



Superintendent's Circular

School Year 2011-2012

NUMBER:
LGL-3

DATE:
September 1, 2011

PUBLIC RECORDS REQUESTS

School Department staff frequently receives requests from individuals and agencies, asking for information or documents and cite the Freedom of Information Act (FOIA) or the Massachusetts Public Records Law as the authority for honoring their requests.

The Massachusetts Public Records Law, M. G. L. c. 66 §10 provides that any person has a right to access public records. This right of access includes the right to inspect, copy or have copies of records provided upon payment of a reasonable fee. The Massachusetts General Laws broadly define "public records" as any books, papers, maps, photographs, electronic storage media, computer files, digitally stored material or any other information regardless of form, which is made or received by employees of public agencies unless the material falls into one of several recognized exemptions. Requests for public record information must be in writing; therefore, you should require that any oral requests for public record information be placed in writing by the requestor prior to responding to such a request. Such writing must be signed, dated and contain the address of the requestor.

RECORDS REQUEST: All written public records requests must be sent to the Office of Legal Advisor. The Office of Legal Advisor will review each request to see if it falls within an exception to the public records law and will coordinate with your office or school the search, retrieval, and copying of such information. The law provides that Boston Public Schools must respond to a request for public records **within ten (10) days** of our receipt of such a request. It is imperative; therefore, that once you receive a public records request, it is faxed or delivered to the Office of Legal Advisor. It is likewise imperative that, if you receive a request from the Office of Legal Advisor to compile public records, you do so expeditiously or call the Office of Legal Advisor if you cannot comply in a timely manner with its request for information.

SUBPOENA: When receiving a subpoena for student records, personnel records, medical records, or any other document, **a copy of the subpoena must be faxed immediately to the Office of Legal Advisor for review.** Subsequent to that, please forward all responsive records with the original subpoena to the Office of Legal Advisor. Such a subpoena should be faxed even if it is addressed to an individual, rather than the "keeper of the records". Witness subpoenas (i.e., a subpoena that seeks testimony rather than documents) should also be faxed to the Office of Legal Advisor for appropriate consultation.

For more information about this circular, contact:

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