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## PRESS RELEASE

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### **Senate Passes Public Records Reform Bill**

BOSTON – **Senator Anne M. Gobi (D-Spencer)** is happy to announce that the Massachusetts State Senate unanimously passed legislation reforming how the state handles public records. The legislation, originally sponsored by **Senator Jason Lewis**, is the first update to the public records law since the early 1970s.

“Transparent government is necessary to a fair and equal democratic process,” said Senator Gobi. “I was proud to voice my support of this bill and join my colleagues in strengthening public records laws that hadn’t been updated for four decades.”

“Today’s legislation implements meaningful public records reform for the first time in more than 40 years. Access to public records must be timely and affordable, and this legislation provides effective enforcement mechanisms to guarantee compliance by state agencies and municipalities. Increasing transparency in government by improving our public records law promotes civic engagement to create a more inclusive and participatory democracy,” said **Senate President Stan Rosenberg (D-Amherst)**.

“Our democracy depends on a concerned, engaged and informed citizenry, which in turn depends on timely access to public information,” said Senate Minority Leader Bruce Tarr (R-Gloucester). “The bill adopted today removes some decades old barriers, while balancing the public’s interest with the legitimate cost and procedural concerns of our municipalities. Neither the public nor our public officials should be unduly burdened in the seeking and disposition of public information.”

The legislation will reduce costs for records requestors and ensure timely compliance with public records requests. The bill also brings Massachusetts in line with 47 other states and the federal government in allowing attorney’s fees to be awarded to plaintiffs who are victorious in court when denied records. The bill requires attorney fees to be awarded, except in certain defined situations.

Under the legislation, each state agency and municipality is required to appoint at least one public records access officer to serve as the point of contact for all public records requests and coordinate a timely and thorough response. The public records officer does not have to be a new employee.

The bill limits the amount that state agencies and municipalities can charge for production of the records. The limits are set at 5 cents per page for copies, down from 20 to 50 cents per page under current law, and the cost of a storage device. The bill requires state agencies to provide four free hours of employee time and two free hours for municipalities. Charges for requests that require more time are limited to \$25 per hour.

The bill prohibits charging for records if the agency or municipality does not provide the record within 15 days of the request or does not respond to the requestor within ten days. It also requires punitive damages up to \$5,000 if a court determines the government entity did not act in good faith.

Finally the bill requires state entities and encourages municipalities to post online many commonly requested public records. In addition, records are required to be provided in electronic format unless requested otherwise.

The bill will now be reconciled with the version passed by the House of Representatives before being sent to the Governor.

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