

November 5,
2015



League of Women Voters®

Massachusetts

Urge your Senators and Representatives to Make Public Records Public And Support H.3665

In July, we asked you to contact your senators and representatives about H.3665, a bill to vastly improve access to public records. That bill has been languishing in the House Ways and Means Committee ever since. Now it's time to join with other organizations and demand action. LWVMA still thinks that a legislative solution is far preferable to a ballot initiative, but we must let our legislators know that inaction is not acceptable.

Please call or email your Senator and Representative and ask them to support H.3665 and to urge the House Ways and Means Committee to bring it to the floor for a vote. You do not have to explain the fine points of the bill, just express your support. You can find contact information for your legislators [here](#).

LWVMA, as a member of the Mass. Freedom of Information Coalition (MassFOIA) along with news organizations and the ACLU, has worked hard and was thrilled when the Joint Committee on Administration and Oversight reported the bill favorably with modest changes.

The Mass Municipal Association and other groups are trying to block the bill, so they won't have to comply with existing laws which have no enforcement mechanism. In July, Massachusetts ranked 46 out of the 50 states in transparency and compliance with the Federal Freedom of Information Act. Since then we've moved down to 47.

More information:

- The most important aspect of this bill is its enforcement mechanism. When a person is unlawfully denied access, then forced to spend time and money to go to court, and the lawsuit leads to the information being provided, courts must be allowed to award attorneys' fees. It's a basic enforcement mechanism that promotes compliance.
- One Massachusetts state agency actually won the Golden Padlock award for being the most secretive public agency in the entire country. It beat out the U.S. Defense Department!
- This is NOT an unfunded mandate, contrary to opposition claims. Agencies will be able to charge reasonable fees, and reasonable time to fulfill requests is allowed.
- Transparent government is essential to a functioning democracy. This bill promotes making records electronic and available on-line. It also mandates

that an agency have a "records access officer" so those making inquiries don't get the run-around.

- The bill contains provisions to assure that gadflies and inordinately large-volume requests can be handled separately.

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