



In Support of H.2772, S.1676, Acts to Improve Access to Public Records  
Testimony submitted to the Joint Committee on State Administration and Regulatory Oversight  
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The League of Women Voters of Massachusetts (LWVMA) has long believed that transparency in all aspects of government is essential to the maintenance of a democracy. An essential component of that transparency is the ability of citizens, including individuals and journalists, to obtain public records easily, in a timely fashion, and at a fair and reasonable cost.

The last significant update to our Public Records law was in 1973. As an engineer working in industry, I didn't have a computer on my desktop until about 10 years after that. In the past 40 years our methods for keeping records have changed. While it has taken time, the vast majority of cities and towns in Massachusetts now create and maintain at least their more recent records electronically. This totally changes the issues and costs for making copies of these records available. Unfortunately, government agencies cling to outdated systems and regulations in making records available.

Several bills have been filed and re-filed over the years attempting to upgrade the Massachusetts laws regarding access to public records. Each session the LWVMA has been disappointed to see them die in committee. Massachusetts now ranks near the bottom of states in providing to the public access to the public's own records. We are well past the time when the existing laws should be updated.

An important element of these bills is mandating that agencies assign a "records access officer" so that all persons know to whom to address requests for records. This will, in the long run, save time for both the agencies and the requestors, because everyone will know who is responsible.

Further, the proposed updates provide that mandatory attorney's fees for denial appeals be absorbed by the denying agency when records are delayed or wrongly denied. Since there are no changes being proposed to the scope of access or to existing exemptions, this is not an added burden on the agencies, but a motivational tool to prevent frivolous denials. Rule 11 already addresses frivolous requests.

Last session, the legislature made a major contribution to transparency in our political process by enacting a broad and well-crafted campaign finance disclosure law. Now it is time to shine the same sun onto our state and municipal government agencies and assure the public also has proper access to the records that are created for the public.

LWVMA strongly urges you to pass comprehensive Public Records Law reform this session. H.2772 and S.1676 provide a sound basis for updating the laws and allowing our citizens the right to easily, quickly and economically obtain public documents. Please make our public records fully available to the public.

Thank you for your consideration.