

Access to Public Records Policy
Adopted by the Board of Selectmen on February 7, 2017.

- I. Purpose: To establish a protocol under which public documents will be made available in a timely manner.
- II. Policy Statement
The Town of Thompson is committed to ensuring public access in accordance with applicable statutes and in a prompt and efficient manner.
- III. Definitions:
 - A. "Public Records or Files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photocopied, photographed or recorded by any other method.
 - B. "Custodian" means the person or persons having physical control of Public Records or Files.
 - C. "Exempt Records" are:
 - 1. Preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure;
 - 2. Personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy;
 - 3. Certain criminal justice records;
 - 4. Records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is a party until otherwise settled;
 - 5. Medical, psychological, sociological and certain scholastic achievement data;
 - 6. Commercial or financial information given in confidence, not required by statute;
 - 7. Legal reports and advice on matters of litigation.
 - 8. Other items as described in the Freedom Of Information Act ("FOIA") Section 1-210, "Access to public records. Exempt records."

If there is any question about whether or not certain records are public information, the custodian shall consult with the Town Attorney or the Freedom Of Information Act Commission ("FOIAC")

- D. "Extenuating Circumstances" For the purposes of this policy "Extenuating Circumstances" means situations when the custodian of records or files is unable to fulfill a request for those records due to one or more of the following situations:
 - 1. A large category of records and or files has been requested and the request is without sufficient specificity to allow the appropriate custodian of records reasonably to prepare or gather the records
 - 2. A broadly-stated request is made that encompasses all or substantially all of a large category or records, and the agency is unable to prepare or gather the records.
 - 3. If the request is too broad, speculative or voluminous to prepare in ten (10) working days, the town may request from the Court, including attorney's fees as provided by law.
 - a. The custodian needs to devote all of, or substantially all of its resources to meet an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a month, or

- b. A request involves such large volume of records, or such obscure records, that the custodian cannot reasonably prepare or gather the records without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities.
- 4. If the custodian is not available due to illness, vacation, holiday, training or similar activity which prevents the custodian from responding in a timely fashion.

IV. Applicability

This policy applies to all departments within the Town of Thompson

V. General Provisions

A. Right to Inspect Public Records

All books, papers, maps, photographs, cards, tapes, recordings, correspondence, digitally stored data and other documentary materials, regardless of physical form or characteristics, held by any local government for use in the exercise of its functions or involving the receipt or expenditure of public funds are public record pursuant to Sec. 1-210 within the Freedom of Information Act, with the exception of Exempt Records. In addition to the right of inspection, any person also has the right to obtain copies of these records.

B. Document Creation and Format

Upon a request, a town hall employee is not under a duty to create any new public record. Data and/or records need to be provided only in the format in which they currently exist.

C. Advance Requests

Requests in advance for "future" records, i.e. Request for information on a subsequent continuing or periodic basis are not allowed. A separate request must be made each time existing data and/or records are requested.

D. Requests for Information and Inspection

1. Procedure for Requesting Public Records

With the exception of documents that are provided in the normal course of business, any requests for public information that requires retrieval may be in writing. The Town of Thompson has developed a Public Records Request form. This form is available on the town website (www.thompsonct.org) or may be obtained within the Selectmen's Office. Use of this form is recommended and encouraged but it is not required.

All records requests may be delivered or mailed to the Town of Thompson, CT or may be submitted by e-mail to the custodian of public record or file begin requested or the Town Clerk (townclerk@thompsonct.org). Any questions concerning requests to view or copy public records may be directed to the First Selectman. If the custodian questions a public record request, the Custodian shall consult with the Town Attorney or the State Freedom on Information Commission to resolve the question.

2. When Time Period for Response Begins

The time period begins when the town receives a written or e-mailed request. If the request is sent by:

- a. Email, it is deemed received when it is viewed by the recipient.
- b. U.S. mail, it is deemed received when the letter is opened and date stamped.
- c. Fax, it is deemed received when it is received and date stamped during regular business hours.
- d. Notwithstanding the foregoing, requests received outside of normal business hours, on holidays and over weekends will be deemed received no earlier than normal business hours on the next succeeding day.

3. Time for Inspection of Records

The town will strive to comply with all public records promptly. The Connecticut Freedom of Information Act requires a response within four (4) business days. If the requested records are in active use or are in storage and are not immediately available, this information shall be communicated to the person making the public records request either by phone or in writing, if requested, before the expiration of the four-day period.

The period of time for providing requested documents may be extended if "Extenuating Circumstances" exist.

E. Fees

1. A substantial number of town public records are available free of charge on the town's website (www.thompsonct.org). These include, but are not limited to, the town's budget, agendas and minutes of meetings of various boards and commissions, recorded documents and other information.
2. There is no fee to visually inspect "Public Records and Files".
3. The fee for a paper copy or scanned copy of "Public Records or Files" shall be half of the maximum amount of the Freedom of Information Commission's fees as defined in Section 1-212. The fee for a certified copy of "Public Records or Files" is \$1.00 for the first page and \$.50 for each additional page.
4. The fee for a certified copy of "Public Records for Files" is \$1.00 for the first page and \$.50 for each additional page.
5. Transcription costs, necessary computer formatting or programming functions, the costs of engaging an outside professional electronic copying agency, computer time charges, if required to provide "Public Records or Files" to a requestor shall be charged in accordance with the applicable statute, FOIA Section 1-212.
6. A requestor may scan "Public Records or Files" with a hand held battery powered scanner for a fee of \$20.00. The scanner may not leave a mark or impression on the records nor may its use interfere with the operation of the agency.
7. Prepayment is required when the fees are expected to exceed \$10.00.
8. No sales tax will be imposed on these transactions.
9. Transactions exempt from fees. Certain copies will be provided at no charge:
 - a. If the requestor is indigent.
 - b. If the requestor is an elected official of the Town and certifies that the record pertains to the official's duties.
 - c. As otherwise provided by law.

F. Inspection of Records

Inspection of records will take place during regular business hours. When inspecting "Public Records or Files" the requestor may identify by marking with tabs or otherwise identifying those records or files that the requestor wishes to have copied. The requestor may use the Public Records Request Form or other method to indicate what pages are desired, how the requestor can be contacted or other information that might be helpful in fulfilling the request for information. Copies of Town records must be made by the "Custodian" or the custodian's representative.

G. Denial of Inspection of Records

In accordance with the Connecticut Freedom of Information Act, certain records are either prohibited from disclosure or may be withheld from public inspection. Any denial of inspection of records will be specific and the justification for such denial, as authorized under the Freedom of Information Act, will be provided in writing to the requestor.

I. Retention and Archiving

The "Custodian" of records for the town is responsible to retain, archive and/or purge records in accordance with the retention schedule established by the Connecticut State Library for such records.