

# **City of Beverly Public Records Information and Access Guidelines**

## **Introduction**

The Massachusetts Public Records Law, G.L. c. 66 and c. 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. The Secretary of the Commonwealth, in accordance with this Law, promulgated regulations in 950 C.M.R. 32 that require Records Access Officers to formulate guidelines for members of the public to use to navigate public records access process as it exists in the City of Beverly. The guidelines are intended to assist members of the public seeking access to public records in the custody of the City of Beverly and also City employees in their efforts to satisfy record requests. Each RAO may develop more specific procedures for identifying, producing and maintaining public records typically created by their respective departments as long as they are consistent with this guidance.

***These guidelines are informational only. Nothing herein alters the legal rights and obligations of the City or the requester. Additionally, the Guidelines are not and should not be construed as legal advice.***

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## **Public Record Guidelines**

### **1. Commonly Requested Records**

Many commonly requested records may be obtained in the Office of the City Clerk, including but not limited to:

Birth Certificates  
Death Certificates  
City Council Orders or Ordinances  
Licenses

Other records may be readily available on the City's Website <http://www.beverlyma.gov/> under [City's Public Records and Document Archive](#):

Meeting Minutes  
Meeting Agendas

**Labor Union Contracts** may be found on the City's Human Resources home page:

<http://www.beverlyma.gov/departments/human-resources/>

**School Committee Meeting Agendas and Minutes** may be found at

[http://beverlyschools.org/district\\_information/school\\_committee/agendas\\_minutes\\_supporting\\_materials](http://beverlyschools.org/district_information/school_committee/agendas_minutes_supporting_materials)

**City Hall Business Hours:** The regular business hours of Beverly City Hall are:

Monday - Wednesday 8:30 AM - 4:30 PM  
Thursday 8:30 AM - 7:30 PM  
Friday 8:30 AM - 1:00 PM

**Public Records Law Information.** General information about 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," March 2020 edition, found online at: <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>

2. **Records Access Officers in Beverly.** The City has designated Records Access Officers ("RAOs") based on subject matter and/or department. The RAOs are available to answer questions concerning public records access in Beverly and to help facilitate a response to public records requests. Contact information for individual RAOs is attached hereto as Attachment A and is also posted on the City of Beverly's Website on the [Public Records and Document Archive Page](#) as well as at public offices.
3. **Making a Public Records Request.**
  - A. Any individual may make a public records request in person at the office of the relevant/specific RAO, by email or first-class mail addressed to the relevant/specific RAO (Addresses and RAOs identified in attachment A).
  - B. Requests are Encouraged but not Required to be in Writing. Although it is not required, it is strongly encouraged that public records requests be in writing to ensure the most efficient, timely and accurate response. It reduces confusion about the nature and scope of the request as well as compliance with the response timeline required by the law. All written public records requests, including via email, should

be addressed/directed to a RAO, and contain the requester's name and contact information in order to allow the RAO is able to provide the required response.

- C. Contact Information. Individuals making in-person requests can be fulfilled at the time of the request will not be requested or required to give their names or contact information. However, if an in-person request requires additional time for a response, the requester will be asked to for their name and contact information. Voluntary Public Records Request Forms shall be available in all municipal offices.
- D. Specificity of Requests. To facilitate timely responses to public records requests, 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 City will be to respond, as broad requests often require more extensive staff efforts to locate, review and copy all possibly responsive records.
- E. Receipt of Requests. Written requests received during normal business hours, as defined in paragraph 1, above, will be considered received on that date. Written requests sent via email after normal business hours shall not be considered received until the following business day. Business days shall not include Saturdays, Sundays, and legal holidays.
- F. The RAO may ask for more information to assist the requester to make an appropriate request and/or to enable the RAO to respond more efficiently but may not ask why the record is sought, subject to certain exceptions under the law that allow for such inquiry.

#### **4. The City's Responses to Public Records Requests:**

- A. Publicly Available Records. If a request seeks documents publicly available on the website of the City of Beverly or the website of the Beverly Public Schools, the requester will be directed to the website in satisfaction of the request unless the requester does not have the ability to receive or access the records in a usable electronic form.
- B. Routine, Commonly Requested Records. Commonly requested and existing records that are not available on the City's website but are routine and easy to produce will be provided to the requester by the keeper of those records within the 10-business day statutory period for the initial response.
- C. Response if Longer than 10 Days or Denial in Whole or in Part; Written Explanation. If a satisfactory response, including the full and complete provision of records, 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 status of the response. The written explanation will include the anticipated time frame for identifying records that may be responsive and for completing the response. To the extent known, it will also identify any records that the City of Beverly does not have in its custody, records which the City of Beverly does not expect will be provided, or that will be redacted, specifying the relevant exemption(s) and application thereof to the requested record or portion thereof to the extent known at the time of the initial

response. The written explanation will also provide a good faith fee estimate if a fee is to be charged and it will also include a statement of appeal rights.

- D. Clarification of Request. Depending upon the scope and nature of the request, the requester may be asked to clarify or narrow the request, provide more specific detail, and/or agree to a voluntary extension of time for the City of Beverly to respond fully to the request.
- E. Fee Estimate. If fees will be assessed, an estimate of the same will be provided to the Requester in the written explanation discussed above. This estimate may need to be revised once the City identifies all potentially responsive documents.
- F. Timeline for Response. Typically, a complete response will be provided within 25 business days of receipt of the request. If, due to the scope of the request, the need for redactions, or other complications, the City of Beverly is concerned that it will not be able to provide a complete response within that time frame, the City may ask the requester for an extension of time to comply or petition the State Supervisor of Public Records for additional time.
- G. 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.
- H. 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.
- I. Creation of Records. The City of Beverly is only required to provide records that exist at the time of a request and is not required to create a new record to accommodate a request.
- J. Answering Questions. The City of Beverly is not required to answer questions in response to a public records request (other than questions about the procedure for making requests).
- K. Supplementing Responses. The City of Beverly is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.
- L. Unique Right of Access. Pursuant to the provisions of 950 C.M.R. 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. If any requester believes they fall within this category, the City requests that they identify as such.

## 5. Categories of Records:

You may refer to the Municipal Records Retention Schedule, issued by the Supervisor of Public Records, and found here:

[https://www.sec.state.ma.us/arc/arcpdf/Municipal\\_Retention\\_Schedule\\_20161109.pdf](https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf)

This schedule identifies various categories of records maintained by municipal departments and so-called “records in common”.

## 6. Exemptions:

Exemptions/Redaction/Withholding. Some public records, or portions of records, may not be provided in response to a public records request because such records are exempt from disclosure pursuant to the provisions of M.G.L. c. 4, §7(26), the attorney-client privilege, or other applicable exemptions or common law privileges. For more information about exemptions to the Public Records Law, see the Secretary of the Commonwealth’s, “A Guide to the Massachusetts Public Records Law,” March 2020 edition, found online at: <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>

## 7. Fees:

- A. Reasonable Fees. In some circumstances, the City of Beverly may assess a reasonable fee for the production of public records.
- B. Categories of Permissible Charges. Permissible charges include, but are not limited to:
  - a. five cents (\$0.05) per page of black and white printouts or copies;
  - b. actual cost for storage devices or materials such as CDs or thumb/flash drives;
  - c. actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
  - d. postage fees; and
  - e. fees for employee time required to satisfy a public records request.
- C. No copying fee will be charged for records provided in electronic form.
- D. Employee Time for Locating and Segregating Records. A fee may be charged for employee time necessary to identify, locate, and compile the records requested. A fee may also be charged for an employee’s time necessary to review, and, as applicable, segregate and/or redact information exempt from public disclosure. The hourly rate for such fees shall be the hourly rate of the lowest paid employee capable of performing the task, provided, however, that this hourly rate shall not exceed twenty-five dollars (\$25.00) per hour, unless the City of Beverly 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).
- E. First Two Hours Free. There shall be no fee for the employee’s time required to satisfy a public records request for the first two (2) hours of work performed.

- F. Requests for Commercial Purposes. Said fee limitations may not apply when a request for records is for a commercial purpose as determined by the State's Supervisor of Records.
- G. Petition for Higher Fee. In certain circumstances, the City of Beverly may petition the State Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of \$25.00.

**8. Appeals:**

- A. 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 State Supervisor of Records pursuant to 950 C.M.R. 32.08(1).

This is the Contact information:

Supervisor of Public Records  
Public Records Division  
McCormack Building  
One Ashburton Place, Room 1719  
Boston, MA 02108

Public Records: 617-727-2832  
Fax: 617-727-5914  
Email: [pre@sec.state.ma.us](mailto:pre@sec.state.ma.us)

The Supervisor shall make a final determination on the appeal within ten (10) business days of receipt.

- B. If the requester is dissatisfied with the determination of the State Supervisor of Records, the requester may appeal to Superior Court. Alternatively, a requester may bypass the Supervisor and go directly to Superior Court.  
For further information on appeals, see the Secretary of the Commonwealth's "A Guide to the Massachusetts Public Records Law," March 2020 edition, found online at: <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>

ATTACHMENT A

**CITY OF BEVERLY RECORDS ACCESS OFFICERS**

City departments are custodians of the public records that pertain to the subject matter managed by their department. Please check the list below and contact the appropriate individual to request records.

<b>Assessors</b> 191 Cabot Street, Beverly, MA 01915	Peter Caron <a href="mailto:pcaron@beverlyma.gov">pcaron@beverlyma.gov</a>	978-605-2306
<b>City Clerk, registrars of voters, City Council</b> 191 Cabot Street, Beverly, MA 01915	Lisa Kent <a href="mailto:lkent@beverlyma.gov">lkent@beverlyma.gov</a>	978-605-2326
<b>Civil Defense</b> 43 L P Henderson Rd, Beverly, MA 01915	Mark Foster, Director <a href="mailto:mfooster@matf.org">mfooster@matf.org</a>	978-922-5680
<b>Council on Aging</b> 90 Colon St, Beverly, MA 01915	Maryann Holak, Director <a href="mailto:mholak@beverlyma.gov">mholak@beverlyma.gov</a>	978-921-6017
<b>Finance, Assessors Auditing, Collector and Accounting, Commissioners of Trust Funds</b> 191 Cabot Street, Beverly, MA 01915	Bryant Ayles, Director <a href="mailto:bayles@beverlyma.gov">bayles@beverlyma.gov</a>	978-605-2315
<b>Fire Department</b> 15 Hale St., Beverly, MA 01915	Paul Cotter, Chief <a href="mailto:pcotter@beverlyma.gov">pcotter@beverlyma.gov</a>	978-922-2424
<b>Harbor Master</b> 11 Cabot St., Beverly, MA 01915	Daniel McPherson <a href="mailto:dmcpherson@beverlyma.gov">dmcpherson@beverlyma.gov</a>	978-921-6059
<b>Health Department &amp; Board of Health</b> 90 Colon St., Beverly, MA 01915	William Burke, Director <a href="mailto:bburke@beverlyma.gov">bburke@beverlyma.gov</a>	978-921-8591
<b>Human Resources</b> 191 Cabot Street, Beverly, MA 01915	Pauline Teixeira, Director <a href="mailto:pteixeira@beverlyma.gov">pteixeira@beverlyma.gov</a>	978-605-2365
<b>Information Technology</b> 191 Cabot Street, Beverly, MA 01915	Russell Fisk, Director <a href="mailto:rfiske@beverlyma.gov">rfiske@beverlyma.gov</a>	978-605-2375
<b>Liquor Licensing Board</b> 191 Cabot Street, Beverly, MA 01915	Martha Lewis <a href="mailto:mlewis@beverlyma.gov">mlewis@beverlyma.gov</a>	978-605-2333

<b>Mayor's Office, Cable Television Advisory Commission, Clean Energy Advisory Committee</b> 191 Cabot Street, Beverly, MA 01915	Stephanie Bilotti <a href="mailto:sbilloti@beverlyma.gov">sbilloti@beverlyma.gov</a>	978-605-2334
<b>Municipal Airport &amp; Airport Commission</b> 50 L P Henderson Rd, Beverly, MA 01915	Gloria Bouillon, Manager <a href="mailto:gbouillon@beverlyma.gov">gbouillon@beverlyma.gov</a>	978-921-6072
<b>Municipal Inspections/Building Department, Zoning Board of Appeals</b> 8 Dane St., Beverly, MA 01915	Steven Frederickson, Acting Director <a href="mailto:sfrederickson@beverlyma.gov">sfrederickson@beverlyma.gov</a>	978-921-6025
<b>Parks and Recreation, Lynch Park Advisory Committee</b> 55 Ober Street, Beverly, MA 01915-4754	Bruce Doig, Director <a href="mailto:bdoig@beverlyma.gov">bdoig@beverlyma.gov</a>	978-921-6067
<b>Planning, Planning Board, Community Development Community Preservation Committee, Open Space and Recreation Committee and the Conservation Commission</b> 191 Cabot Street, Beverly, MA 01915	Darlene Wynne <a href="mailto:dwynne@beverlyma.gov">dwynne@beverlyma.gov</a>	978-605-2341
<b>Police Department and Animal Control</b> 191 Cabot Street, Beverly, MA 01915	John G. LeLacheur, Chief <a href="mailto:jlelacheur@beverlyma.gov">jlelacheur@beverlyma.gov</a>	978-921-6040
<b>Procurement (Purchasing)</b> 191 Cabot Street, Beverly, MA 01915	David Gelineau, Director <a href="mailto:dgelineau@beverlyma.gov">dgelineau@beverlyma.gov</a>	978-605-2350
<b>Public Services (DPW), Cemetery, Board of Cemetery Managers and Engineering.</b> 191 Cabot Street, Beverly, MA 01915	Mike Collins, Director <a href="mailto:mcollins@beverlyma.gov">mcollins@beverlyma.gov</a>	978-921-6053
<b>Retirement Board</b> 191 Cabot Street, Beverly, MA 01915	Barbara Wells <a href="mailto:bwells@beverlyma.gov">bwells@beverlyma.gov</a>	978-605-2370
<b>School Department and School Committee</b> 70 Balch Street, Beverly MA 01915	Dr. Suzanne M. Charochak Superintendent of Schools <a href="mailto:scharochak@beverlyschools.org">scharochak@beverlyschools.org</a>	978-921-6100