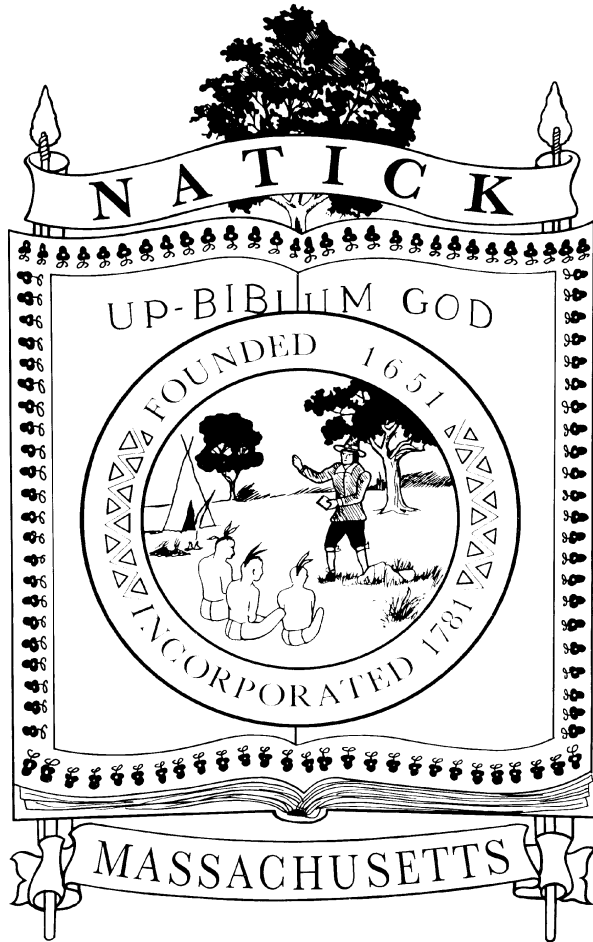


# TOWN OF NATICK PUBLIC RECORDS ACCESS GUIDELINES



The Massachusetts Public Record Law, M.G.L. c.66 and c. 4, §7(26) provides that a municipality must, within 10 business days respond to a request for records by providing access to or a copy of the records or explain any denial or delay. The guidelines set forth below are intended to assist the public seeking access to any public records which are in the custody of the Town of Natick. General information about the Public Records Law and requests made under the law is found on the Secretary of the Commonwealth's website at <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>.

## **I. Definitions**

- A. **Business day:** Monday through Friday. Business days do not include Saturday, Sunday or legal holidays.
- B. **Commercial purpose:** The sale or resale of any portion of the public record or the use of information from the public record to advance the requester's strategic business interests in a manner that the requester can reasonably expect to make a profit including in addition to the foregoing, obtaining names and addresses from the public record for the purpose of solicitation. It does not include gathering or reporting news or gathering information to promote citizen oversight or further the understanding of the operation or activities of government or for academic, scientific, journalistic, or public research or education.
- C. **Custodian:** Any governmental entity that makes or receives public records.
- D. **Public record:** All books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by a governmental entity unless such materials or data fall within any of the exemptions found within M.G.L. c.4, §7 (26) or any other legally applicable privileges.
- E. **Record Access Officer (RAO):** The employee or employees designated to perform duties described in 950 CMR 32.00 including coordinating a response to request for access to public records, assisting individuals in identifying the records and the appropriate custodian of the records.
- F. **Redact and withhold:** To delete or remove any parts of a public record that is exempt from disclosure under M.G.L. c.4, §7 (26) or any other legally applicable privileges. Specific records may be withheld from disclosure under M.G.L. c.4, §7 (26) or any other legally applicable privileges.

## **II. General Information**

### **A. Business Hours:**

**Town Hall:** Monday-Wednesday: 8AM-5PM; Thursday: 8AM-7PM; Friday: 8AM-12:30 PM

**Police Department (Records):** Monday-Friday: 8AM-5PM

**Department of Public Works:** Monday: 7AM-7PM; Tuesday-Thursday: 7AM-4PM;  
Friday: 7AM-12PM

**School Department:** Monday-Friday: 8AM-4:30PM

**B. Records Access Officers (RAO's):**

Town Clerk: Diane Packer, 13 East Central St.  
Phone: (508) 647-6430 X4  
E-mail: [publicrecords@natickma.org](mailto:publicrecords@natickma.org)  
Fax: (508) 655-6715

Police Department: Lieutenant Leo Fitzpatrick  
Phone: (508) 647-9530  
E-mail: [records@natickpolice.com](mailto:records@natickpolice.com)  
Fax: (508) 647-9531

**Natick Public Schools:** Timothy Luff  
Phone: (508) 647-6503  
E-mail: [publicrecords@natickps.org](mailto:publicrecords@natickps.org)  
Fax: (508) 647-6507

The RAO's have been designated based on the departments that receive the most frequent requests. Other departmental requests such as Assessors, DPW, Community and Economic Development, Human Resources or Board of Selectmen will be facilitated through the Town Clerk's Office.

- C. General information regarding 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. The town is not required to answer questions in response to a public records request.

**III. Making a public records request**

- A. Town of Natick website:** The Town continues to increase the number and types of documents that are available on the website at [www.natickma.gov](http://www.natickma.gov). It is recommended that you search for documents on the website prior to completing a public records request. If you are unable to find the documents that you want you may complete a request at the following link: <http://www.natickma.gov/FormCenter/Town-Clerk-7/PUBLIC-RECORDS-REQUEST-FORM-54>
- B. By mail, e-mail, or fax:** A public records request may be made by mail, e-mail or fax addressed to any of the RAO's at the addresses/fax numbers list above.
- C. In person:** A public records request may be made to any municipal employee, however, requesting the records from an RAO will facilitate a timely response.
- D. Requests in writing:** Although not required, it is strongly recommended and encouraged that public records requests be made in writing to ensure the most efficient and accurate response. All requests should be addressed to an RAO and contain the requester's name and contact information so that the RAO is able to provide the required response.

- E. **Oral requests:** Individuals who make a request in person will not be required to provide contact information. For in-person requests which cannot be fulfilled on the spot and when the requester chooses not to provide contact information, the requester will be asked to check in periodically with the RAO. Voluntary public records request forms will be available.
- F. **Specificity of requests:** To facilitate timely responses to public records requests, requests should be as specific as possible, detailing, if known, the records request custodian(s) and any date and subject matter parameters. The more specific the request, the faster and more efficiently the Town will be able to respond, as broad requests often require more extensive staff efforts to locate, review and copy all possible responsive records. The RAO will not ask a requester to identify the purpose of the request, but may ask for more information from the requester to facilitate the Town's response.
- G. **Receipt of Requests:** Written requests received during normal business hours, as defined previously in this document, will be considered received on that date. Written requests sent via e-mail or facsimile after normal business hours shall not be considered received until the next business day. Oral requests shall be deemed to be received on the day that they were made.

#### **IV. Responses to Public Records Requests**

- A. **Timeline to respond:** The RAO must respond within 10 business days of receipt of the request.
- B. **Nature of response:** Within 10 business days the RAO shall either provide the documents sought or respond to the requester in writing as follows:
  - a. Identify any records that the Town does not have in its custody
  - b. Identify the agency or municipality (if known) that may be in possession or control of the records sought
  - c. Identify any records or portions of records that the Town is not providing and specify the relevant exemption which provides for the withholding or redaction of the record
  - d. Suggest a reasonable modification to the record
  - e. Extend the time frame for response as agreed upon or provided by law
  - f. Provide a good faith estimate of the cost for providing the requested records
  - g. Include a statement of appeal rights
- C. **Clarification of request:** Depending on the scope of the request, the RAO may ask the requester to clarify the request, provide more specific detail or agree to a voluntary extension of time which will allow the Town to respond fully to the request.
- D. **Extension of time:**
  - a. If the magnitude or difficulty of the request, or multiple requests from the same requester, unduly burdens the Town such that the Town is unable to respond within 10 business days, the RAO may extend the time to respond by an additional **15** business days (25 days from the date of the original request).

- b. In extending the time to respond, the RAO shall provide a written explanation as to why the request unduly burdens the Town and identify a reasonable time frame in which the Town will produce the records.
- c. If the Town requires more time beyond the additional 15 business days, the RAO may petition the Secretary of Public Records for such time as is provided in the law.

E. **Publicly available records:** If a request seeks documents available on-line, the requester will be directed to the relevant website or webpage in satisfaction of the request. If the requester does not have the ability to receive or access the records in a usable electronic form, the RAO must provide the records in an alternative format after assessment and payment of any relevant fees.

F. **Electronic records delivery preference:** Records will be provided electronically whenever feasible. If the requester does not have access or if the records are not available electronically the RAO will work with the requester to provide an alternative method of transmission.

G. **Request for records to be mailed:** Should a requester seek to have records provided by mail, the requester shall be charged the actual cost of postage, using the least expensive for of mailing possible, unless the requester agrees to pay for an expedited form of mailing and the fees are paid in advance.

H. **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 request. In addition, the Town is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.

I. **Unique right of access:** Pursuant to the provisions of 950 CMR 32.06 (1)(g), if a requester or a 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 M.G.L. c.66, §10 public records request.

## V. Categories of Records

- A. The Town keeps a wide variety of records, many of which are available on the website. You may refer to the Municipal Records Retention Schedule issued by the Supervisor of Public Records [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). If you have any questions, it is best to contact the RAO.

## VI. Exemptions

- A. **Exemptions, Redaction or 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 M.G.L. c.4, §76(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", available at <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>.

## **VII. Fees**

- A. **Reasonable fees:** The Town may assess a reasonable fee for the production of public records, including the time spent searching for, compiling, segregating, redaction and reproducing a requested record.
- B. **Categories of permissible fees:** Permissible charges include but are not limited to:
- a. Five cents (\$0.05) per page of black and white printouts or copies
  - b. Actual cost for storage devices or materials such as CD's or thumb/flash drives
  - c. Actual cost for duplications of records not susceptible to ordinary means of reproduction including color copies or large format plans
  - d. Postage fees (see Section V.G)
  - e. Fees for employee time required to satisfy a public records request
  - f. No fees will be charged for records provided in electronic format
- C. **Employee time for locating, segregating and redacting records:**
- a. A fee may be charged for employee time necessary to identify, locate, compile, review and segregate the requested records. A fee may also be charged to redact information from public disclosure.
  - b. 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 \$25.00 per hour, unless the Town has obtained the approval of the State Supervisor of Public Records to charge a higher hourly rate.
  - c. Depending on the nature of the request, different rates may be charged for different types of work (i.e., a different hourly rate for search time than for segregation/redaction).
  - d. 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, as provided in Section IX.
  - e. As of the 2010 Federal Census, the Town has more than 20,000 residents and therefore the Town may not assess any fees for the first two hours of employees time spent producing the requested records.
- D. **Requests for commercial purposes:** The fee limitations specified in Section VII.B may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.

## **VIII. Petitions**

- A. **Extended Time:** The Town may petition the Supervisor of Public Records for additional time beyond the 25 business days to respond to a request. The supervisor may grant an extension of 30 business days or longer depending on the circumstances.

- B. **Higher Fees:** the RAO may petition the Supervisor of Public Records to charge for time spent segregating or redacting records in excess of the maximum hourly rate of \$25/hour for the time required to comply with a request.
- C. **Harassment:** The RAO may file a petition with the Supervisor of Public Records to relieve the Town from responding to a request if the request is frivolous or intended to harass or intimidate the Town.

**IX. Appeals**

- A. The requester may appeal a RAO's determination to the Supervisor of Public 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.
- B. The requester may appeal a RAO's determination or the Supervisor of Public Record's determination to the Superior Court
- C. For further information on appeal, see the Secretary of the Commonwealth's "A Guide to the Massachusetts Public Records law," available at <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>