

STANDARDIZED RESPONSE PROCEDURE
TO PUBLIC RECORDS REQUEST

I. UPON RECEIPT OF PUBLIC RECORDS REQUEST

- A. Immediately upon receipt:
 - i. Verify request received by hand, by mail or email in writing.
 - ii. Review request to see if records “reasonably described”; RAO can request clarification from requestor.
 - iii. Determine response date or production date (10 business days) and diary date for response or production.

- B. Within 10 Business days but Prior to 10th Business day:
 - i. Determine if records exist in possession, custody or control.
 - ii. Ensure request is provided to correct department RAO and transmit to correct.
 - iii. Send request to officials, Employees, Board members who may have custody of records
 - iv. If records exist, determine how long to search, compile and reproduce. Town RAOs have an additional 15 days to produce.
 - v. If size, complexity or multiple requests or requests are unduly burdensome, evaluate request and determine fee and provide fee to be assessed to requestor in writing.
 - vi. If records are available as electronic records, records should be provided in electronic format that is requested or in standard searchable format unless requestor is unable to receive electronically.
 - vii. Draft and send response letter if will take more than 10 days to produce records, records will be withheld or redacted.

II. PRODUCTION OF RECORDS

- A. If no additional time needed, no withholding or redacting, produce records. If records available electronically, provide access information.
- B. Collect fee prior to providing records
- C. Make records available for inspection, pickup or delivery in the format requested by requestor.
- D. Document date requested information provided, number of hours to comply, and fees if any charged.

III. OPTIONS FOR ADDITIONAL TIME

- A. When additional time needed:
 - i. Send letter to requestor within 10 business days:
 - a. confirming receipt;
 - b. identify any records not in possession, custody or control;
 - c. identify any other agency in possession of records, if known;
 - d. identify records intended to be withheld and reasons and specified exemptions for non-disclosure.
 - e. identify what is produced and basis for request for additional time (size, complexity, undue burdensome)
 - f. identify a reasonable time to produce (not longer than 25 days or agreed later date if agreed with requestor)
 - g. suggest a modification of request
 - h. provide a good faith estimate of fees
 - i. include a statement of requestors' rights to appeal to Supervisor or Superior Court

NB: Letter to be reviewed by counsel.

IV. APPEAL BY RAO TO SUPERVISOR FOR MORE TIME

- A. if more than 25 days needed to respond, RAO must determine within 20 days.

- B. RAO drafts and submits Petition to Supervisor of Records not later than 20 days after date of receipt of PRR (with counsel)
- C. RAO provides Petition to requestor
- D. Supervisor determines within 5 days
- E. Records to be produced in accordance with decision.

V. FEES

A. Permissible Fees:

- i. Cost of Storage Device
- ii. \$.05 per page (B&W materials)
- iii. Hourly rate of lowest paid employee with skills to compile, segregate, redact and reproduce not to exceed \$25/hr without Supervisor permission.
- iv. Employee time may include vendor time.

B. Costs that May Not be Included:

- i. If population is >20,000 the first 2 hours are free of charge for hourly time
- ii. Staff time for segregation and redaction unless approved by Supervisor of Records

C. Petitions to Supervisor of Records for Fee Adjustments

- i. Hourly rates in excess of \$25.00/hr
- ii. Time spent for segregation and redaction when not required by law

Adjustments may be granted for commercial requests, fee represents good faith cost of compliance and request can't be completed without redaction or increase in fee)

- D. Waivers of Fees if disclosure is in public interest, noncommercial or financial hardship is shown.
- F. Forfeit right to fees if no response within 10 business days or requestor gets relief in court.
- G. Right to deny fees if prior balance due.