



## Town of Ware

### Public Records Management Policy

#### **A. Public Records Management:**

##### **What Is a Public Record?**

Every record that is made or received by the Town of Ware, including records made or received by its employee, volunteers and elected officials is presumed to be a public record. This includes but it is not limited to all written, digital, photographic, electronic, scanned, or recorded materials such as videotape and audiotape, email and text or other electronic messages. There are few exceptions to this presumption and for this reason every type of record described above must be considered a public record.

##### **How Must Town of Ware Public Records Be Maintained?**

The Public Records Laws in Massachusetts imposes strict standards for the maintenance and management of public records. All public records must be maintained by the Town of Ware and its records custodians. This means that employees, volunteers, appointed and elected officials and others with access to the Town of Ware's public records may not delete, remove, or destroy them except as permitted by this policy and by the Commonwealth of Massachusetts.

The Town Clerk for the Town of Ware has been designated as its primary and overseeing Records Access Officer (RAO). Each Department has a secondary RAO who is responsible for the maintenance of records in their designated Departments.

The ROA is responsible for preserving public records in accordance with this policy and all applicable laws, rules, regulations, and retention schedules.

Specifically, NO original or sole (i.e. single, solitary or one and only) instance of a public record of any type (whether eligible for disclosure or exempt from disclosure) may ever be deleted or destroyed by any individual in any way without the express permission of the Town Clerk, Town Manager, and the appropriate Departmental ROA, who are REQUIRED to follow the Commonwealth of Massachusetts' Municipal Retention Schedule and obtain prior permission for the destruction of such documents from the Supervisor of Records before giving permission for a record to be deleted.

Further, original or sole instances of a public records should not generally be removed from municipal offices by a records custodian. When public records are required to be taken outside of municipal offices, it shall only be a copy unless the removal of the original or sole instance is absolutely necessary to accomplish the business of the Town (e.g., the need to create duplicate copies of an original document that the Town does not have the capability to duplicate in house such as large format plans or color reproductions). When such records are removed from municipal offices, they may only be removed by the custodian for use in the regular course of business to a private office or home, provided that the following has taken place:

1. Prior permission to take such records is obtained from the Town Clerk and the Department's designated RAO,
2. The taking of the records is logged and recorded by the Town Clerk or Departmental RAO in a log maintained for that purpose,
3. The records are stored in fire-resistant devices and safes provided by the Town, and
4. They are returned to the municipal office as soon as the business need for them being removed ends.

If fire resistant storage outside the municipal building cannot be ensured, then no original or sole instance of a public records may be removed. However, the records custodian may create copies of records for use in a private office or home.

Whenever original or sole instances of records are created outside the municipal offices, they must be stored securely and shall be transferred on a regular and frequent basis [monthly] to secure storage in the municipal building. In instances where the records cannot be transferred to the municipal building on a regular and frequent basis after they are created, they must be stored securely on the same basis and with the same permissions as set forth above.

Whenever it necessary to work in another location other than the municipal building or keep original or sole instances of public records in a location other than the municipal building, ROAs shall be available during regular posted office hours, at a location convenient to the public, for inspection and copying of the public records and copies of the public records must also be maintained in the municipal building.

Whenever an employee, appointed or elected official relinquishes their office they shall deliver over to their successor all public records they are not authorized by law to retain.

### **How Must Requests for Public Records be Processed?**

Whenever the records custodian receives a request for public records, they need to forward that request to a RAO. The RAO is required to reply to the in writing within 10 business days after the initial receipt of the request for public records. The Public Records Laws in Massachusetts impose strict requirements for estimates and responses, including certain exemptions from public disclosure of records under certain circumstances. The details in the various laws are very complex and a number of guides have been published by the Secretary of the Commonwealth that RAOs for the Town are required to consult with when responding to requests. See, e.g., Making a Request for Public Records ([state.ma.us](http://state.ma.us)) and [guide.pdf \(state.ma.us\)](#).

**B. Personal Information:** The Town of Ware shall take the maximum feasible measures reasonably needed to ensure the security, confidentiality, and integrity of personal information, maintained by all Town departments. Each department head or board/commission/committee chair and all Town employees shall ensure compliance with this policy and with applicable federal and state privacy and information security laws and regulations.

For purposes of this policy, personal information includes information in the Town's possession that readily identifies an individual and is not otherwise publicly available and for which there is a general expectation of privacy, examples include but are not limited to health related information protected by State and Federal law and personal information as defined in M.G.L. Chapter 93H such as an individual first name and last name or first initial and last name in combination with any one or more of the following data elements that relate to such individual: (a) Social Security number; (b) driver's license number or state-issued identification card number; or (c) financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password, that would permit access to a resident's financial account.

All departments and boards/commissions/committees shall collect the minimum quantity of personal information reasonably needed by practicality and by law to accomplish the legitimate purpose for which the information is collected; to protect the information against unauthorized access, destruction, use, modification, disclosure or loss; to provide access to and disseminate the information only to those persons and entities who reasonably require the information to perform their duties (or as limited by law); and to follow this Public Records Management Policy to seek permission to destroy the information as soon as it is both no longer needed and no longer required to be maintained by state or federal record retention requirements. The Department Head or board/commission/committee chair for a given department or body is responsible for knowing the standards that apply to all records in their possession.

If a request for public records is made for information that may or does constitute personal information, the RAO is responsible for reviewing it to determine whether it is exempt from disclosure under the Massachusetts Public records law and, where it is exempt, the exemption shall be claimed.