

# KNOW YOUR RIGHTS: PUBLIC RECORDS REQUESTS

You have the right to review public records under Massachusetts law.

## What are public records?

Public records are documents, both physical and digital, created or received by Massachusetts government agencies, municipalities, and employees that must be made available to the public upon request.<sup>1</sup> For example, public records include:

- Letters, emails, or text messages between government employees
- Public school curricula, surveys, and lesson plans
- Memoranda, reports, and publications
- Records of legislative proceedings
- Law enforcement records
- Contracts and agreements
- Photographs and videos
- Financial documents

Generally, if a record is created by a government employee in his or her “official capacity” (i.e., while engaged in government business), then it qualifies as a public record and must be disclosed upon request.<sup>2</sup> This is true even if the record is created by a government employee on a personal device or account.

There are a few exceptions to the public records statute.<sup>3</sup> If a document falls under one of these exceptions, then it does not need to be disclosed. Some examples of the most common exceptions include:

- Personnel and medical files of government employees
- Documents that are specifically excluded by statute, such as confidential student records under FERPA or healthcare information under HIPAA
- Documents covered by attorney-client privilege
- Policy development documents

These exceptions must be strictly construed, meaning that when in doubt, records should be disclosed.<sup>4</sup>

## How do I obtain a public record?

You can obtain public records by following these simple steps:

1. Decide exactly what records you want to request;
2. Submit the request to the records access officer; and
3. If necessary, pay the requested fee or appeal the request.

### Step 1: Decide exactly which records you want to request

To effectively obtain public records, you will need to be clear about which specific records you want. The law only requires a “reasonable description” of the records you want, but the narrower the request, the more likely you are to obtain the records. Provide as much background information about the requested records as you can, such as the title of the record, the name of the person who created or possesses it, the date range in which the records were created, and any keywords that might appear in the record.

### Step 2: Submit the request

Records can be requested verbally or in writing, but we strongly recommend that you submit requests in writing. Verbal requests cannot be appealed.

There are no strict rules for submitting a public records request, but the simplest way to do so is to email the request to the records access officer (RAO) of the government entity that you believe has the records you seek. Every government entity has an RAO, who should be listed on their official website.<sup>5</sup> If you can't determine who the RAO is, email the person at the government entity who you believe can best direct your request, and they will be required to forward it to the RAO. Government entities typically have ten business days to respond to your request.<sup>6</sup>

A public records request template is attached as Appendix A to this document.



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### Step 3: If necessary, pay the requested fee or appeal the request.

Government entities may charge a “reasonable fee” (typically no more than \$25 per hour) for the time that it takes them to search for, compile, and redact records. They may also charge \$0.05 per page for physical copies of records. They are strongly encouraged to waive fees, so it is worth asking them to do so. However, if they choose not to waive applicable fees, you can either pay the fee to obtain the records or, if you think the fee is unreasonable, appeal it.

If a government entity does not respond to your request, charges an unreasonable fee, or wrongfully denies your request, you have the right to appeal to the Supervisor of Records within 90 days.<sup>8</sup> To appeal, simply email the Supervisor of Records (pre@sec.state.ma.us) copies of the following:

- Your original request;
- The government entity’s response (if any); and
- A brief letter detailing the reason for the appeal (see Appendix B for appeal template).

You can also appeal the request by filing an action in Superior Court.<sup>9</sup>

For more information about making and appealing public records requests, see these resources from the Secretary of State’s Office: [Making a Public Records Request](#) and [A Guide to the MA Public Records Law](#).

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<sup>1</sup> M.G.L. c. 66, § 10.

<sup>2</sup> See *Cape Cod Times v. Sheriff of Barnstable County*, 443 Mass. 587, 592-93 (2005).

<sup>3</sup> See G. L. c. 4, § 7(26)(a-v)

<sup>4</sup> *People for the Ethical Treatment of Animals v. Dep’t of Agric. Res.*, 477 Mass. 280, 281 (2017).

<sup>5</sup> 950 C.M.R. 32.04.

<sup>6</sup> 950 C.M.R. 32.04(b).

<sup>7</sup> M.G.L. c. 66, § 10. Note also that agencies may not assess a fee for the first 4 hours of time spent compiling requested records. Municipalities with a population of over 20,000 may not assess a fee for the first 2 hours of time compiling requested records. Municipalities with a population of 20,000 and under may assess a fee, including the first 2 hours, for time spent compiling requested records.

<sup>8</sup> 950 C.M.R. 32.08.

<sup>9</sup> M.G.L. c. 66, § 10A(c).



## Appendix A

### Public Records Request Template

**[Name of Records Access Officer]**  
**[Address of Government Entity]**

**[Date]**

Re: Public Records Request

Dear \_\_\_\_\_:

This is a request under the Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10). I am requesting that I be provided a copy of the following records:

- 1. [Describe records]**
- 2. [Describe records]**

I recognize that under the law, you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. However, as I am a private individual, this request is not made for commercial purposes, and it is in the public interest, I request that you waive any such fees.

The Public Records Law requires you to provide me with a written response within 10 business days. If you cannot comply with my request, please provide an explanation in writing as required by the statute.

Sincerely,

**[Your Name]**  
**[Your Contact Information]**

## Appendix B

### PRR Appeal Template

Secretary of the Commonwealth  
Public Records Division  
One Ashburton Place, Room 1719  
Boston, MA 02108

**[Date]**

Re: Appeal of **[Date]** Public Records Request to **[Name of Entity]**

Dear Sir or Madam:

I am writing to appeal a denial of access to certain public records that we requested from **[Entity]** on **[Date]**. On that date, we submitted a request for the following records via email to **[Name of Records Holder]**:

#### **[List of Records]**

On **[Date]**, we sent a follow-up email to **[Name of Records Holder]**. To date, we have still not received a response to these requests. More than ten business days have passed since I submitted this request.

I believe that I have wrongfully been denied access to public records by **[Entity]** and request that you order **[Entity]** to produce such records. I am attaching my public records requests and all other relevant correspondence for your reference.

Sincerely,

**[Your Name]**  
**[Your Contact Information]**