

Updated Public Records Law

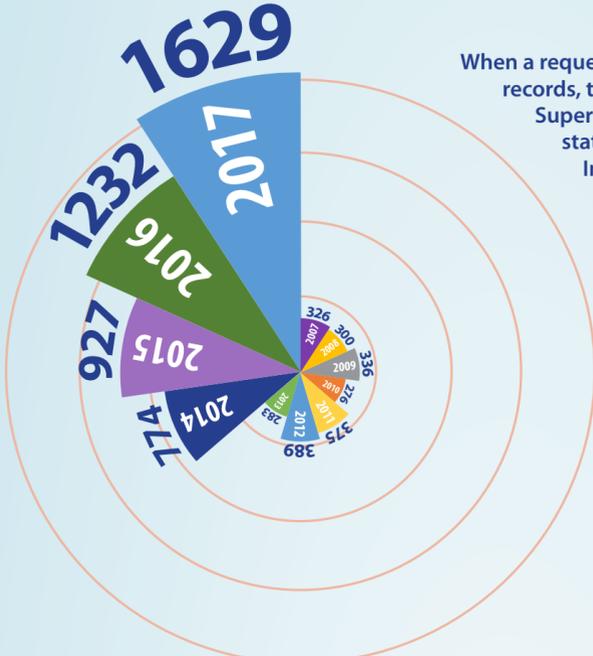
By the Numbers

The updates to the Massachusetts Public Records Law (Law) have now been in effect for a little over a year. New changes to the Law include: specified time periods for the Supervisor of Records (Supervisor) to

issue determinations on public records appeals, limits on fees permitted to be charged by government Records Access Officers (RAOs) and requirements for state agencies to track and report public records request information. Take a look below at how the updated Law has had an impact in its first year:



Cases Closed from 2007-2017

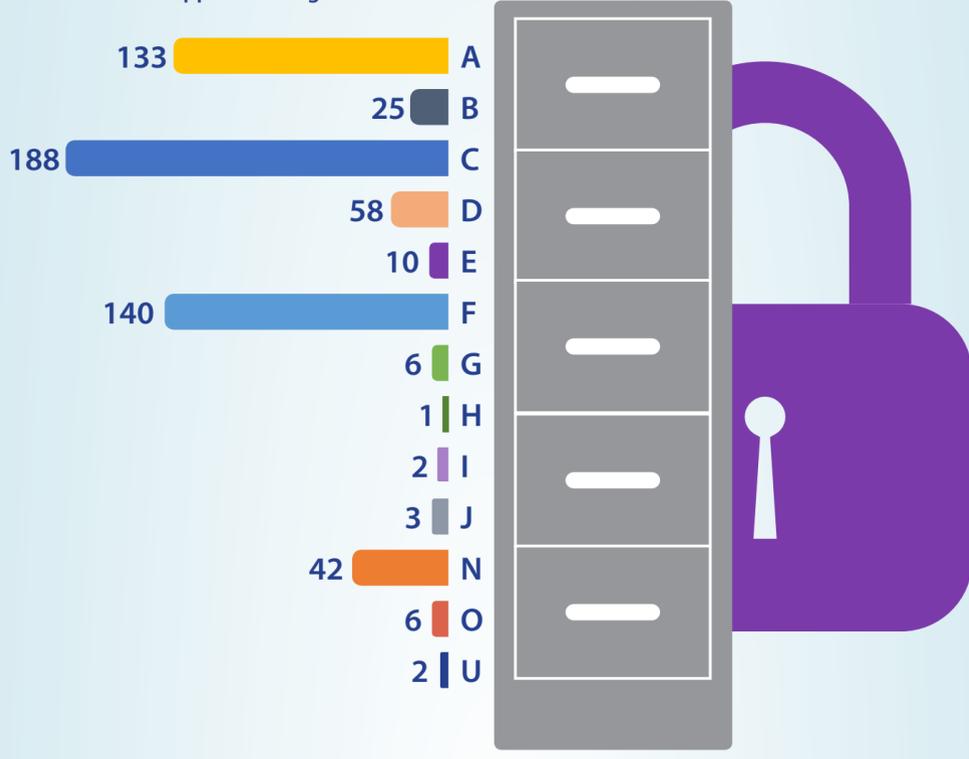


When a requestor is denied access to records, the requestor may appeal to the Supervisor to determine the public status of the requested records.

In part due to the new mandate for the Supervisor to issue determinations on appeals within 10 business days as well as the requirement for RAOs to notify the requestor of the right to appeal to the Supervisor, the Secretary of the Commonwealth's Public Records Division has seen a significant increase in the number of appeals closed in 2017 compared with previous years.

Exemptions Claimed

RAOs may withhold access to records if the records fall under one or more of the exemptions to disclosure. Exemptions are lettered (a)-(u) and can all be found at M.G.L. c. 4, § 7(26). Below you will find a breakdown of the exemptions claimed by RAOs in appeals during 2017.



Number of days for Supervisor to issue determinations

Under the updated Law, the Supervisor must issue a determination on an appeal within 10 business days of receipt. While a number of the cases require the full 10 business days for the Supervisor to issue a determination, determinations in the majority of appeals in 2017 have been issued in 6 business days or less.



RAO Petition Requests

Under the updated Law, an RAO may petition the Supervisor for an extension of time to provide records, the ability to assess certain fees, or relief of the obligation to respond to a request for public records. The majority of petitions have included a request for an extension of time.

Agency Breakdown

2017 was the first year state agencies were required to log the requests received for public records and submit them to the Secretary of the Commonwealth. Of the 22,572 public records requests received by state agencies that were submitted to this office, 753 appeals and 20 RAO petitions were filed involving state agencies.



Number of times exemption claims upheld

In Massachusetts, the presumption is that government records are public. Under the updated Law, an RAO has the burden to identify the records withheld and explain specifically why the requested records fall under an exemption and may be withheld. In 2017, RAO exemption claims were upheld in 3.25% of all determinations.



All of the determinations issued by the Supervisor are public and available on the Secretary of the Commonwealth's website at: www.sec.state.ma.us/pre.

For more information on the Public Records Law, please read the *Guide to the Massachusetts Public Records Law* available at: www.sec.state.ma.us/pre/prepdf/guide.pdf.

For any questions about the Public Records Law, please contact the Secretary of the Commonwealth's Public Records Division at 617-727-2832 or pre@sec.state.ma.us.

