

Carolyn Smart

From: Stephen Sheldon <sjs488@comcast.net>
Sent: Thursday, July 06, 2017 1:19 PM
To: clerk@townsend.ma.us; James Kreidler; Kellymkelly@comcast.net
Cc: Kelly Merrill; Gordy Clark; Cindy King
Subject: RE: Public Records

Thank you for your reply , as I and the state expected it would be.

I will forward to them now.

On July 6, 2017 at 1:07 PM James Kreidler <jkreidler@townsend.ma.us> wrote:

Mr. Sheldon,

Please see my replies to you in red below.

Since the Town in many cases have charged the person requesting the public record, will the town now be refunding monies collected?

Thank you for your suggestion, however, after a review of the request you and others have made since January 1, 2017, the town will not be issuing refunds for any of the requests that you have made and paid for to date.

Also, since mine and others private information is now posted on the Town website, please explain how this is different from when a persons private information was posted years ago?

To my knowledge and after a review of the town website postings, unlike the issue you reference from several years ago, none of your banking or medical information has been posted online by the town. If I am mistaken in this regard please let me know immediately and I will see that it is removed.

Please provide the law that states that it is legal to post all public records request without names redacted. If you cannot I expect the link taken down within 24 hrs.

When you make a public record's request, your request in and of itself becomes a public record. There is no expectation of privacy regarding the choice to include your name, phone number address or email address. Please see MGL C. 66, section 10 and MGL C. 4 section 7 (26).

Regards,

Jim
James M. Kreidler
Town Administrator

Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

If this email is received by a multi-member public board, commission or committee please take care to never "respond to all" as you may inadvertently create a violation of the open meeting law.

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. In Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics unless it falls under one of the statutory exemptions to the Public Records Law MGL Chapter 4, Section 7(26). Consequently, email is subject to the disclosure, retention and maintenance provisions as required by law. MGL Chapter 66

From: Stephen Sheldon [mailto:sjs488@comcast.net]
Sent: Wednesday, July 05, 2017 4:03 PM
To: jkreidler@townsend.ma.us; clerk@townsend.ma.us; Kellymkelly@comcast.net
Subject: Public Records

Mr. Kreidler,

I have noticed the website now contains all public records request from 2017, the requested also contain personal information of the requester i.e. email addresses, cell phone numbers.

The new law in 2017 states:

Electronic Records

Under the new version of the law, RAOs must provide public records to a requestor in an electronic format unless the record is not available in an electronic format or the requestor does not have the ability to receive or access the records in a useable electronic format.

Additionally, as of January 1, 2017, agency RAOs will be required to provide on a searchable website electronic copies of commonly requested records, including: final opinions, annual reports, minutes of open meetings and agency budgets. Municipal RAOs will also be required to post commonly requested records on their municipal websites, to the extent feasible.

The key word to the new law is "*commonly requested*". the new law gives examples of what commonly requested records would be.

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Please provide the law that states that it is legal to post all public records request without names redacted. If you cannot I expect the link taken down within 24 hrs.

Steve Sheldon



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