

# Public Records Law Reform for the 21<sup>st</sup> Century

## Promoting transparent & open democracy

Rep. Antonio Cabral :: Sen. Jamie Eldridge

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*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.***

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### **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.