

**Testimony in Support of H.2772 & S.1676
Public Records Law Reforms**

by

MassVOTE, GLAD, Clean Water Action, JALSA, Health Care for All, Health Law Advocates, National Consumer Law Center, Disability Law Center, Massachusetts Sierra Club, Center for Public Representation, Boston Tenant Coalition, Toxics Action Center, Berkshire Environmental Action Team, Partnership for Policy Integrity, MA Gay & Lesbian Political Caucus, Massachusetts Law Reform Institute

**Joint Committee on State Administration and Regulatory Oversight
May 26, 2015**

As organizations concerned with a variety of issues—health care, the environment, elections, consumer protection, and civil rights—we believe it is critically important to have a public records law that works. Freedom of information is the cornerstone of democracy, allowing citizens to view how government works, find avenues for participation in public life, and hold government accountable for its actions. Sadly freedom of information is in trouble in Massachusetts because of a broken public records law.

Massachusetts public records laws suffer from a number of deficits and fail to do the task they were intended to do: provide public access to records. Organizations, reporters, watchdogs, and regular citizens who wish to see public documents are frequently unable to do so, prevented by outright denials, excessive charges, records in useless formats, and long delays in which the requested records never materialize or do so in an untimely manner. The law hasn't been substantially updated since 1973. We believe it is time to bring our public records law into the 21st century with the substantial reforms contained in H.2772 and S. 1676.

These bills fix the broken public records law in four major ways:

1. They provide for the appointment of public records officers who will be responsible for the prompt delivery of all requests, bringing Massachusetts in line with best practices to ensure that citizens know who to contact with requests.
2. These bills require electronic records to either be available in that form, or posted online, reducing the work and cost required to print or fulfill individual requests while making the records far more accessible and useful.
3. The bills outline changes to ensure that no citizen is hindered from accessing records due to overcharging, capping the costs at a level where the officers can promptly provide the records and citizens can afford them.
4. Finally, these bills fix the largest problem, that of noncompliance. Currently there is no practical method to ensure compliance with the law. Enforcement falls to private citizens or organizations suing to get the information they need. This requires significant effort

and expense and is too much to ask of the public. The bills before you would help increase compliance by allowing courts to award attorneys' fees to wronged requestors, putting Massachusetts in line with the 46 other states which already do so.

These bills will ensure that public records are actually available to the public, and will modernize a critical piece of our democracy.

Thank you for your time. We respectfully ask that you give these bills a prompt favorable report.

Sincerely,

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