

Massachusetts Public Records Law FAQs

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Where can the law be found? The law governing Massachusetts public records is the [Public Records Law < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66>](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66), also known as the PRL. The PRL provides guidelines for what constitutes public records, how one can access them, and what remedies are available should the right of access be

denied. To access the text of the law itself, visit the Massachusetts Legislature's [website < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66>](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66). Access to public records is addressed in [section 10 < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66/Section10>](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66/Section10).

Who enforces the law? Under [section 10A < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66/Section10A>](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66/Section10A), the Attorney General has the authority to enforce the law upon a referral by the Supervisor of Records. The Supervisor of Records and his or her authority is described more fully under the appeals process section below. Requesters also have the right to bring a court action to compel compliance with the law.

What is considered a public record? [General Laws ch. 4, sec. 7, cl. 26 < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4/Section7>](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4/Section7) defines “public record” as “all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, or any person, corporation, association, partnership or

other legal entity which receives or expends public funds for the payment or administration of pensions for any current or former employees of the commonwealth or any political subdivision as defined in [section I of chapter 32 < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/V/Chapter32/SectionI>](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/V/Chapter32/SectionI)”.

What records are exempt from the law? The text of the PRL contains a long list of exempt records, which can be found in [ch. 4, sec. 7, cl. 26\(a\)-\(v\) < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4/Section7>](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4/Section7). In addition to those specifically listed, exemption (a) requires custodians to withhold records that are specifically exempted by statute. For example, certain personal information, such as social security and credit card numbers, is exempt from disclosure by way of [ch. 93H < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93H>](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93H).

What records are covered by the law? The PRL generally covers, by way of the definition of “public record,” all state and local government bodies. Neither the Legislature nor Judiciary are subject to the PRL. The governor also claims its office to be exempt citing the *Lambert* case linked below.

What is the request procedure? The PRL allows members of the public to make written requests and gives the record custodian discretion to accept oral requests. However, a written request is required to file an appeal. Custodians are not permitted to require

requesters to fill out a specific form. A request can be made by email, letter, fax, or other written means. The custodian must respond to the request within 10 days. According to [ch. 66, sec. 10\(b\)\(vi\) < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66/Section10>](#), the response should “identify a reasonable timeframe in which the agency or municipality shall produce the public records sought; provided, that for an agency, the timeframe shall not exceed 15 business days following the initial receipt of the request for public records and for a municipality the timeframe shall not exceed 25 business days following the initial receipt of the request for public records.” Those deadlines, however, can be extended: “Upon a showing of good cause, the supervisor of records may grant a single extension to an agency not to exceed 20 business days and a single extension to a municipality not to exceed 30 business days.”

What are the fees? According to [ch. 66, sec. 10\(d\)\(ii\)-\(iii\) < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66/Section10>](#), custodians may charge reasonable fees for complying with a request, including for time to segregate and redact records where required by law. However, the hourly fee to process the request cannot exceed \$25 per hour. The first four hours of labor are free for requests to state agencies while the first two hours are free for municipal requests.

What is the appeals process? Under [ch. 66, sec. 10A < https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66/Section10A>](#), appeals for alleged violations of the

law are made to the Supervisor of Records within 90 days of the response from the Records Access Officer, or RAO. If the Supervisor of Records finds a violation of the law, the matter may be referred to the Attorney General for enforcement. Individual requesters may also file a lawsuit directly in superior court without first appealing to the Supervisor of Records.

What should I do before making a request? It may be helpful to read the state and municipal records [retention schedules < https://retweb.sec.state.ma.us/retweb/default.asp>](https://retweb.sec.state.ma.us/retweb/default.asp). These schedules will show if the records are kept and any legal citation you may need to request them. Check the Secretary of State's [public records appeals database < https://www.sec.state.ma.us/AppealsWeb/AppealsStatus.aspx>](https://www.sec.state.ma.us/AppealsWeb/AppealsStatus.aspx) to see if your records have been the subject of an appeal by a requester. Also check out the [database of public records requests made to state agencies < https://www.sec.state.ma.us/RequestSearchWeb/Webpages/Welcome.aspx>](https://www.sec.state.ma.us/RequestSearchWeb/Webpages/Welcome.aspx) to see if your records have been requested and released.