

**Municipal Law Alert
January 2017**

**MAJOR CHANGES TO PUBLIC RECORDS LAW FOR
MUNICIPALITIES
EFFECTIVE JANUARY 1, 2017**

1. Each municipality must designate one or more **Records Access Officer(s) (RAO)** as points of contact for requestors.
2. The RAO must **document** the nature of the request, date request was received, date response and public record was provided, time it took to complete the request, fee charged and other information regarding petitions and appeals.
3. Public records must be provided in **electronic format**, whenever possible. RAO shall post, to the extent feasible, commonly available **public records** on the **town website** including, but not limited to, decisions, orders, annual reports, budgets, notices of hearings, agendas, meeting minutes, etc. (This provision is not effective until July 1, 2017.)
4. Municipality may charge a **reasonable fee** for public records including five cents (\$0.05) per page for photocopies or computer printouts, the actual cost of any storage device provided, and in some cases, compensation for employee time spent to reproduce the records (not to exceed \$25 per hour).
5. Response to public records request **must be provided** within **10 business days** of receipt of request.
6. If the municipality requires **additional time**, it must send the requestor a written letter within 10 business days including specific information about the request, the timeline for production not to exceed 25 business days and an estimate of any fees.
7. Additionally, a municipality **may petition the Supervisor of Records for additional time to respond** to a request not to exceed 30 additional business days from the date of the grant of the extension by the Supervisor of Public Records, or for a determination that the request is frivolous, designed to intimidate or harass and not in the public interest.
8. The **requestor may bring a civil action** in Superior Court for failure to comply with public records law.



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9. There is a presumption in favor of awarding reasonable **attorney's fees and costs** if the requestor obtains a judicial order, consent decree or the requested documents are provided after complaint is filed.
10. Courts may also award **punitive damages** if municipality is found to have acted in bad faith.

If you have any questions about this issue, please contact Lauren Galvin, Esq. or the attorney responsible for your account, or call (617) 479-5000. The firm conducts trainings and advises clients on the Massachusetts Public Records Law and other areas of municipal governance.

This alert is for informational purposes only and may be considered advertising. It does not constitute the rendering of legal, tax or professional advice or services. You should seek specific detailed legal advice prior to taking any definitive actions.

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