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## Updated Public Records Law

On June 3, 2016, Governor Baker signed An Act to Improve Public Records into law. The updated Public Records Law took effect January 1, 2017.

Below are a few of the provisions of the new version of the Public Records Law. It is suggested you consult the complete text of the new law which can be found at:

<https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter121>

If you have any questions, please contact the Public Records Division at 617-727-2832 or [pre@sec.state.ma.us](mailto:pre@sec.state.ma.us).

### New Provisions

#### Records Access Officers

Agencies and municipalities are required to designate 1 or more Records Access Officer (RAO). The contact information for the RAO must be posted conspicuously, including on the agency's or municipality's website, if available.

The RAO has a duty to:

- Coordinate the agency's or municipality's response to requests for access to public records;
- Assist individuals seeking public records in identifying the records requested;
- Assist the custodian of records in preserving public records; and
- Prepare guidelines that enable requestors to make informed requests.

#### Electronic Records

Under the new version of the law, RAOs must provide public records to a requestor in an electronic format *unless* the record is not available in an electronic format or the requestor does not have the ability to receive or access the records in a useable electronic format.

Additionally, as of January 1, 2017, **agency RAOs** will be required to provide on a searchable website electronic copies of commonly requested records, including: final opinions, annual reports, minutes of open meetings and agency budgets. **Municipal RAOs** will also be required to post commonly requested records on their municipal websites, to the extent feasible.

#### Response Time

Under the current law, a records custodian must respond to a request for records in writing within 10 calendar days.

Beginning January 1, 2017, a RAO must permit inspection or furnish a copy of a requested public record within **10 business days** following receipt of the request. RAOs may petition the Supervisor of Records for an extension if they are unable to grant access to the requested public records in this time period.

#### Fees

The Supervisor of Records' Public Access Regulations allowing records custodians to charge **5 cents** for black and white paper copies or computer printouts of public records for both single and double-sided sheets was codified and will remain effective with the new law.

Beginning January 1, 2017, if a response to a public records request requires more than 4 hours of employee time, an **agency RAO** may assess a fee of the hourly rate of the lowest paid employee with the skills necessary to search for, compile, segregate, redact or reproduce a requested record. However, the fee shall not exceed \$25 an hour.

Beginning January 1, 2017, if a response to a public records request requires more than 2 hours of employee time, a **municipal RAO** may assess a fee of the hourly rate of the lowest paid employee with the skills necessary to search for, compile, segregate, redact or reproduce a requested record. However, the fee shall not exceed \$25 an hour, unless approved by the Supervisor of Records. Municipalities with populations of 20,000 people or fewer will be permitted to charge for the first 2 hours of employee time.

#### Administrative Appeals

As of January 1, 2017, if an agency or municipality fails to comply with a requirement of the new law, the requestor may file an appeal with the Supervisor of Records who will then issue a determination on the public status of the records within **10 business days** of receipt of the request for an appeal.

#### Attorney Fees



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## Public Records Division

### Notary Public Information

- General Information
- Information for Notaries Public (mass.gov)
- Notary Frequently Asked Questions (mass.gov)
- Apply to Become a Notary Public (PDF) (mass.gov)
- Notary Public Renewals
- How to Order a Notary Journal

### Apostilles and Certification of Documents

- Apostilles and Certifications

### Marriages in Massachusetts

- How to Perform Marriages in Massachusetts
- How Non-Resident Clergy Perform Marriages in Massachusetts
- How to Perform Marriage in Massachusetts if You Are Not Clergy
- How to Seek Appointment to Become a Justice of the Peace (mass.gov)
- How to Obtain a Copy of 'Historic Places for Historic Parties'

### Public Records Access

- Secretary of the Commonwealth's Records Access Officer (RAO)
- Access to public records maintained by the Secretary of the Commonwealth
- Agency Public Records Request Database
- Guidelines for Accessing the Secretary of the Commonwealth's Office's Public Records

### Information on the Public Records Law

- NEW! A Guide to Mass. Public Records Law (PDF)
- Making a Request for Public Records
- Appeal a Denial of Access to Public Records
- Electronic Records Management Guidelines (PDF)
- Public Record Appeal Status
- Petitions by RAOs to the Supervisor of Records

### Records Management

- Records Management Unit
- Records Conservation Board
- Search the Records Schedules Database
- Records Retention Schedules Help
- Statewide Agency Schedule (PDF)
- Municipal Schedule (PDF)
- State Agency Forms

William Francis Galvin, Secretary of the Commonwealth of Massachusetts

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