

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 six years. 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 few years:



2022 Breakdown

In 2022 a significant number of cases were closed by the Public Records Division. These cases include: 1) petitions from RAOs to charge additional fees, be granted extra time to respond to requests or be relieved of their obligation to respond; 2) requests for reconsideration of the Supervisor's orders; 3) *in camera* reviews of the requested records by the Supervisor; and 4) determinations by the Supervisor relating to appeals from requestors alleging certain violations of the Law.

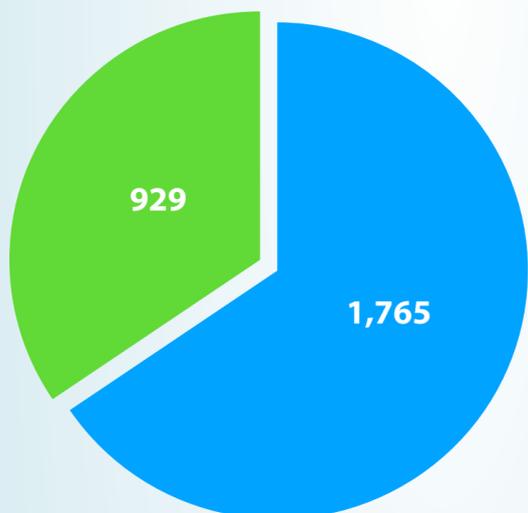


Cases Opened by Public Records Division (2012-2022)

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 requirement for the Supervisor to issue determinations on appeals within 10 business days, as well as the ability of RAOs to submit petitions, the Secretary of the Commonwealth's Public Records Division has seen a significant increase in the number of these cases opened in recent years.



Substantive appeals and non-responses in 2022



This year, the Public Records Division (Division) received more substantive appeals contrasted to appeals due to a non-response. Substantive appeals are as a result of a requestor receiving an unsatisfactory response from the custodian, while a non-response appeal stems from a custodian not responding to the request within 10 business days as statutorily required. The Division received 1,765 substantive appeals and 929 non-responses.

Monthly Appeal Numbers



Requests Received by Massachusetts Agencies (2017-2022)

2017 was the first year agencies were required to log the requests received for public records and submit them to the Secretary of the Commonwealth. Numerous agencies filed information relating to 33,608 requests that they received in 2022.



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/divisions/public-records/download/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.