

804 CMR 12.00

804 CMR 12.01 Purpose & Authority

804 CMR 12.00 is promulgated pursuant to the authority granted by M.G.L. c. 151B, s. 3, paragraph 15. 804 CMR 12.00 is intended to set the amount to be charged for the provision of public records in conformity with M.G.L. c. 66, s. 10 and all other applicable statutes and regulations.

804 CMR 12.02 Effective Date

804 CMR 12.00 shall take effect on publication by the Secretary of the Commonwealth in the Massachusetts Register.

804 CMR 12.03 Definitions

As used throughout 804 CMR 12.00, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

Commission means the Massachusetts Commission Against Discrimination.

Person means any agency or political subdivision of the Federal government or the Commonwealth, or any state, public or private corporation or authority, any individual, trust, firm, joint stock company, partnership, association, or other entity, and any officer, employee or agent of said person, and any group of said persons.

Public record means any record made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the Commonwealth, or of any authority established by the General Court to serve a public purpose, and which is a public record pursuant to M.G.L. c. 4, s. 7, cl. 26, as may be amended from time to time.

Record means a book, paper, map, photograph, recorded tape, financial statement, statistical tabulation, or any other documentary material or data, regardless of physical form or characteristics.

804 CMR 12.04 Processing Requests for Disclosure of Public Records

In compliance with M.G.L. c. 66, s. 10, the Commission shall, at reasonable times and without unreasonable delay, permit any person, under the supervision of Commission personnel, to inspect and examine any public record which is in the custody of the Commission and the Commission shall furnish one copy of such record on request and on payment of a reasonable fee.

For purposes of this section, a "public record" shall not include any document exempted by M.G.L. c.4, s.7, cl. 26, M.G.L. c.151B, s.5, 804 CMR 1.04 or any other record specifically or by necessary implication exempted from disclosure by any other statute.

Whenever a cost or fee is established or determined by the Commission, said cost or fee shall be paid to the Commission.

804 CMR 12.05 Established Fees

- a. The following fees shall apply to any public record in the custody of the Commission:
 1. Preparing and mailing documents from a Commission complaint file: \$10.00 for not more than 7 pages plus fifty cents for each additional page.
 2. Self-service photocopies (where available): \$.25 per copy.
 3. Computer database search: \$10.00 per query.
 4. Requests for records not associated with Commission complaints: based on an hourly rate of staff assigned to fulfill the request plus twenty-five cents per page.
 5. Digital reproductions of public hearing proceedings (where available): \$25.00 per day of hearing.
- b. For any services associated with the provision of public records for which the Commission has not established a set fee, the Commission shall charge a reasonable fee based upon the cost to the Commission.
- c. The Commission shall review all fees established pursuant to 804 CMR 12.00 annually and shall by regulation adjust fees as necessary to reflect changes in the cost of the provision of its services.

804 CMR 12.06 Severability

It is hereby declared that the provisions of 804 CMR 12.00 are severable, and if any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions hereof or applications thereof which can be given effect without the invalid provision or application.