



Guidelines for Requesting Public Records Information

The Massachusetts Public Records Law (M.G.L. Chapter 66 & Chapter 4, Section 7(26)) provides that every person has a right to access public information. This right of access includes the right to inspect or be furnished a copy of any public record, or to be notified of a denial of such a request, within ten (10) business days following the receipt of a request. Please keep in mind the College's response time will depend on the number of public record requests being processed by the College, the number of available records responsive to the request, the age of the records, and the specific nature of the request.

HOW TO REQUEST ACCESS TO PUBLIC RECORDS

Requests for public records should be directed to **Kathleen Kirleis**, Vice President of Human Resources, the College's Records Access Officer. The Records Access Officer can be contacted at 781-239-3193 or kkirleis@massbay.edu. The College also maintains the webpage, www.massbay.edu/public-records, where certain public records are available for public inspection and copying.

Although not required, **requests for public records should be submitted in writing** in order to ensure that the College accurately and completely responds to your request.

A request for public records should include:

- Description of specific records being requested;
- Date parameters for the public records being requested;
- Name of person or organization requesting the public records; and
- The requesting person's/organization's contact information.

The public records maintained by the College include, but are not limited to:

- Minutes of open meetings;
- Policies and procedures;
- Annual Reports required by state or federal law;
- Institutional or departmental annual reports;
- Institutional or departmental annual budgets;
- Awards of federal, state and municipal government grants;
- Contracts and agreements;
- Bids for a contract or agreement that has been awarded or finally rejected;
- Financial and budget information;
- Audit reports by an independent, certified public accountant; and
- Salaries and benefits of public employees.

The Records Access Officer shall provide public records to a requestor by electronic means unless the record is not available in electronic form or the requestor does not have the ability to receive or access the records in a

usable electronic form. The College 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 based on information in its custody to accommodate a specific request.

Records generally considered exempt from disclosure under the law include:

- Documents exempted from disclosure by statute;
- Student records;
- Criminal record information;
- Personnel or medical files or information;
- Any material or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy;
- Inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the College;
- Personal notes or materials not maintained as part of the College's official files;
- Investigatory materials compiled by law enforcement or investigatory officials the disclosure of which would prejudice the possibility of effective law enforcement;
- Trade secrets and commercial or financial information provided to an agency for
- use in developing governmental policy and upon a promise of confidentiality;
- Proposals and bids to enter into a contract or agreement before the contract or
- agreement is awarded or finally rejected;
- Real property appraisals;
- Test information, including questions, answers, scoring keys and other materials
- used to develop, administer or score a test, examination or assessment instrument;
- Blueprints, plans, policies, procedures and schematic drawings, which relate to
- internal layout and structural elements, security measures, emergency
- preparedness, threat or vulnerability assessments, or any other records relating to
- the security or safety of persons, buildings, structures, facilities, utilities,
- transportation or other infrastructure located within the commonwealth, the
- disclosure of which, in the reasonable judgment of the custodian is likely to
- jeopardize public safety;
- Home addresses and phone numbers of State employees; and
- Home addresses and phone numbers of a family member of a State employee.

TIMELINE FOR RESPONSE

The records access officer provide access to or furnish a copy of any public record, no later than 10 business days following the receipt of the request, provided that:

- the request reasonably describes the public record sought;
- the record is within the possession, custody or control of the agency; and
- the records access officer receives payment of a reasonable fee as set forth in subsection (d) if requested.

If there is a fee to be charged for the request, the records access officer will notify the requestor, providing details of the calculation and instructions for payment. Once the fee is received, the college will complete the work necessary to provide the response and return it to the requestor within 10 business days. (Please see

REASONABLE FEES FOR PUBLIC RECORDS below.)

If the college does not intend to permit inspection or furnish a copy of a requested record, or the magnitude or difficulty of the request, or of multiple requests from the same requestor, unduly burdens the other responsibilities of the college such that the college is unable to do so within the timeframe established, the college shall inform the requestor in writing not later than 10 business days after the initial receipt of the request. The written response shall:

- i. confirm receipt of the request;
- ii. identify any public records or categories of public records sought that are not within the possession, custody, or control of the college that the records access officer serves;
- iii. identify the agency that may be in possession, custody or control of the record sought, if known;
- iv. identify any records or portions thereof that the college intends to withhold and provide the specific reasons for such withholding, including the specific exemption(s) in the Massachusetts Public Records law upon which the withholding is based;
- v. identify any public records or portions of records that the college intends to produce, and provide a detailed statement describing why the magnitude or difficulty of the request unduly burdens the other responsibilities of the college and therefore requires additional time to produce the public records sought;
- vi. identify a reasonable timeframe in which the college shall produce the public records sought; provided, that for an agency, the timeframe shall not exceed 15 business days following the initial receipt of the request for public records and provided further, that the requestor may voluntarily agree to a response date beyond the timeframes set forth herein;
- vii. suggest a reasonable modification of the scope of the request or offer to assist the requestor to modify the scope of the request if doing so would enable the college to produce records sought more efficiently and affordably;
- viii. include an itemized, good faith estimate of any fees that may be charged to produce the records; and
- ix. include a statement informing the requestor of the right of appeal to the supervisor of records under subsection (a) of M.G.L. c. 66, section 10A and the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under subsection (c) of M.G.L. c. 66, section 10A.

If the magnitude or difficulty of a request, or the receipt of multiple requests from the same requestor, unduly burdens the other responsibilities of the college such that it is unable to complete the request within the time provided the records access officer may, as soon as practical and within 20 business days after initial receipt of the request, seek from the supervisor of records an extension of the time for the agency to furnish the requested record. If this should be the case, the records access officer will notify the requestor of such request.

REASONABLE FEES FOR PUBLIC RECORDS

Under some circumstances, the College may assess a reasonable fee for the production of public records. If there is a fee to be charged for the request, the records access officer will notify the requestor, providing details of the calculation and instructions for payment. Once the fee is received, the college will complete the work necessary to provide the response and return it to the requestor within 10 business days.

- Standard black and white paper copies or printouts of records shall be charged at the rate of five cents (\$00.05) per page for both single and double-sided black and white copies and printouts.
- There shall be no fee for the personnel services required to satisfy a public records request for the first 4 hours of work performed. If more than 4 hours of employee time to search for, compile, segregate, redact or reproduce the records requested is required, the records access officer may also include as part of the fee an hourly rate equal to or less than the hourly rate attributed to the lowest paid employee who has the necessary skill required to perform such tasks. The hourly rate shall not be more than \$25 per hour.
- The hourly rate shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the supervisor of records.
- The actual cost of any storage device or material provided to a person in response to a request for public records may be included as part of the fee.
- The records access officer may waive or reduce the amount of any fee charged upon a showing that disclosure of a requested record is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the college and is not primarily in the commercial interest of the requestor, or upon a showing that the requestor lacks the financial ability to pay the full amount of the reasonable fee.