

**AUDITOR OF THE COMMONWEALTH OF MASSACHUSETTS,
DIANA DIZOGLIO
PUBLIC RECORDS REQUEST GUIDELINES**

INTRODUCTION:

The Auditor of the Commonwealth is committed to transparency and to the facilitation of efficient access to public records in its possession, custody, and/or control. The Auditor of the Commonwealth recognizes that prompt and appropriate responses to requests for public records are consistent with good government. To this end, this webpage provides guidance about submitting public records requests seeking records which the Auditor of the Commonwealth possesses.

Please note that the Auditor of the Commonwealth cannot offer legal advice or render legal opinions about the public records law to members of the public. If you would like general information about the public records law, please visit the Public Records Division of the Secretary of the Commonwealth's website:

<https://www.sec.state.ma.us/divisions/public-records/public-records.htm>

GENERAL RESOURCES:

HELPFUL STATUTES

The Massachusetts Public Records Law, G. L. c. 66, § 10, describes the process for submitting and responding to public records requests.

G. L. c. 4, § 7(26) defines "public records" and outlines exemptions that may apply to requested records – requiring a state agency to withhold certain public records from disclosure.

Please note that other statutes also control or bear upon access to public records.

APPLICABLE REGULATIONS

The Public Records Law authorizes the Supervisor of Records, who the Secretary of the Commonwealth appoints, to issue regulations regarding public records access. These regulations, 950 Code Mass. Regs. § 32.00, include information about the public records process as well as information regarding access to records, fees, and appeals.

PUBLIC RECORDS DIVISION (SECRETARY OF THE COMMONWEALTH)

The Public Records Division of the Secretary of the Commonwealth has additional information and resources concerning the public records process.

GUIDELINES:

In accordance with G. L. c. 66, § 6A, 10, and 10A and G. L. c. 4, § 7 (26), as amended through St. 2016, c. 121, and the Secretary of the Commonwealth's Public Records Access Regulations [950 Code Mass. Regs. § 32.00], hereinafter, collectively, "the Public Records Law", the Auditor of the Commonwealth and its Records Access Officer(s) provide the following Public Records Request Guidelines.

The Auditor of the Commonwealth (hereinafter "the Office of the State Auditor" and/or "Auditor") intends these guidelines to enable persons seeking access to public records in the Auditor's possession, custody, and control to make informed requests to obtain or gain access to such public records.

Consistent with policy, to make a request, whether written or verbal, to copy or inspect public records in the custody of the Auditor, please direct your request to the Auditor's Primary Records Access Officer (RAO):

Melissa McGavin
Assistant General Counsel
Office of the Auditor of the Commonwealth, Diana DiZoglio
521 East Street
Chicopee, MA 01020
(857) 242-5697

The Auditor's Director of Operations is:

Andrew Carden
Director of Operations
Office of the Auditor of the Commonwealth, Diana DiZoglio
Massachusetts State House
Room 230
Boston, MA 02133
(617) 727-2075

The Auditor of the Commonwealth's Records Access Officers (RAOs) will coordinate the Auditor's response to any request for public records through the timely and thorough production of any public records it possesses or will withhold records from disclosure consistent with the Public Records Law – recognizing that the Public Records Law requires its response to any public records request within ten (10) business days after receiving it.

The Auditor strongly encourages the public to make records requests in writing (using the form it provides online) because doing so helps confirm that the Auditor's Records Access Officers possess a thorough understanding of the documents which the requestor(s) seeks. Requestor(s) should be as specific as possible (including relevant date ranges and any other information that may help the Auditor to identify records) when describing the records they seek.

Please note that the Auditor's Office may only address public records requests under the Commonwealth of Massachusetts' Public Records Law and not the federal government's Freedom of Information Act (FOIA). FOIA applies to the federal government and public records that it maintains and does not apply to agencies of the Commonwealth of Massachusetts and records that they maintain.

Upon receipt of any request for public records, the Auditor's Records Access Officer (RAO) will review the request and advise the requestor of any estimated and/or actual cost to comply with the request – in accordance with G. L. c. 66, § 10. Once the Auditor's Office notifies any requestor(s), in writing, of the estimated and/or actual cost of complying with the request, and the Auditor receives payment of the same, the Auditor's Office will locate and consolidate the requested records and provide copies of them or an opportunity to view them.

The Auditor may withhold public records from disclosure pursuant to the Public Records Law but will notify, in writing, any requestor(s) of its decision to do so.

A public records request seeks "records" that already exist, usually in writing, and/or in one of the formats which G. L. c. 4, §7(26) defines. The Public Records Law does not require the Auditor to create a record in response to a public records request.

If a requestor(s) seeks to appeal the Auditor's response to any request for public records, if the requestor(s) originally made his/her request in writing, s/he may file an appeal with the Supervisor of Public Records for the Secretary of the Commonwealth in accordance with the Public Records Law. S/he may also seek judicial review of any response in the Suffolk Superior Court.

CATEGORIES OF RECORDS:

The Office of the State Auditor possesses a wide variety of public records in both paper copy and electronic form. The Auditor publishes electronic copies of records that are of great interest to a large group of the public on its website:

<https://www.mass.gov/orgs/office-of-the-state-auditor>

Records which the Auditor maintains in its regular course of business:

- 1) Audit Reports
 - a) ARRA Audit Reports
 - b) Education Audit Reports
 - c) Financial Management and Other Special Audit Reports
 - d) Health and Human Services Audit Reports
 - e) Housing Authority Audit Reports
 - f) Independent Authority Audit Reports
 - g) Information Technology Audit Reports
 - h) Judiciary and Law Enforcement Audit Reports
 - i) Transportation Audit Reports

- 2) Reports
 - a) Bureau of Special Investigation Quarterly Reports
 - b) Division of Local Mandate Reports
 - i) Mandate Determinations / Municipal Impact Studies
 - c) Privatization Reports
 - d) Peer Review Reports
 - e) Special Reports
- 3) OSA Strategic Plan
- 4) Open Meeting Law Notices / Public Notices
- 5) Legislation (which the Auditor authored)
- 6) Pending Legislation (which the Auditor authored)
- 7) Newsletters
- 8) Press Releases