

TOWN OF OXFORD
PUBLIC RECORDS ACCESS GUIDELINES

Effective January 1, 2017, the Massachusetts Public Records Law, MGL Ch. 66 and Ch. 4 §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 seeking access to public records in the custody of the Town of Oxford.

General Information

Regular Business Hours of Oxford Town Hall are Monday, Tuesday, Thursday, 9:00AM – 5:00PM, Wednesday 9:00AM – 7:00PM, Friday 9:00AM – 12:30PM

Records Access Officer (RAO):

The following RAO has been designated for General Government:

Michelle A. Jenkins, Town Clerk
325 Main Street
Oxford, MA 01540
E-mail: mjenkins@oxfordma.us
Telephone: (508) 987-6032
Fax: (508) 987-1804

The following RAO has been designated for the Police Department:

Lysa Dell'Aquil, Administrative Assistant
503 Main Street
Oxford, MA 01540
Email: lysad@oxfordpd.us
Telephone: (508) 987-0156
Fax: (508) 987-6020

The following RAO has been designated for the Fire Department:

Laurent R. McDonald, Fire Chief
181 Main Street
Oxford, MA 01540
Email: lmcdonald@oxfordfd.us
Telephone : (508) 987-6012
Fax: (508) 987-2244

The RAO for the School Department can be reached at mlucas@oxps.org

The RAO is available to answer questions and facilitate public records requests. Contact information for the RAO is posted on the Town's website (www.oxfordma.us) and at public offices.

Information regarding the Public Records Law and public records requests is found in the Secretary of the Commonwealth's "*A Guide to the Massachusetts Public Records Law*," December 2022 edition, found at: <https://www.sec.state.ma.us/divisions/public-records/download/guide.pdf>

Making Public Records Requests

Any person may make a public records request:

- In person at 325 Main Street, Oxford, MA 01540
- By first class mail, addressed to the RAO at the address above
- By facsimile addressed to the RAO at the fax number above
- By e-mail addressed to the RAO at the e-mail address above

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

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

Specificity of Requests: To facilitate timely responses, public records requests should be as specific as possible, detailing, if known, records custodian(s), and date and subject matter parameters. The more specific the request, the better able the Town will be to respond, as broad requests often require more extensive staff efforts to locate, review and copy records.

Receipt of Requests during normal business hours, as defined in paragraph 1 above, will be considered received on that date. Written requests sent via email or facsimile after normal business hours shall not be considered received until the next business day. Business days shall not include Saturdays, Sundays or legal holidays.

Purpose of Request: The RAO will not ask a requester to identify the purpose of the request, but may ask for more information to assist the requester to make an appropriate request and/or to enable the RAO to respond more efficiently.

Responses to Public Records Requests

Fees: If fees will be assessed, a written estimate will be provided to the requester.

Response if More than 10 Days OR Denial in whole or in Part: If a full response cannot be made within 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 any records that the Town does not have in its custody; identifying records which the Town does not expect will be provided, or that will be redacted, specifying the relevant exemption and its application to the requested record or portion thereof; providing a good faith fee estimate; and including a statement of appeal rights.

Clarification of Request: Depending upon the scope of the request, the requester may be asked to clarify the request, provide more specific detail and/or agree to a voluntary extension of time for the Town to respond fully to the request.

Time for Response: Typically, a complete response will be provided within 25 business days of receipt of the requests. If, due to the scope of the request, the need for redactions, or other complications, the Town is concerned that it will not be able to provide a complete response within that time frame, the Town may ask the requester for an extension of time to comply or petition the Supervisor of Public Records for additional time.

Publicly Available Records are available for inspection, downloading or printing on the Town's website at www.oxfordma.us. If a request seeks documents that are publicly available on the website, the requester will be directed to the website to satisfy the request, unless the requester does not have the ability to receive or access the records in a usable electronic form.

Electronic Records Delivery Preference: To the extent feasible, the RAO or designee will provide public records in response to a request by electronic means unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. To the extent available and feasible, the RAO will provide an electronic record in the requester's preferred format.

Request for Records to be Mailed: Should a requester seek to have responsive records provided by mail, the requester will be charged the actual cost of postage, using the least expensive form

of mailing possible, unless the requester requests, and agrees to pay for, an expedited form of mailing and such fees are paid in advance.

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

Answering Questions: The Town is not required to answer questions in response to a public records request.

Supplementing Responses: The Town is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.

Unique Right of Access: Pursuant to the provision of 950 CMR 32.06 (1)(g), if a requester or requester's representative (such as an attorney), has "a unique right of access by statutory, regulatory, judicial or other applicable means", a request for records will not be considered a G.L. c.66, §10 public records request.

Exemptions/Redaction/Withholding: Some public records, or portions of records, may not be provided in response to a public records request because the Town has determined such records to be exempt from disclosure pursuant to the provisions of G.L.c. 4, §7(26), the attorney-client privilege, or other applicable exemptions or common law privileges. For exemptions to the Public Records Law, see the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," January 2017 edition, at www.sec.state.ma.us/pre/prepdf/guide.pdf.

Reasonable Fees may be assessed in some circumstances for production of public records.

Permissible charges include, but are not limited to:

- five cents (\$0.05) per page of black and white printouts or copies;
- actual cost for storage devices or materials such as CDs or thumb/flash drives;
- actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
- postage fees where applicable;
- fees may be charged for employee time required to locate, segregate and compile public records, as well as time to review, and, as applicable, segregate and/or redact information exempt from public disclosure. Such fees shall be based on the hourly rate of the lowest paid employee capable of performing the task, provided 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).

- Small Municipality Exception: As of the 2010 Decennial Census, the Town of Oxford had 13,709 residents; therefore, the Town may assess fees for all employee time, including the first two hours, in accordance with 950 CMR 32.07(2)(m)(2).
See: <https://www.sec.state.ma.us/census2020/worcester.htm>
- Said fee limitations may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.
- 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.
- No copying fee will be charged for records provided in electronic form.

Categories of Records:

Attachment "A" describes with specificity different categories of records maintained by the various Town departments. You may also refer to the Municipal Records Retention Schedule, issued by the Supervisor of Public Records, which identifies various categories of records maintained by municipal departments and so-called "record in common", found at https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf,

The Town is part of the Bay Path Regional School District for grades 9 through 12. Requests for regional school records should be directed to diacobucci@baypath.net or 57 Old Muggett Hill Rd, Charlton, MA 01507

Appeals:

- 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.
- If the requester is dissatisfied with the determination of the Supervisor of Records, the requester may appeal to Superior Court. Alternatively, a requester may bypass the supervisor and go directly to Superior Court.
- See the Secretary of the Commonwealth's "A Guide to the Massachusetts Public Records Law," January 2017 edition, at www.sec.state.ma.us/pre/prepdf/guide.pdf for more information on appeals.

ATTACHMENT "A"

Department/Board	General Description of Public Records Maintained
Accounting/Finance	Budget, Invoices, Schedule of Bills, Warrants
Animal Control	Animal shelter, kennel inspections
Assessors	Excise Tax abatements, exemptions, property records, abutter's lists, business lists
Community Center (OCC)	Splash pad, Carbuncle beach, OCC programs, lifeguards
Conservation	Wetlands Protection Act permits and plans
Council on Aging	Senior outreach & senior programs
Cultural Commission	Cultural grants
DPW	Bid results
Fire/EMS	Burning permits, fire reports, 21E, EMS transport & billing
Board of Health	Septic plans
Historical Commission	Historical data
Housing Authority	All matter pertaining to Oxford Housing Authority
Land Management: Building, Wiring, Plumbing & Gas Inspectors; Planning Board; Zoning Board of Appeals	Permits for all inspectors listed; zoning matters; Site Plans, Special Permits, Definitive Subdivision (Planning Bd); Special Permits & Variances (ZBA)
MIS (computer mgmt info systems)	Internet security; keeper of records for emails
Payroll/Benefits	Annual salary report
Police	Accident, incident and arrest reports; police log entries
Recreation	Applications for field use (Greenbriar & Ruel Field)
Board of Selectmen	BOS correspondence, licenses, mtg notice & agenda
School Department	School-related programs (See OXPS.org for their RAO)
Town Clerk (RAO)	Birth, marriage, death records, election & town meeting information; Census; Voter registration, dog & cat licenses
Town Manager	Personnel rules, job postings & descriptions, salary information, committee/employment applications, certificates of insurance, bid results, grant awards
Treasurer/Collector	Real estate tax bills, tax takings/redemptions, Certificates of Municipal Liens (CML)