Panton Public Records Inspection, Copying, and Transmission Policy

Town of Panton, Vermont

Public Record Inspection, Copying and Transmission Policy

PURPOSE. The Vermont Public Records Act, 1 V.S.A. §§ 315-320, provides access to a town's public records for inspection and copying unless the records are exempt by law from public access. The Town is authorized under section 316(j) of the Public Records Act to adopt and enforce reasonable rules to prevent disruption of operations in responding to records requests, to preserve the security of public records, and to protect public records from damage. This policy is intended to provide for timely action on requests for public records without unreasonable interruption of operations and to protect the integrity of the Town's public records.

APPLICABILITY. A public record is defined as any written or recorded information, regardless of physical form or characteristic, which is produced or acquired in the course of Town business. Public records, regardless of format, are available for inspection and copying unless there is a specific statute exempting the record from public disclosure. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c). This policy applies only to requests for public records in the custody of the Custodian of the office of Clerk/Treasurer. Other public records may be in the custody of other officers or employees of the Town.

DEFINITIONS. For purposes of this policy, the following words and/or phrases shall apply:

1. "Agency" means an agency, board, committee, department, branch, instrumentality, commission, or authority of any town.
2. "Custodian" means the person that has charge or custody of a public
3. "Promptly" means immediately, with little or no delay, and not more than three business

PUBLIC RECORD REQUEST FORMS. Not every public record request will necessitate the use of a written request form. However, when a request is made for a public record that is not readily accessible, may be exempt from public access, or may not exist, the requestor will be asked to complete, but is not required to do so except as stated below, a Public Records Request Form designated by the Custodian. If the requestor declines to complete the Public Records Request Form, the Custodian may complete such form. Where a request is likely to result in charges for copying or staff time, the requestor is required to submit a completed Request Form. The Custodian shall retain the original copy of all requests and written responses (if applicable).

INSPECTION OF PUBLIC RECORDS. In responding to a request to inspect or copy a record, the Custodian will consult with the requestor if necessary in order to clarify the request or to obtain

additional information that will assist the Custodian in responding to the request and in facilitating production of the requested record for inspection or copying. When a requestor seeks a voluminous amount of separate and distinct records, the Custodian may ask the requestor to narrow the scope of the public records request. Upon receipt of a request to inspect a public record, the Custodian will promptly produce the record for inspection except that:

1. The Custodian will inform the requestor in writing if the record does not exist under the name given by the requestor or by any other name known to the Custodian.
2. If the Custodian withholds the record as exempt from public access, the Custodian will promptly certify this fact in writing to the The Custodian will identify the record or portion of record withheld, the statutory basis for withholding the record, a brief statement of the reasons and supporting facts for denial, and provide the names and titles or positions of each person responsible for denial of the request. The Custodian will also inform the requestor of the right to appeal this determination to the Selectboard Chair. It is the policy of the Town that all exempt records will be withheld from disclosure.
3. If the record is in active use or in storage and therefore not readily available at the time of the request, the Custodian will promptly certify this fact in writing to the requestor and set a date and hour within one calendar week of the request when the record will be available for inspection.

For the purpose of this policy, a “business day” means a day that the Custodian’s office is open to provide services. The time limits described above may be extended in writing up to ten business days from receipt of the records request based on:

1. The need to search for and collect requested records from field facilities or other establishments that are separate from the Town Office; or
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
3. The need for consultation with the Town attorney or other Town officers or departments having a substantial interest in the determination of the

If the time limits described above are extended, the Custodian will inform the requestor of such fact in writing, setting forth the reasons for the extension and specifying the date upon which the Custodian will respond to the request.

The Custodian will not withhold any record in its entirety on the basis that it contains some exempt content if the record is otherwise subject to disclosure; instead, the Custodian will redact the information he or she considers to be exempt and produce the record accompanied by an explanation of the basis for denial of the redacted information.

PROTECTION OF PUBLIC RECORDS REQUESTED FOR INSPECTION.

In order that all public records in the custody of the Custodian may be protected from damage or loss, such records may only be inspected in locations in the Town Office designated by the Custodian. No public record may be removed from a designated location, marked, altered, defaced, torn, damaged, destroyed, disassembled, or removed from its proper location or order. The Custodian or other staff person may be present during the inspection of a public record. No person shall be allowed to copy a public record using copying equipment other than that owned by the Town unless approved by the Custodian.

When inspection of an electronic record is requested and the inspection of the original electronic record would create a disruption in operations of the Town or would jeopardize the security or condition of the original record, the Custodian will provide an electronic copy of the original record in the format in which the record is maintained, less any exempt information redacted from the record, at no cost to the requestor.

COPIES OF PUBLIC RECORDS. Upon receipt of a request to make a copy of a public record, the Custodian will make and produce a copy subject to the following:

1. **Charges**. Except where otherwise provided by law, the Custodian will charge and collect the following costs for making a copy of a public record:
2. The actual cost charge for a copy of a public record as determined by the Selectboard Chair under 1 S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State if the Selectboard fails to establish a uniform schedule of charges; and
3. The cost of staff time associated with complying with a request for a copy of a public record when the time exceeds 30 minutes as that cost is determined by the Selectboard under 1 V.S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State if the Selectboard fails to establish a uniform schedule of charges.

All charges for copies and staff time must be paid in full prior to delivery of the requested copies. Upon request, the Custodian will provide an estimate of the cost of making a copy of a public record prior to complying with the request.

2. **Standard formats**. The Custodian will make a copy of a public record in the following standard format:
    1. For any public record maintained by the Custodian in paper form, the Custodian will make a paper copy of the record;
    2. For any public record maintained by Custodian in electronic form, the Custodian will make either a paper printout of the record or an electronic copy of the record in the format in which the record is maintained, as directed by the requestor.

A request for a copy in a format other than those mentioned above is “non-standard.” The Custodian will provide a copy of a public record in a non-standard format (e.g., conversion of a paper public

record to electronic format) however**:** *The requestor will be charged the time involved in producing the record in a non-standard format when the time exceeds 30 minutes as such costs are determined by the Selectboard under 1 V.S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State if the Selectboard fails to establish a uniform schedule of charges*.]

CREATION OF PUBLIC RECORDS. The Custodian **WILL** create a public record that does not exist. *The Custodian will charge the requestor the cost associated with creating the record. Requests for creating a record must be made in writing and all charges must be paid prior to delivery of the record. Upon request, the Custodian will provide an estimate of the cost of creating a public record prior to complying with the request*.]

TRANSMISSION OF PUBLIC RECORDS. The Custodian will not transmit a public record, except under extraordinary circumstances, and the associated cost will be the responsibility of the requestor.

DENIAL OF A PUBLIC RECORD REQUEST. If the Custodian denies a public record request in whole or in part, the denial may be appealed to the Selectboard Chair.

In accordance with 1 V.S.A. § 318(c)(1), the Selectboard Chair will make a written determination on the appeal within five business days after receipt of the appeal. A decision of the Selectboard Chair may be reviewable by the Vermont Superior Court pursuant to 1 V.S.A. § 319.

The foregoing Policy is hereby adopted by the Clerk/Treasurer of the Town of Panton, Vermont, this _____day of _____as the Head of that Agency and in delegation of all appeal authority to the Selectboard Chair otherwise conferred upon my office.

This Policy is effective as of this date until amended or repealed.

Office of Clerk/Treasurer Town of Panton, Vermont

Date signed _____.