



Massachusetts Municipal Association

MMA BEST PRACTICES SERIES

Recommendations for Effective Local Government Administration and Management from MMA Policy Committees

January 2017 • Volume 2 • Number 5

MMA Policy Committee on Municipal and Regional Administration

Best Practice Recommendation: Establish Formal Policies and Procedures for Managing Requests for Public Records

BEST PRACTICE: Adopt formal policies and procedures and accompanying forms and checklists to ensure that requests for public records are appropriately received and complied with under state law and regulations.

The recently updated public records law places an increased burden on cities and towns, including tighter deadlines for responses, a more bureaucratic process that places greater administrative responsibilities on municipal and school staff, and higher costs due to reductions in allowable reimbursements. The new requirements will be difficult for all communities to implement. Those cities and towns that adopt formal policies and procedures on the processing of public records requests will be in a better position to mitigate at least some of the impacts of the new law.

Responding to Requests

1. Appoint a chief records access officer to coordinate the intake and response to public records requests by other access officers and records custodians to ensure consistency of administration and compliance with the law.
2. Establish and publish written procedures for intake and compliance, including record keeping and timelines.
3. Hold regular training sessions for municipal officers and employees to ensure familiarity with the law and regulations governing what constitutes a public record and how to be in compliance with the law.
4. Establish local rules for municipal record keeping, including use of technology, to make searches for records more efficient and to facilitate the determination of applicability of the law to individual records.
5. Create form letters, checklists and templates for all steps in the intake and compliance process.
6. Regularly evaluate and update procedures to ensure compliance with the law.
7. Maximize the number of public records that are posted on the municipal website.
8. Hold training sessions on the records retention law and regulations and develop local rules as needed.

Resources:

From secretary of state, general information: www.sec.state.ma.us/pre/prenotice.htm

From secretary of state, FAQs: www.sec.state.ma.us/arc/arcrrs/general-questions.htm

Public records law regulations: www.sec.state.ma.us/pre/prepdf/950-CMR-32-00-2017-Edition-final.pdf

Records retention schedule: www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf

Text of the law: <https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter121>