



Superintendent's Circular

NUMBER:
LGL-03
Version 01

PUBLIC RECORDS REQUESTS

This circular will remain in effect unless rescinded or superseded by a subsequent version.

School Department staff members frequently receive requests from individuals and agencies, asking for information or documents and cite the Freedom of Information Act (FOIA) or the Massachusetts Public Records Law as the authority for honoring their requests.

The Massachusetts Public Records Law, M.G.L. c. 66 §10, provides that any person has a right to access public records. This right of access includes the right to inspect, copy or have copies of records provided upon payment of a reasonable fee. The Massachusetts General Laws broadly define "public records" as any books, papers, maps, photographs, electronic storage media, computer files, digitally stored material, or any other information regardless of form, which is made or received by employees of public agencies unless the material falls into one of several recognized exemptions. Requests for public record information must be in writing; therefore, you should require that any oral requests for public record information be placed in writing by the requestor prior to responding to such a request. Such writing must be signed, dated, and contain the address of the requestor.

RECORDS REQUEST

All written public records requests must be sent to the Office of Legal Advisor or filed through the City of Boston's public records request portal. You can access the public records request portal by visiting <https://www.boston.gov/departments/public-records> or clicking the "Public Records Request" link at the bottom of every page of the [boston.gov](https://www.boston.gov) website. To ensure a prompt response, use of the City's public records request portal is the preferred method for all requests. The Office of Legal Advisor will review each request to see if it falls within an exception to the public records law and will coordinate with your office or school for the search, retrieval, and copying of such information. The law provides that Boston Public Schools must respond to a request for public records within ten (10) days of our receipt of such a request. It is imperative, therefore, that once you receive a public records request, it is faxed or delivered to the Office of Legal Advisor. It is also imperative that, if you receive a request from the Office of Legal Advisor to compile public records, you do so expeditiously or call the Office of Legal Advisor if you cannot comply in a timely manner with its request for information.

SUBPOENA

When receiving a subpoena for student records, personnel records, medical records, or any other document, **a copy of the subpoena must be emailed or delivered immediately to the Office of Legal Advisor for review.** After that, please forward all responsive records with the original subpoena to the Office of Legal Advisor. Such a subpoena should be emailed or delivered even if it is addressed to an individual, rather than the "keeper of the records." Witness subpoenas (i.e., a subpoena that seeks

testimony rather than documents) should also be emailed or delivered to the Office of Legal Advisor for appropriate consultation. Please email legal@bostonpublicschools.org.

For more information about this circular, contact:

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Mary Skipper, Superintendent