00 PM
Friday	8:00 AM – 12:00 PM

2. Records Access Officers (RAO): The following RAO's have been designated:

Town Clerk's Office:

Danielle M. Sicard	136 Elm Street
Peter Van Der Hey	N. Easton, MA 02356
<a href="mailto:publicrecords@easton.ma.us">publicrecords@easton.ma.us</a>	508-230-0530
	508-230-0609 (Fax)

Town Administration:

Connor Read	136 Elm Street
<a href="mailto:cread@easton.ma.us">cread@easton.ma.us</a>	N. Easton, MA 02356
	508-230-0510

Public Works:

David Field	130 Center Street
<a href="mailto:dfield@easton.ma.us">dfield@easton.ma.us</a>	N. Easton, MA 02356
	508-230-0800
	508-238-0803 (Fax)

Water Division:

John Marsh	417 Bay Road
<a href="mailto:jmarsh@easton.ma.us">jmarsh@easton.ma.us</a>	South Easton, MA 02375
	508-230-0850
	508-238-6485 (Fax)

Police Department:

Chief Gary Sullivan	46 Lothrop Street
Keith Boone	N. Easton, MA 02356
Lee Harney	508-230-3322
Leslee Buckley	508-230-2251 (Fax)
<a href="mailto:epdrecordsrequests@easton.ma.us">epdrecordsrequests@easton.ma.us</a>	

Fire Department:

Chief Kevin Patridge	413 Bay Road
Pam Berglund	South Easton, MA 02375
<a href="mailto:Pberglund@easton.ma.us">Pberglund@easton.ma.us</a>	508-230-0750
	508-238-2891 (Fax)

Easton Public Schools:

Dr. Lisha Cabral	50 Oliver Street - P.O. Box 359
<a href="mailto:lcabral@easton.k12.ma.us">lcabral@easton.k12.ma.us</a>	N. Easton, MA 02356
	508-230-3200
	<a href="http://www.easton.k12.ma.us">http://www.easton.k12.ma.us</a>

3. Public Records Law Information: General information about the public records law and public records requests is found in the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," January 2017 edition, found online at:

[www.sec.state.ma.us/pre/prepdf/guide.pdf](http://www.sec.state.ma.us/pre/prepdf/guide.pdf)

Other helpful information on the public records law:

<http://www.sec.state.ma.us/pre/prenotice.htm>

<http://www.sec.state.ma.us/pre/preinformation.htm>

<https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter121>

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

## **MAKING PUBLIC RECORDS REQUESTS**

4. **Public Records Requests:** Any person may make a public records request :
  - In person
  - By First class mail
  - By e-mail addressed to the RAO at the e-mail address set forth above
  - By facsimile addressed to the RAO at the business facsimile number set forth above (when applicable)
  - By telephone at the discretion of the RAO
5. **Requests Encouraged to be in Writing:** Although not required, it is strongly encouraged that public records requests be in writing to ensure the most efficient and accurate response. All written public records requests, including via email and facsimile, shall be addressed/directed to an RAO, and contain the requester's name and contact information, so that the RAO is able to provide the required response.
6. **Contact Information:** Individuals making in-person requests are not required to give their names or contact information. For in-person requests that require additional time for a comprehensive response, requesters will be advised to check in periodically with the RAO or department from which records are sought, or requesters may voluntarily provide contact information. Though use of the Town's form is not required, Public Records Request Forms shall be available in all municipal offices and on the town's website.
7. **Specificity of Requests:** To facilitate timely responses to public records requests, requests should be as specific as possible, detailing, if known, records custodian(s), and date or applicable time period, and subject matter(s). The more specific the request, the better able the TOWN will be to respond. Broad requests often require more extensive staff efforts to locate, review and copy all possibly responsive records.
8. **Receipt of Requests:** Written requests received during normal business hours, as defined under General Information, number 1, above, will be considered received on that date. Written requests sent via email or facsimile after normal business hours shall not be considered received until the following business day. Business days shall not include Saturdays, Sundays, and legal holidays.
9. **Purpose of Request:** Except to determine whether the records are being requested for a commercial purpose, or to determine whether to grant a fee waiver, the RAO may not ask a requester the reason for the request or the intended use of the requested records. However, the RAO may ask for more information to assist the requester to make an appropriate request and/or to enable the RAO to respond more efficiently.

## **RESPONSES TO PUBLIC RECORDS REQUESTS**

10. **Fees:** If fees will be assessed, a written estimate of the same will be provided to the Requester. In order to charge a fee, the town must respond to the requestor within 10 business days. Failure to respond forfeits the TOWN's right to assess fees. (*see fees section below for additional information*)
11. **Response if Longer than 10 Days or Denial in Whole or in Part:** If a full response, including provision of records, cannot be made within 10 business days of receipt of the request, the

RAO or designee will respond to the requester in writing with any applicable information from the following list:

- explaining the anticipated time frame for complete response;
  - identifying any records that the TOWN does not have in its custody;
  - identifying records which the TOWN does not expect will be provided, or that will be redacted, specifying the relevant exemption and its application to the requested record or portion thereof;
  - providing a good faith fee estimate;
  - including a statement of appeal rights.
12. Clarification of Request: Depending upon the scope of the request, the requester may be asked to clarify the request, provide more specific detail, and/or agree to a voluntary extension of time for the TOWN to respond fully to the request.
  13. Time for Response: Typically, a complete response will be provided within 25 business days of receipt of the requests. If, due to the scope of the request, the need for redactions, or other complications, the TOWN is concerned that it will not be able to provide a complete response within that time frame, the TOWN may ask the requester for an extension of time to comply or petition the Supervisor of Public Records for additional time. The Supervisor of Public records may grant up to 30 additional business days, which may be extended upon a finding of frivolous or harassing requests are made.
  14. Publicly Available Records: The TOWN maintains a searchable website at [www.easton.ma.us](http://www.easton.ma.us) where certain public records are available for inspection, downloading or printing. If a request seeks documents publicly available on the Town's website, the requester will be directed to the website in satisfaction of the request, unless the requester does not have the ability to receive or access the records in a usable electronic form.
  15. Electronic Records Delivery Preference: To the extent feasible, the RAO or designee will provide public records in response to a request by electronic means, via email, unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. Should an electronic file be too large to email, the requestor will be asked to provide a USB, or similar means, to obtain the requested files. To the extent available and feasible, the RAO will provide an electronic record in the requester's preferred format.
  16. Request for Records to be Mailed: Should a requester seek to have responsive records provided by mail, the requester will be charged the actual cost of postage, using the least expensive form of mailing possible, unless the requester requests, and agrees to pay for, an expedited form of mailing and such fees are paid in advance.
  17. Creation of Records: The TOWN is only required to provide records that are in existence at the time of a request and is not required to create a new record to accommodate a specific request.
  18. Answering Questions: The TOWN is not required to answer questions in response to a public records request.
  19. Supplementing Responses: The TOWN is not required to supplement its response to a previous public records request if records are created in the future.

20. Unique Right of Access: Pursuant to the provisions of 950 CMR 32.06(1)(g) , if a requester or requester’s representative (such as an attorney), has “a unique right of access by statutory, regulatory, judicial or other applicable means”, a request for records will not be considered a G.L. c.66, §10 public records request.

## **CATEGORIES OF RECORDS & RAO TO REQUEST TO**

21. Town Department Record Categories: Attachment “A” describes with specificity different categories of records maintained by the various TOWN departments. You may also refer to the Municipal Records Retention Schedule, issued by the Supervisor of Public Records, found at [https://www.sec.state.ma.us/arc/arcpdf/Municipal\\_Retention\\_Schedule\\_20161109.pdf](https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf), which schedule identifies various categories of records maintained by municipal departments and so-called “records in common”. **Requests for town records can be made directly to the Custodial Department in which the records are maintained, if known. Requestors otherwise may direct their request to the Town Clerk’s Office when the requestor unsure where the records are maintained.**
22. School Records: Easton Public School related records are maintained by the Easton public schools and requests for such records should be made directly to the **School Departments** RAO’s listed under General Information, number 2 above.
23. Public Safety Records (Police & Fire): Public Safety related records are maintained by the Easton Fire and Police Department and requests for such records should be made directly to the **Police or Fire** RAO’s listed under general information, number 2 above.
24. Public Works & Water Division: Public Works & Water Division related records are maintained by the Easton Public Works and Water Division and requests for such records should be made directly to the **Public Works or Water Division** RAO’s listed under general information, number 2 above.
25. Southeastern Regional Vocational Technical High School: Southeaston Regional School related records are maintained by the Southeastern Regional School and requests for such records should be directed to them at [success@sersd.org](mailto:success@sersd.org) or web link at: <https://www.sersd.org/>

## **EXEMPTIONS**

26. Exemptions/Redaction/Withholding: Some public records, or portions of records, may not be provided in response to a public records request because the TOWN has determined such records to be exempt from disclosure pursuant to the provisions of G.L. c.4, §7(26), the attorney-client privilege, or other applicable exemptions or common law privileges. For more information about exemptions to the Public Records Law, see the Secretary of the Commonwealth’s, “A Guide to the Massachusetts Public Records Law,” January 2017 edition, available at [www.sec.state.ma.us/pre/prepdf/guide.pdf](http://www.sec.state.ma.us/pre/prepdf/guide.pdf).

## **FEES**

27. Reasonable Fees: In some circumstances, the TOWN may assess a reasonable fee for the production of public records.

28. Categories of Permissible Charges: Permissible charges include, but are not limited to:
- five cents (\$0.05) per page of black and white printouts or copies;
  - actual cost for storage devices or materials such as CDs or thumb/flash drives;
  - actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
  - postage fees (*where applicable; see paragraph 15, above*);
  - fees for employee time required to satisfy a public records request. (*see number 29 below*)

**No copying fee will be charged for records provided in electronic form.**

29. Employee Time for Locating and Segregating Records: A fee may be charged for employee time necessary to identify, locate, and compile the records requested. A fee may also be charged for employee time necessary to review, and, as applicable, segregate and/or redact information exempt from public disclosure. The hourly rate for such fees shall be the hourly rate of the lowest paid employee capable of performing the task, provided, however, that this hourly rate shall not exceed twenty-five dollars (\$25.00) per hour, unless the TOWN has obtained the approval of the State Supervisor of Public Records to charge a higher hourly rate. Depending upon the nature of the request, different rates may be charged for different types of work (i.e., a different hourly rate for search time and a different hourly rate for segregation/redaction time).
30. First Two Hours: The Town of Easton, as of 2010 Decennial Census, had **23,112** residents. There shall be no fee for the employee time required to satisfy a public records request for the first two (2) hours of work performed in accordance with 950 CMR 32.07(2)(m)(1).
31. Requests for Commercial Purposes: Said fee limitations may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.
32. Petition for Higher Fee: In certain circumstances, the TOWN may petition the Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of \$25.00.

## **APPEALS**

33. If a requester wishes to assert a claim that they have been denied access to public records, they may appeal the RAO's determination to the Supervisor of Records pursuant to 950 CMR 32.08(1). The Supervisor shall make a final determination on the appeal within ten (10) business days of receipt.
34. If the requester is dissatisfied with the determination of the Supervisor of Records, the requester may appeal to Superior Court. Alternatively, a requester may bypass the Supervisor and go directly to Superior Court.
35. For further information on appeals, see the Secretary of the Commonwealth's "A Guide to the Massachusetts Public Records Law," January 2017 edition, available at [www.sec.state.ma.us/pre/prepdf/guide.pdf](http://www.sec.state.ma.us/pre/prepdf/guide.pdf)