

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. c.66 and c. 4, §7(26) requires a response, within ten (10) Business days (Monday through Friday, excluding legal holidays), to a request for records by providing access to a copy of such records, or explaining any delay or denial. These guidelines are intended to assist members of the public seeking access to public records in the custody of the Cape Ann Transportation Authority (CATA).

General Information

Business Hours. The regular business hours of CATA are Monday-Friday 8:00am am to 4:00 pm.

Records Access Officers. The following Records Access Officer (RAO) has been designated:

Felicia Webb

Records Access Officer

3 Pond Road

Gloucester, MA 01930

978-283-1886

webbf@canntran.com

Fax: 978-281-4824

Public Records Law Information. General information about the public records law and public records requests is found online: <https://www.sec.state.ma.us/>

Procedures

Public Records Requests. Requests for public records may be made orally, in person at 3 Pond Road, Gloucester, MA, or in writing (fax, email, letter). Telephone requests will not be taken.

Description of Records and Requester Information. A reasonable description of the document(s) requested should be provided to the RAO. Requests must be for records in the possession of CATA and must be focused and specific. All requests should include: the date of the request, name of the Requester, firm/company, contact information such as mailing address, phone number, and email address.

Responses to Public Records Requests

Fees. If fees will be assessed, a written estimate of the same will be provided to the Requester. CATA will adhere to the fee schedule allowed by the Commonwealth of Massachusetts for complying with public records requests. Five (5) cents for black and white prints and/or copies, staff time after the first two (2) hours for compiling, segregating, redacting, and reproducing records. These charges are subject to the approval of the Commonwealth's Supervisor of Records and cannot exceed \$25 per hour or the lowest paid worker with the skills necessary to complete the request.

Response if Longer than 10 Days or Denial in Whole or Part. The requestor will be notified within ten (10) business days confirming the request has been received and whether the requested records are disclosable public records in the possession of CATA. CATA may invoke an extension of time to the Supervisor of Records to comply with a request. The RAO will respond to the Requester in writing; explaining the anticipated time frame for complete response; identifying any records CATA does not have in its custody; identifying records which CATA does not

expect will provide, or that will be redacted, specifying the relevant exemption and its application to the requested record or portion thereof; providing in good faith fee estimate.

Clarification of Request. Depending on the scope of the request, the Requester may be asked to clarify the request, provide more specific detail, and/or agree to a voluntary extension of time for CATA to respond fully to the request.

Time for Response. In most cases, the request will be processed within ten (10) business days. If, due to the scope of the request, the need for redactions, or other complications, CATA may ask the Requester for an extension of time to comply or petition the Supervisor of Public Records for additional time.

Publicly Available Records. CATA maintains a searchable website at: <http://www.cantrn.com> where certain public records are available for inspection, downloading, or printing. If a Requester seeks documents publicly available on CATA's website, the Requester will be directed to the website in satisfaction of the request, unless the Requester does not have the ability to receive or access the records in a usable electronic form.

Electronic Records Delivery reference. To the extent feasible, the RAO will provide public records in response to a request by electronic means unless otherwise requested, or is not available in an electronic format. To the extent available and feasible, the RAO will provide an electronic record in the Requester's referred format.

Request for Records to be Mailed. Should a Requester seek to have responsive records provided by mail, the requester will be charged the actual cost of postage, using the least expensive form of mailing possible, unless the requester requests, and agrees to pay for, an expedited form of mailing. Such fees are paid in advance.

Creation of Records. CATA is only required to provide records that are in existence at the time of a request and is not required to create a new record to accommodate a specific request.

Answering Questions. CATA is not required to answer questions in response to a public records request.

Supplementing Responses. CATA is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.

Unique Right of Access. Pursuant to the provisions of 950 CMR 32.06(1)(g), if a Requester or Requester's representative (such as an attorney), has "a unique right of access by statutory, regulator, judicial or other applicable means," a request for records will not be considered a G.L. c.66 §10 public records request.

Exemptions

Exemptions, Redaction, Withholding. Some public records, or portions of records, may not be provided in response to a public records request because CATA has determined such records to be exempt from disclosure pursuant to the provisions of G.L. c.4, §7(26), the attorney-client privilege, or other applicable exemptions or common law privileges. For more information about exemptions to the Public Records Law, see the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," by visiting www.sec.state.ma.us/pre/prepdf/guide.pdf January 2017 Edition.

Fees

First Two Hours. There shall be no fee for the employee time required to satisfy a public records request for the first two (2) hours of work performed.

Requests for Commercial Purposes. Fee limitations may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.

Petition for a Higher Fee. In certain circumstances, CATA may petition the Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of \$25.00.

Appeals

Appeal of a Denied Request. Anyone denied access to public records has the right of appeal to the Supervisor of Records. A records custodian must comply with a request for records within ten (10) business days. If a custodian fails to respond within ten (10) business days, a Requester may file an appeal, so long as the appeal is filed within ninety (90) calendar days of the request. If a response has been provided, a Requester may appeal within ninety (90) days of the response. To petition an appeal, you must send the Supervisor of Records copies of the following: the written request; the written response, if any; and a brief letter detailing the reason for the appeal. The Requester may mail, fax, or email the appeal. Requesters must also provide a copy of the appeal petition to CATA.

Information on appeals. Information on appeals is available on the website of the Secretary of the Commonwealth of Massachusetts <http://www.sec.state.ma.us/pre/preapp/appidx.htm>