

Public Records Law Reform for the 21st Century

Promoting transparent & open democracy

Rep. Antonio Cabral :: Sen. Jamie Eldridge



*Freedom of information is essential for government accountability and for a healthy democracy. Unfortunately, **the Massachusetts Public Records Law has not been substantially updated since 1973. Since then, it's become more difficult for the public to obtain public records: the costs can be high, and responses to requests are often untimely.***

Public records systems have changed dramatically over the last four decades. There are many more records, in many different and new forms – electronic communications, email archives, and databases. Records management has become more complex.

These bills would renew the Commonwealth's commitment to making public records publicly accessible and would address the administrative challenges and opportunities of the digital age.

An Act to Improve Access to Public Records (S.1576/H.1737)

- Creates a point person position (“records access officer”) at state agencies to facilitate responses to record requests.
- Puts systems in place to facilitate state agencies’ management of public records requests.
- Limits public records access fees to actual production costs; limits fees for finding and reviewing records; eliminates fees for simple electronic records.
- Reduces copying fees. An ordinary black and white copy should never cost a dollar a page. That’s not meaningful access.
- Permits requestors to obtain attorneys’ fees if they have been denied access to public records without valid reasons.

An Act to Enhance Access to Electronic Public Records (S.1575/H.1736)

- Makes it routine for public records to be provided to requestors in electronic form, and for information of significant interest to the public to be posted online.
- Ensures that electronic recordkeeping systems are designed so public information can be extracted, segregated from exempt information, and provided to requestors in usable formats.
- Clarifies that extracting public record information from a database is part of the process of providing access; it does not constitute the creation of a new record.

An Act Defining Certain Administrative Records as Public Records (S.769/H.1286)

- Makes public records within administrative offices of the courts – including Probation and the Office of the Chief Justice for Administration and Management – subject to freedom of information requests.
- Does not apply the public records law to confidential criminal justice records or other court records.