

TOWN OF BEDFORD RECORDS ACCESS GUIDELINES

Making Public Records Requests:

- Public Records Requests. Any person may make a public records request by mail, in person, via the telephone or by email. All public records requests are to be addressed to The Records Access Officer. The access officer contact information is at the end of these guidelines.
- It is recommended that the Information Request Form be filled out to ensure the public records request is completed in an accurate and timely basis. Visit www.bedfordma.gov under Town Clerk to access the request form. The RAO will respond in ten business days.

Responses to Public Records Requests:

- Fees. A written estimate will be provided to the Requester.
- 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: 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; and including a statement of appeal rights.
- Time for Response. Typically, a complete response will be provided within 25 business days of receipt of the requests. Due to the scope of the request or the need for redactions, the TOWN may ask the requester for an extension of time to comply or petition the Supervisor of Public Records for additional time.
- Electronic Records Delivery Preference. To the extent feasible, the RAO or designee will provide public records in response to a request by electronic means unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. To the extent available and feasible, the RAO will provide an electronic record in the requester's preferred format.
- 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.

Exemptions:

- 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.

Fees:

- Reasonable Fees. In some circumstances, the TOWN may assess a reasonable fee for the production of public records.
- Categories of Permissible Charges. 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 CDs or thumb/flash drives;
 - c. actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
 - d. postage fees (where applicable; see paragraph 15, above); and
 - e. fees for employee time required to satisfy a public records request (see paragraph 26 below).
- 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).
- 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:

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.

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.

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

Records Access Officer Contact Information:

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