

## TOWN OF MIDDLETON PUBLIC RECORDS GUIDELINES

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. c.66 and c.4, §7(26), requires municipalities to respond to public records requests within 10 business days (Monday through Friday, excluding legal holidays). This response may include providing access to or copies of records or explaining any delay or denial. These guidelines assist the public in accessing public records held by the Town of Middleton.

### **General Information:**

1. **Business Hours:** The regular business hours of Middleton vary. The Town Clerk's hours at Memorial Hall are:
  - Monday, Wednesday, Thursday: 8 AM - 4 PM
  - Tuesday: 8 AM - 6 PM
  - Friday: 8 AM - 1 PM
2. **Records Access Officers (RAOs):** The designated RAOs are:

#### **General Records:**

- **Ilene B. Twiss, CMMC Town Clerk**
- Address: 48 South Main Street, Middleton, MA 01949
- Phone: (978) 774-6927
- Fax: (978) 774-6167
- Email: [publicrecordsrequest@middletonma.gov](mailto:publicrecordsrequest@middletonma.gov)

#### **Police Records:**

- **Matthew Armitage, Captain**
- Address: 65 North Main Street, Middleton, MA 01949
- Phone: (978) 774-4424
- Fax: (978) 774-4466
- Email: [records@middletonma.gov](mailto:records@middletonma.gov)

RAOs are available to answer questions and facilitate public records requests. Contact information is also posted at [www.middletonma.gov](http://www.middletonma.gov) and public offices.

3. **Public Records Law Information:** General information is available at the Secretary of the Commonwealth's website: <https://www.sec.state.ma.us/divisions/public-records/public-records.htm>.

### **Making Public Records Requests:**

4. **Methods of Request Submission:** Requests may be made:
  - In person at 48 South Main Street, Middleton, MA 01949
  - By first-class mail to the RAO's business address

- By facsimile to the RAO's fax number
  - By email to the RAO's email address
5. **Written Requests Encouraged:** While not required, written requests are recommended for efficiency and accuracy. Requests should include the requester's name and contact information.
  6. **Contact Information for In-Person Requests:** Requesters making in-person requests are not required to provide contact information but may do so voluntarily.
  7. **Request Specificity:** Requests should be as specific as possible to ensure a timely response.
  8. **Receipt of Requests:** Requests received during normal business hours are considered received that day. Requests received after hours are considered received on the next business day.
  9. **Purpose of Request:** Requesters are not required to disclose the purpose of their request, though clarification may be requested for efficiency.

## **Responses to Public Records Requests:**

10. **Fees:** If fees apply, a written estimate will be provided.
11. **Delayed or Denied Requests:** If a full response cannot be made within 10 business days, the RAO will notify the requester in writing, providing an estimated timeline, applicable exemptions, and appeal rights.
12. **Clarification Requests:** Requesters may be asked to clarify their request for efficiency.
13. **Response Timeframe:** Typically, responses are provided within 10 business days. Extensions may be requested from the requester or the Supervisor of Public Records.
14. **Publicly Available Records:** The Town maintains a searchable website at [www.middletonma.gov](http://www.middletonma.gov) with certain public records.
15. **Electronic Records Preference:** When feasible, records will be provided electronically unless unavailable or requested otherwise.
16. **Mailed Records:** Requesters seeking mailed records must pay actual postage costs.
17. **Creation of Records:** The Town is not required to create records that do not exist.
18. **Answering Questions:** The Town is not required to answer questions under a public records request.
19. **Supplementing Responses:** The Town is not required to provide future updates to prior requests.
20. **Unique Right of Access:** Certain records may not be considered public records under G.L. c.66, §10.

## **Categories of Records:**

21. **Municipal Records Retention:** Information on municipal records retention is available at: <https://www.sec.state.ma.us/divisions/archives/records-management/municipal-records.htm>.
22. **Regional School District Records:**

- Grades 7-12: Masconomet Regional School District ([www.masconomet.org](http://www.masconomet.org))
- Grades K-6: Tri-Town Union School District ([www.tritownschoolunion.com](http://www.tritownschoolunion.com))

## **Exemptions:**

23. **Exemptions/Redactions:** Certain records may be withheld or redacted under G.L. c.4, §7(26), attorney-client privilege, or other applicable laws. More information is available at: [www.sec.state.ma.us/pre/prepdf/guide.pdf](http://www.sec.state.ma.us/pre/prepdf/guide.pdf).

## **Fees:**

24. **Reasonable Fees:** The Town may assess reasonable fees for public records.

25. **Permissible Charges:**

- \$0.05 per black-and-white page
- Actual cost for storage devices (CDs, flash drives, etc.)
- Actual cost for non-standard reproductions (color copies, large plans, etc.)
- Postage costs
- Employee time for locating and segregating records (see below)

26. **Employee Time Charges:** Fees may be charged for employee time required to locate, review, and redact records. The maximum hourly rate is \$25 unless a higher rate is approved by the State Supervisor of Public Records.

27. **Small Municipality Exception:** As of the 2020 Census, Middleton had 9779 residents and may assess fees for all employee time, including the first two hours.

28. **Commercial Purpose Requests:** Higher fees may apply for commercial-use requests.

29. **Petition for Higher Fee:** The Town may petition for approval to charge higher hourly rates if necessary.

## **Appeals:**

30. **Appeal to the Supervisor of Records:** If a request is denied, the requester may appeal to the Supervisor of Records within 10 business days.

31. **Appeal to Superior Court:** Requesters may also appeal directly to Superior Court.

32. **Further Appeal Information:** Details on appeals are available at:

<https://www.sec.state.ma.us/divisions/public-records/public-records.htm>.