

Emergency Regulation Reducing Fees for Copies

As you are no doubt aware, the General Court is currently debating significant changes to the Public Records Law. Please be advised, however, that the Supervisor of Public Records has just promulgated an emergency regulation, effective immediately, which reduces the fees a records custodian may charge for providing paper copies or printouts in response to a records request.

The provisions of 950 CMR 32.06 previously allowed a custodian to charge up to \$.20 cents per page for photocopies and \$.50 per page for computer printouts. The emergency regulation revised 950 CMR 32.06 to now provide, “the charge for black and white paper copies or printouts of records shall not exceed 5 cents per page, for both single and double-sided black and white copies.” [emphasis supplied]. Be further aware, however, that custodians may continue to assess a separate fee for the time needed to prepare the response, including search and segregation time and the time needed to make copies, calculated at the prorated hourly rate of the lowest paid person capable of such search and segregation and/or copying.

All public records policies should be reviewed and revised to ensure that fees for black and white copies and computer printouts are appropriately limited to \$.05 per page. All personnel responsible for responding to public records requests should also be advised of the emergency regulation.

While we understand that additional, substantial changes to the Public Records Law are likely to be made in the near future by the General Court, it will be important for records custodians to immediately implement the emergency regulation lowering the fee to \$.05 per page for standard copies of requested records.

Please contact Attorneys Lauren Goldberg (lgoldberg@k-plaw.com) or Brian W. Riley (briley@k-plaw.com) at 617.556.0007 with any questions concerning your duties and responsibilities in responding to public records requests.

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