

## **PUBLIC RECORDS REQUEST POLICY**

Public records and public information compiled by the Holyoke Housing Authority is subject to mandatory disclosure upon request, unless a statutory exemption is applicable. It is the policy of the Holyoke Housing Authority that the people may obtain copies of such public records and public information free or at minimal cost unless otherwise specifically provided by law. The purpose of this memorandum is to provide a policy to be followed in managing these requests and in levying a reasonable special service charge in qualifying cases.

### **INITIAL REQUESTS**

I. Initial Requests of public records shall be directed to the Records Access Officer (“RAO”). A written request is not required but is strongly recommended. An oral request made in person is permitted. An RAO is not permitted to require a written request, but may write an oral request on its own form to assist in prompt response. To appeal an RAO response to the Supervisor, however, a request must be in writing. Public Records Request shall contain the following information:

- A. Date of the request
- B. Name of the requestor (first and last)
- C. Phone number of the requestor
- D. Mailing address of the requestor
- E. Email address of the requestor (if available)
- F. A description of the records with sufficient detail to enable the Authority to identify the records requested. This may include the following information:
  - i. Custodian of the record
  - ii. Name or title of the record
  - iii. Date or date range of the record(s)
- G. Whether the requestor is seeking a copy or seeking to inspect the record
- H. If the requestor is seeking a copy, in what medium and/or format. Persons requesting copies of public records may elect to obtain them in any and all media in which the public agency keeps them. The available formats may be limited for records that require redaction. The HHA will ensure that the records are redacted in a manner that ensures the requestor cannot determine the confidential information through image manipulation or removal of field protections.

2. The HHA will acknowledge receipt of the request within ten (10) business days of receiving the request.
3. To the extent the agency RAO finds the request to be ambiguous, overly broad, or likely to require more than four (4) hours of staff time to fulfill, the RAO shall contact the requestor and attempt to clarify, narrow or revise the request. A narrow request limits the expenditure of agency resources, may help to avoid a special service charge, and permits the agency to respond to the request in a shorter timeframe. In these discussions, it is not permissible to ask the reason the request is being made.
4. In making an initial response to a public records request, it is important the RAO understands and communicates the following as need be:
  - A. The Holyoke Housing Authority is not required to create a new record in order to fulfill a public records request.
  - B. The Holyoke Housing Authority is not required to provide records in a format they do not currently have.
  - C. Housing Authority employees are not required to work on requests past normal working hours. Massachusetts Public Records Law requires agencies to respond “as promptly as possible” in providing copies of public records. Response time should be determined based on the size and scope of the request.
5. The RAO shall contact the requestor with an estimate of how long the request will take to fill and how much the request will cost. Before beginning to fulfill the request, the RAO shall confirm acceptance of the fees. If the total estimated charge is greater than \$25 the RAO shall ask the requestor to pay 50% of the estimated charges before the agency begins to fill the requestor. Location and production shall not begin until the deposit is received. The requestor shall pay the remaining balance prior to the agency releasing the records. If for any reason the final charge is less than the amount of the deposit, the agency shall return the remainder to the requestor.

#### **SPECIAL SERVICES AND COPYING FEES**

1. An RAO may charge a reasonable fee to recover the costs of complying with a public records request. An RAO is encouraged, but not required, to waive fees where disclosure is in the public interest. If a request takes more than four (4) hours of clerical or supervisory assistance to fill, the agency may assess a special service charge for the amount of staff time spent over four (4) hours. Staff time spent searching for, locating, collecting, sorting, copying and preparing the records to be produced will count towards the four (4) hour threshold. The special service charge shall be in addition to any copying fees.
2. All public employees involved in fulfilling a public records request shall keep a detailed record of the time spent (accounted for in 15 minute increments) searching for, locating, collecting, sorting, copying and preparing the records to be produced. This record shall be provided to the requestor upon request. The hourly rate may not be greater than the prorated wage of the lowest paid employee who is capable of performing the task.
3. Multiple requests regarding the same issue made within a short period of time (1-2 weeks) from the same individual or organization shall be considered a single request for purposes of determining whether a special service charge will be levied.

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5. The HHA shall charge 5 cents for printed copies as this is the reasonable estimate of the actual cost to the public agency in making the copy.
6. In order to minimize costs and time spent on records requests for emails, the HHA shall make use of email archives, and when applicable, authorized e-discovery tools to search for, locate and copy email records.
7. Electronic records shall be sent via email when possible. Otherwise, electronic records shall be produced on a flash drive or CD provided by the agency. The agency shall charge the actual cost of the flash drive or CD, no matter the amount of data stored on it. An agency shall only charge the cost of multiple flash drives or CDs if the total gigabytes of the requested files exceed the maximum gigabytes on a single flash drive or CD.
8. Once all documents have been collected, the RAO should prepare an invoice based on the actual time the holders of records report.

#### **AGENCY FOLLOW UP**

1. The HHA legal counsel will be made aware of any extensive records requests and should assist in reviewing documents, or portions of documents, as needed in order to ensure compliance with both the disclosure and confidentiality provisions of Massachusetts Public Records Law.
2. The HHA will keep a log to track all public records requests, the status of the response, the date the documents are produced, and the charges and payments associated with production. This log can serve as a tool to assist the agency in better managing requests and expending agency resources efficiently.