TOWN OF HUDSON PUBLIC RECORDS ACCESS GUIDELINES

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. c. 66 and c. 4,Section 7(26) provides that a municipality must, within 10 business days (Monday through Friday, excluding legal holidays), respond to a request for records by providing access to or a copy of such records, or explaining any delay or denial. These guidelines are intended to assist members of the public for seeking access to public records in the custody of the Town of Hudson.

General Information:

1. The regular business hours of the Town Hall are: Monday – Friday 8AM-4:30PM

2. Records Access Officers: The following Records Access Officers ("RAO") have been designated:

Joan M. Wordell, Town Clerk (Primary RAO)

78 Main Street, Hudson, MA. 01749

Phone: 978-568-9615

Fax: 978-562-8508

Email: jwordell@townofhudson.org

Jeff M. Malachowski, Assistant Town Clerk (Secondary RAO)

78 Main Street, Hudson, MA. 01749

Phone: 978-568-9615

Fax: 978-562-8508

Email: jmalachowski@townofhudson.org

Contact Information for custodians of public records for other departments:

Police Department:

Chief Richard D. DiPersio or his designee

Email: tbryce@townofhudson.org

1 Municipal Drive, Hudson, MA. 01749

Phone: 978-562-7122

Fax: 978-568-9612

Fire Department:

Fire Chief Bryan Johannes

bjohannes@townofhudson.org

296 Cox Street, Hudson, MA. 01749

Phone: 978-562-7069

Fax: 978-568-9609

Hudson Public Schools:

mcrodrigues@hudson.k12.ma.us

Dr. Marco Rodrigues, Superintendent

155 Apsley Street, Hudson, MA 01749

(978) 567-6100 x41129

Records Access Officers are available to answer questions concerning and help facilitate the making of public records request.

3. Public Records law Information. • A Guide to Massachusetts Public Records Law: http://www.sec.state.ma.us/pre/prepdf/guide.pdf

Making Public Records Requests:

4. Any person may make a public records request:

a. In person at 78 Main Street, Hudson, MA. 01749

b. By first class mail addressed to the RAO at the RAO's business address set forth above or

c. By facsimile addressed to the RAO at the business facsimile number set forth above; or

d. By e-mail addressed to the RAO at the e-mail address set forth above.

5. Requests encouraged to be written. Although not required, it is strongly encouraged that the public records requests be in writing to ensure the most efficient and accurate response. All written public records requests, including via email and facsimile, shall be addressed/directed to an RAO, and contain the requester's name and contact information, so that the RAO is able to provide the required response.

6. Contact Information. Individuals making in-person requests will not be requested or required to give their names or contact information. For in-person request that require additional time for a comprehensive response, requests will be advised to check in periodically with the RAO or department from which records are sought, or requests may voluntarily provide contact information. Voluntary Public Records Request Forms shall be available in all municipal offices.

The RAO may contact the requester in order to clarify the request, provided however that a RAO may not ask the requester what they intend to use the requested records for, but shall seek to utilize the

RAO's superior knowledge of the requested record to ensure that the requester and the RAO understand what is being requested and/or to assist the requester in narrowing or refining request.

7. Receipt of Request. Written request during normal business hours, as stated in section 1, will be considered received on that date. Written receipt sent via email or facsimile after normal business hours shall not be considered received until the following business day. Business days shall not include Saturdays, Sundays, or legal holidays.

Response to Public Records requests:

8. If fees are assessed, a written estimate of the same will be provided to the Requester.

9. If a full response cannot be made in 10 business days of receipt of the request, the RAO or designee will respond to the requester in writing, explaining the anticipated time frame for complete response; identifying records which the town does not have in its custody, identifying any records that the town does not expect will be provided, or that will be redacted, specifying the relevant exemptions and its application to the requested record or portion thereof; providing good faith fee estimate and including a statement of appeal rights.

10. The Town of Hudson maintains a searchable website at https://www.townofhudson.org where certain public records are available for inspection, downloading and printing. If a request seeks documents publicly available on the Town's website, the requester will be directed to the website, unless the requester does not have the ability to receive or access the records in a usable electronic form.

11. To the extent feasible, the RAO or designee will provide public records in response to a request electronically if able to and in a format that the requester preferred.

12. Request for records to be mailed, the requester will be charged the actual cost of postage, using the least expensive form of mailing possible, unless requester agrees to pay an expedited cost and the cost is paid in advance.

13. Town of Hudson is only required to provide records that are in existence at the time of request and is not required to create a new record to accommodate a specific request.

14. Town of Hudson is not required to answer questions in response to a public record request.

Fees:

14. In some circumstances, the TOWN may assess a reasonable fee for the production of public records.

15. Permissible charges include, but are not limited to:

a. Five cents ($0.05) per page of black and white printouts or copies;

b. Actual cost for storage devices or materials such as CDs or thumb/flash drives;

c. Actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;

d. Postage fees (where applicable; see paragraph 15, above); and

e. Fees for employee time required to satisfy a public records request (see paragraph 16 below).

No copying fee will be charged for records provided in electronic form.

16. A fee may be charged for employee time necessary to identify, locate, and compile the records requested. A fee may also be charged for employee time necessary to review, and, as applicable, segregate and/or redact information exempt from public disclosure. The hourly rate for such fees shall be the hourly rate of the lowest paid employee capable of performing the task, provided, however, that this hourly rate shall not exceed twenty-five dollars ($25.00) per hour, unless the TOWN has obtained the approval of the State Supervisor of Public Records to charge a higher hourly rate. Depending upon the nature of the request, different rates may be charged for different types of work (i.e., a different hourly rate for search time and a different hourly rate for segregation/redaction time).

Exception for hourly rate: Population less than 20,000, as of the 2020 Decennial Census, Hudson had 20,092 residents (https://data.census.gov/cedsci/)therefore, the Town of Hudson may assess fees for all employee time, after the first two hours.

17. Fee limitations may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.

18. In certain circumstances, the TOWN may petition the Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of $25.00 per hour.

19. The RAO may access a reasonable fee for the production of a public record, except records that are freely available for public inspection (see 950CMR 32.08); and pursuant to MGL Chapter 66, Section 10(a) (iii), the RAO may require the payment of the reasonable fee prior to the requested records

Categories of Records:

20. You may also refer to the Municipal Records Retention Schedule, issued by the Supervisor of Public Records: https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf, which schedule identifies various categories of records maintained by municipal departments and so-called "records in common".

21. School-related records are generally maintained by the Hudson Public School District for grades K through 12, requests for such records should typically be directed to the District at: http://www.hudson.k12.ma.us/ and Assabet Valley Regional Technical High School at: Home - Assabet Valley Regional Technical High School

Appeals:

22. If a requester wishes to assert a claim that they have been denied access to public records, they may appeal the RAO's determination to the Supervisor of Records pursuant to 950 CMR 32.08(1). The Supervisor shall make a final determination on the appeal within ten (10) business days of receipt.

- Appeal a Denial of Access to Public Records: http://www.sec.state.ma.us/pre/preapp/appidx.htm

23. For further information on appeals, see the Secretary of the Commonwealth's "A Guide to the Massachusetts Public Records Law," available at guide.pdf (state.ma.us)

More information on Public records request or management:

- **Making a Request for Public Records:** http://www.sec.state.ma.us/pre/prereq/reqidx.htm
- **Public Record Appeal Status:** http://www.sec.state.ma.us/AppealsWeb/AppealsStatus.aspx