



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Shawn A. Williams
Supervisor of Records

December 5, 2015
SPR15/613

Ms. Carla Vitale
Town of Winthrop
Office of the Town Clerk
Town Hall
1 Metcalf Square
Winthrop, MA 02152

Dear Ms. Vitale:

I have received the petition of Michael Bertino appealing the response of the Town of Winthrop (Town) to his/her request for public records. G. L. c. 66 § 10(b); see also 950 C.M.R. 32.08(2). Specifically, Mr. Bertino requested the opportunity to view copies of certain email and other records. Upon receiving a fee estimate from the Town Mr. Bertino appealed.

A custodian of records may assess a reasonable fee for complying with a request for public records. G. L. c. 66, § 10(a); see also 950 C.M.R. 32.06(2) (where cost of complying with a request for public records is expected to exceed ten dollars (\$10.00), custodian of records shall provide written good faith estimate). Absent specific statutory authority to the contrary, the fees to be charged for complying with requests for public records are established by the Public Records Access Regulations (Regulations). See 950 C.M.R. 32.06 (fees for public records). Under the Regulations, a custodian of records may assess a maximum fee of twenty cents (\$.20) per page for a photocopy of a public record and fifty cents (\$.50) per page for a computer print out of a public record. See 950 C.M.R. 32.06(1)(a).

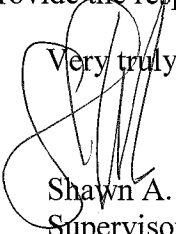
In addition to the copying fee, the Regulations provide that in cases where search or segregation time is necessary a custodian of records may charge a pro-rated fee based on the hourly rate of the lowest paid employee who is capable of performing the task. 950 C.M.R. 32.06(1)(c). The Regulations define "search time" as the time needed to locate, pull from the file, copy and refile public records, and "segregation time" as the time used to redact data that is exempt from non-exempt material. 950 C.M.R. 32.03. The search and segregation fees must reflect the actual cost of complying with a particular request. G. L. c. 66, § 10(a).

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It has come to my attention that the Town has revised its fee estimate. I find this revised estimate to be in compliance with the Public Records Law and its Regulations. Upon payment of this revised fee by Mr. Bertino, the Town must provide the responsive records.

Very truly yours,



Shawn A. Williams
Supervisor of Records

cc: Mr. Michael Bertino