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Records Management Guide #7 Public Records Guidelines for Elected and Appointed Officials

- All records created or received by elected and appointed officials, departments, commissions and committees are public records and must be stored according to state guidelines.ⁱ
- Public records include all documentary materials or data that are made or received by any officer or employee of the Town of Burlington, regardless of physical form or characteristics.ⁱⁱ Public records include correspondence, audio tapes, video tapes, email, etc. that are created as part of your official duties.
- Upon the expiration of your term of office or retirement, you must deliver records in your custody to your successor.ⁱⁱⁱ
- You must permit all public records within your custody to be inspected or copied by any person during regular business hours. If you do not have daily business hours, you should post a written notice in a conspicuous location listing the name, position, address and telephone number of the contact person for public record access.^{iv}
- You must comply with public record requests as soon as practicable and within ten days.^v
- Public record requests may be verbal or written. It is recommended that the record requester provides a written request, in case it needs to be appealed.^{vi}
- The record requestor does not have to disclose the reasons for requesting access to or copying public records. You cannot require proof of identity prior to complying with public record requests.^{vii}
- Records may be withheld in whole or in part if they fall under one or more of the twelve exemptions in 950 CMR 32.00.^{viii} If you are unsure whether a record or a portion of it is exempt, contact the Public Records Division.¹ To request an official advisory opinion from the Public Records Division, you must make a written request.
- Minutes must be maintained in written format. Audio tape and video tape are not a stable preservation medium.^{ix}
- Meeting records are public records at the moment of their creation. This includes stenographic notes, longhand notes, audio tapes, and video tapes from public meetings.^x Meeting records, with the exception of executive session records, are subject to disclosure upon request.^{xi}
- Once the minutes have been written and accepted by the board or commission, notes and audio/video tapes may be erased or re-recorded without the prior permission of the Supervisor of Public Records, provided that there is no outstanding public records request or litigation.^{xii}
- Records that are used in private offices or homes must be stored in fire resistant devices and safes.^{xiii}
- If you cannot insure fire resistant storage outside the municipal building, then you may not remove original records. If you work at a private home or office, you should make copies of the records.^{xiv}
- If original records are created outside of municipal offices, they must be transferred on a regular and frequent basis to secure storage in the municipal building.^{xv} This includes electronic records.

¹ Secretary of the Commonwealth, Public Records Division, One Ashburton Place, Room 1719, Boston, Massachusetts 02108, Phone 617-727-2832, Fax 617-727-5914

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- i MGLc66 s13
 - ii MGL c4 s7(26)
 - iii MGL c66 s14 and Supervisor Public Records Bulletin 4-94, 5-94
 - iv 950 CMR 32.00
 - v 950 CMR 32.00
 - vi 950 CMR 32.08(2)
 - vii 950 CMR 32.00
 - viii 950 CMR 32.00
 - ix MGL c66 s56 (1990 edition) and Supervisor of Public Records Bulletin 2-92
 - x MGL c4 s7(26) (1990 edition)
 - xi MGL c39 s23B (1990 edition)
 - xii Supervisor of Public Records Bulletin 2-92
 - xiii Supervisor of Public Records Bulletin 4-94
 - xiv Supervisor of Public Records Bulletin 4-94
 - xv Supervisor of Public Records Bulletin 4-94