



Public Records Request – Town of Longmeadow

Chapter 121 of the Acts of 2016:

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

A complete text of the new law can be found at:

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

Records Access Officer (RAO):

The Records Access Officer (RAO) for the Town of Longmeadow is:

Katherine T. Ingram, Town Clerk
kingram@longmeadow.org
Longmeadow Town Hall
20 Williams Street
Longmeadow, MA 01106
413-565-4103, ext. 1316
413-565-4130 (FAX)

Note* Requests for Public Records from the Longmeadow Police Department, please visit the Police Department website and/or contact Carrie Westcott 413-567-3311.**

RAO Duties:

- Assist public records requestors;
- Assist records custodians in maintaining records;
- Prepare guidelines explaining the public records request and response process (guidelines are required by July 2017);
- Post guidelines and reference materials on the Town of Longmeadow website (before July 1, 2017).
- Coordinate the municipality's response to requests for access to public records;
- Assist the custodian in preserving public records in accordance with all applicable laws, rules, regulations and retention schedules as issued by the Supervisor.

Record Requests:

Record requests may be made in writing by email, first class mail or hand delivery. Public records must be produced electronically unless the record is not available in such format or the requester does not have the

ability to receive or access the records in a usable electronic form. To the extent feasible, municipalities are required to post commonly requested records on their municipal websites.

Compliance Timeframes:

Beginning January 1, 2017, the RAO must permit inspection or furnish a copy of a requested public record within **10 business days** (Business Day means Monday through Friday. Business day does not include Saturdays, Sundays, legal holidays, or other weekdays where a custodian's office is closed unexpectedly) following receipt of the request.

If a complete response cannot be provided within the initial time frame, the RAO must respond in writing to confirm receipt, explain why a complete response cannot be provided, direct the requester to a different custodian (as appropriate), outline what will be withheld if known and estimate the time and cost for the response. The RAO may petition the MA Supervisor of Records for an extension if they are unable to grant access to the requested public records in this time period.

Fees:

- A reasonable fee may be assessed for production of records other than those "freely available for public inspection" (such as on a website) ONLY if the RAO responds to the request within 10 business days.
- The fee for copies of records shall not exceed the actual cost for reproducing the record, and shall, unless otherwise provided, be calculated as follows: the actual cost of storage device; for black and white photocopies or computer printouts, no more than \$.05/page, whether single or double-sided.
- A municipal RAO shall assess no more than \$25.00 per hour for the cost of compiling, segregating, redacting and reproducing a requested record.

Administrative Appeals:

As of January 1, 2017, if an agency or municipality fails to comply with a requirement of the new law, the requester 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 day of receipt of the request for an appeal.

All records are presumed to be public, and burden is on the municipality to show, by a preponderance of the evidence, that the record or portion thereof may be withheld.

Attorney Fees:

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



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PUBLIC RECORDS REQUEST INFORMATION

A. Making the Request

Requests for public records may be oral or written. An oral request, made in person (not by telephone) is valid under the Public Records Law. However, in order to appeal the custodian of the record's failure to provide copies or access to records, your original request, must be in writing. For this reason, it is advisable to put your request in writing. A written request that is clear and concise also helps the custodian of records to respond to your request in a timely and efficient manner.

B. The Process

All requests for public records will be honored in accordance with the Massachusetts Public Records Law. Town staff and/or public officials will respond as soon as practicable and within ten calendar days of the request. Staff and/or public officials will provide a written good faith estimate for the cost of complying with a request where the total cost is expected to exceed ten dollars (\$10.00). This is to assist the requestor in determining whether to cancel or limit the extent of the request. Prepayment is required prior to beginning the research, compilation, and copying process. Any denial of access to departmental records will detail the specific legal basis for withholding the requested materials in accordance with the Massachusetts Public Records Law.

C. Fees

The following fees may be charged for complying with a public records request in accordance with the Massachusetts Public Records Law:

1. Time to search for the records, photocopy the records, and re-file the records by (pros-rated hourly wage of the lowest paid employee capable of performing the task, not to exceed \$25.00 per hour).
2. Per page charge for standard single-sided copies \$.05 per copy.
3. An outside source may be used for requests for complete files or full-sized plans at the direct expense of the requestor.
4. For examination of records the custodian of the records may charge the search and segregation charge described above.

All fees must be paid in full prior to receiving copies. Payments must be cash or check only. Checks shall be made payable to the Town of Longmeadow.



Public Records Request – Town of Longmeadow

Name	
Full Address	
Telephone/Cell phone	
Fax	
Email Address	
Description of Request (Please provide as much detail as possible. Attach additional documentation if necessary.)	

Date Stamp:	Date request received by RAO:	Date request sent to custodian: Custodian Name: Department:
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Public Records Request Receipt– Town of Longmeadow

	Requestor's Information
Name	
Full Address	
Telephone/Cell phone	
Fax	
Email Address	
Description of Request (Please provide as much detail as possible. Attach additional documentation if necessary.)	

Payment Information

Cost/Fee for Providing Records	<p>A. Number of copies _____ x \$.05 per page \$ _____</p> <p>B. Other \$ _____</p> <p>Total Charge \$ _____</p> <p>Checks Payable to the Town of Longmeadow</p>
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