

Municipal Law Alert
June 2016

BIG CHANGES COMING:
PUBLIC RECORDS LAW OVERHAULED

On June 3, 2016, the Governor signed Chapter 121 of the Acts of 2016 – “An Act to Improve Public Records” – into law. The consequence of this legislation is to dramatically overhaul the requirements for responding to public records requests, across all levels of government. Municipalities and covered government agencies will need to respond and comply with the Public Records Law for requests, without delay – or risk having to pay the attorney’s fees and litigation costs for successful requestors and punitive damages, and waiving the ability to charge requestors fees for responding.

With one exception – including new exemptions for personal email addresses of most government employees and family members – the legislation generally leaves intact the existing exemptions under the Public Records Law. However, in all other areas, the legislation substantially changes the requirements for making, responding to, and seeking further review of public records matters. The legislation covers: the contents of the response; the deadlines for responding and procedures for seeking additional time to respond; the maximum fees that can be charged, including an employee’s time; the records that must be posted in an agency or municipal website; the manner in which records are produced; remedies; and the storage of records.

Given the volume of changes involved, a detailed summary is attached to this Client Alert. This legislation will become effective January 1, 2017; the Supervisor of Public Records is also required to enact regulations by this date.

For a discussion of these and other legal issues, please visit our website at www.mhtl.com. To receive legal updates via e-mail, contact information@mhtl.com.

If you have any questions about this issue, please contact Brandon H. Moss, Esq. or the attorney responsible for your account, or call (617) 479-5000. The firm conducts trainings and advises clients on the Massachusetts Public Records Law and other areas of municipal governance.

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