



Town of Deerfield

Deerfield Municipal Offices
8 Conway Street
South Deerfield, MA 01373
Ph: 413-665-1400
Fax: 413-665-1411

Public Records Access Policy

The Massachusetts Public Records Law provides that every person has a right of access to public information. It is the policy of the Town of Deerfield, Massachusetts, to conform and comply with all laws and regulations regarding public records.

General information about the public records law and public records requests is found in the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," January 2017 edition, found online at: www.sec.state.ma.us/pre/prepdf/guide.pdf.

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. c. 66 § 6A and c. 4, § 7(26), provides that a municipality must, within ten (10) business days respond to a request for records, as defined in 950 CMR 32.02, by providing access to or a copy of such records, or explaining any delay or denial.

In order to assist members of the public seeking access to public records in the custody of the Town of Deerfield, the following guidelines are provided:

Records Access Officers:

The Records Access Officers (RAO) have been designated, as noted below. Records Access Officers may designate other officials and staff as well as the work necessary to satisfy requests.

Municipal Offices:

Town Clerk
8 Conway Street
South Deerfield MA 01373
Phone: 413-665-1400 ext. 100
Fax: 413-665-5512
Email: atc@town.deerfield.ma.us

Police Department:

Chief of Police
8 Conway Street
South Deerfield MA 01373
Phone: 413-665-2606
Fax: 413-665-2269
Email: jpaciorek@police.deerfield.ma.us

Public Records Requests:

Requests may be oral or written, and may be made in person, through the mail, by fax, or through electronic mail. It is strongly recommended that public records requests be made in writing to ensure the most efficient and accurate response. The request should be addressed/directed to a Records Access Officer and should include a reasonable description of the document(s) being requested, as well as the requester's name and contact information for the response. Written requests received during normal business hours will be considered received on that date. Written requests sent via electronic mail or facsimile after normal business hours will be considered received on the following business day. Business days do not include weekends or legal holidays.

Depending upon the scope of the request, the requester may be asked to clarify the request, provide more specific detail, and/or agree to a voluntary extension of time for the Town to respond fully to the request.

Response to Public Records Requests:

If a full response, including provisions of records, cannot be made within ten (10) business days of receipt of the request or denial in whole or part, the RAO or designee will respond to the requester in writing: explaining the anticipated time frame for complete response; identifying any records that the Town does not have in its custody; identifying records which the Town does not expect will be provided, or that will be redacted, specifying the relevant exemption and its application to the requested record of portion thereof; providing a good faith fee estimate; and including a statement of appeal rights.

Typically, a completed response will be provided within 25 business days of receipt of the request. If, due to the scope of the request, the need for redactions, or other complication, the Town is concerned that it will not be able to provide a complete response within that time frame, the Town may ask the requester for an extension of time to comply or petition the Supervisor of Public Records for additional time.

Under some circumstances, the Town may assess a reasonable fee for the production of public records. If fees will be assessed, a written estimate will be provided to the Requester.

The Town maintains a searchable website at www.deerfieldma.us where certain public records are available for inspection, downloading, or printing. If a request seeks documents publicly available on the Town's website, the requester will be directed to the website in satisfaction of the request, unless the requester does not have the ability to receive or access the records in a usable electronic form.

To the extent feasible, the RAO or designee will provide public records in response to a request by electronic means unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. To the extent available and feasible, the RAO will provide an electronic record in the requester's preferred format.

Should a requester seek to have responsive records provided by mail, the requester will be charged the actual cost of postage, using the least expensive form of mailing possible, unless the requester requests, and agrees to pay for an expedited form of mailing and such fees are paid in advance.

The Town 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 to accommodate a specific request. The Town is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.

The Town is not required to answer questions in response to a public records request.

Pursuant to the provisions of 950 CMR 32.06(1)(g), if a requester or requester's representative has a "unique right of access by statutory, regulatory, judicial or other applicable means", a request for records will not be considered a M.G.L. Ch. 66 § 10 public records request.

Fees:

In some circumstances, the Town may assess a reasonable fee for the production of public records. Permissible charges include, but are not limited to five cents (\$0.05) per page of black and white printouts or copies; actual cost for storage devices or materials such as CDs or thumb/flash drives; actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans; postage fees; and fees for employee time required to satisfy a public records request.

A fee may be charged for employee time necessary to identify, locate, and compile the records requested. A fee may also be charged for employee time necessary to review, and, as applicable, segregate and/or redact information exempt from public disclosure. The hourly rate for such fees shall be the hourly rate of the lowest paid employee capable of performing the task, provided, however, that this hourly rate shall not exceed twenty-five dollars (\$25.00) per hour, unless the Town has obtained the approval of the State Supervisor of Public Records to charge a higher hourly rate. Depending upon the nature of the request, different rates may be charged for different types of work.

With a population of 1,754 as of the decennial census, the Town of Deerfield may assess fees for employee time required in connection with search, segregation, or copying of requested records (see M.G.L. Ch. 66 § 10 (d)(iii)(B)).

No copying fee will be charged for records provided in electronic form.

Categories of Records:

The Town of Deerfield has custody of records as set forth in Municipal Records Retention Schedule, which can be found on the Secretary of the Commonwealth's website on the Archives Division Page at https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf which identifies the various categories of records maintained by municipal departments and so-called "records in common".

Regional School District Records are generally maintained by the Frontier Regional School District for grades 7 through 12, and requests for such records should be directed to the District.

Exemptions:

Some public records, or portions of records, may not be provided in response to a public records request because the Town has determined such records to be exempt from disclosure pursuant to the provisions of M.G.L. Ch. 4 § 7(26), the attorney-client privilege, or other exemptions or common law privileges. For more information about exemptions to the Public Records Law, see the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," January 2017 edition, available at www.sec.state.ma.us/pre/prepdf/guide.pdf.

Appeals:

If a requester wishes to assert a claim that they have been denied access to public records, they may appeal the RAO's determination to the Supervisor of Records pursuant to 950 CMR 32.08(1). The Supervisor shall make a final determination on the appeal within ten (10) business days of receipt.

If the requester is dissatisfied with the determination of the Supervisor of Records, the requester may appeal to Superior Court. Alternatively, a requester may bypass the Supervisor and go directly to Superior Court.

For further information on appeals, see the Secretary of the Commonwealth's "A Guide to the Massachusetts Public Records Law," January 2017 edition, available at www.sec.state.ma.us/pre/prepdf/guide.pdf.