

Town of Thompson, CT
Access to Public Records Policy

Adopted by the Board of Selectmen on August 18th, 2015

- I. **Purpose:** To establish a protocol under which public documents will be made available in a timely manner while keeping a clear record of requests made.
- II. **Policy Statement**
In accordance with statutory responsibility, the town of Thompson is committed to ensuring public access to town public records within a reasonable time and at a reasonable cost.
- III. **Definition of Public Record**
 - A. Generally speaking, the following kinds of records are public:
 1. Records of any official actions taken by board or commission members during public meetings including minutes, recordings, exhibits, resolutions, agreements, contracts, reports, etc.
 2. All documents related to the expenditure of public funds.
 3. Applications for current employees; see HIPAA policies for all other forms of applications.
 4. Minutes of meetings of any Town advisory boards, committees and commissions.
 5. Incoming and outgoing correspondence of staff in which town business is discussed.
 6. Correspondence of officials, except to the extent that such correspondence is a working document in progress which may include tentative, contractual agreements and falls under the “exceptions” section of this policy; without an evident connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds; a communication from a constituent to an official that clearly implies by its nature or content that the constituent expects that it is confidential or a communication from a Board member in response to such a communication from a constituent; subject to Connecticut nondisclosure laws.
 7. Certain electronic mail. (*Note: some electronic mail may be considered a confidential working product/document or attorney-client privileged information.)
 - B. The “custodian” means and includes the official custodian or any authorized person having personal custody and control of the public records in question. The custodian is, in most circumstances, the Supervisor or Director within his or her department. Staff members cannot act as the custodian for other departments.
- 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 (*see below for exempt documents*). In addition to the right of inspection, any person also has the right to obtain copies of these records.

The following records are exempt:

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; Commercial or financial information given in confidence, not required by statute;
6. Legal reports and advice on matters of litigation.

This list is not exhaustive; therefore, if there is any question about whether or not certain records are public information, the custodian shall consult with the Town Attorney.

B. Electronic Mail

Each individual employee is the custodian of his or her incoming and outgoing electronic mail (e-mail). In order to facilitate research and retrieval of email records that may be requested by the public, employees should take care to use a descriptive subject line that accurately and thoroughly reflects the topic of the e-mail correspondence.

C. 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. Data will not be manipulated and provided in formats found within the existing policy concerning documents.

D. 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.

E. 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 research and/or retrieval shall be made in writing and on the official Public Records Request form. The town of Thompson has developed the official Public Records Request form for the convenience of citizens and to ensure efficient and timely processing of public records requests. This form is available on the town website (<http://thompsonct.org>) or may be obtained within the Selectmen's office.

All records requests may be delivered or mailed to the town of Thompson, CT or may be submitted by email to the town clerk (Townclerk@thompsonct.org). The town clerk shall maintain the log of all record requests received. Any questions concerning requests to view or copy public records may be directed at the First Selectman and/or Human Resources/Personnel Director. If the First Selectman and or Human Resources/Personnel Director questions a public records request, he or she shall consult with the Town Attorney to ascertain whether the requested records are public or constitute an exception.

2. When Time Period for Response Begins

The time period begins when the town receives the completed official Public Records Request Form. If the form 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 requests within three (3) working days of receipt. 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 according to state statute if the Town Attorney determines that one of the following conditions (“extenuating circumstances”) exists, and states such conditions in writing to the requestor, within the first four (4) working days of receipt of the request:

- a. A broadly-stated request is made that encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the appropriate custodian or records reasonably to prepare or gather the records within the four-day period.
- b. 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 within the four-day period because:
 - i. The custodian needs to devote all of, or substantially all of its resource 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
 - ii. A request involves such a large volume of records, or such obscure records, that the custodian cannot reasonably prepare or gather the records within the four-day period

without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities.

c. If the request is too broad, speculative or voluminous to prepare in ten working days, the town may request relief from the Court, including attorney's fees, as provided by law.

d. If custodian is not available due to illness, vacation, holiday, training or similar activity which prevents the custodian from responding in a timely fashion.

F. 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. In accordance to Sec. 1-212 of the Freedom of Information Act, Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record. The fee for any copy provided in accordance with the Freedom of Information Act:

a. By an executive, administrative or legislative office of the state, a state agency or a department, institution, bureau, board, commission, authority or official of the state, including a committee of, or created by, such an office, agency, department, institution, bureau, board, commission, authority or official, and also including any judicial office, official or body or committee thereof but only in respect to its or their administrative functions, shall not exceed twenty-five cents per page; and

b. By all other public agencies, as defined in section 1-200, shall not exceed fifty cents per page. If any copy provided in accordance with said Freedom of Information Act requires a transcription, or if any person applies for a transcription of a public record, the fee for such transcription shall not exceed the cost thereof to the public agency. The fee for any copy provided in accordance with subsection (a) of section 1-211 shall not exceed the cost thereof to the public agency. In determining such costs for a copy, other than for a printout which exists at the time that the agency responds to the request for such copy, an agency may include only:

* An amount equal to the hourly salary attributed to all agency employees engaged in providing the requested computer-stored public record, including their time performing the formatting or programming functions necessary to provide the copy as requested, but not including search or retrieval costs except as provided in subdivision (4) of this subsection;

* An amount equal to the cost to the agency of engaging an outside professional electronic copying service to provide such copying services, if such service is necessary to provide the copying as requested;

* The actual cost of the storage devices or media provided to the person making the request in complying with such request; and

* The computer time charges incurred by the agency in providing the requested computer-stored public record where another agency or contractor provides the agency with computer storage and retrieval services. Notwithstanding any other provision of this section, the fee for any copy of the names of registered voters shall not exceed three cents per name delivered or the cost thereof to the public agency, as determined pursuant to this subsection, whichever is less. The Department of Information Technology shall monitor the calculation of the fees charged for copies of computer-stored public records to ensure that such fees are reasonable and consistent among agencies.

A public agency may require the prepayment of any fee required or permitted under the Freedom of Information Act if such fee is estimated to be ten dollars or more. The sales tax provided in chapter 219 shall not be imposed upon any transaction for which a fee is required or permissible under this section or section 1-227. Any additional questioning of fees may be viewed within the referenced section of the Freedom of Information Act.

G. Inspection of Records

Inspection of records will take place during regular business hours of the individual offices within the Town Hall. When inspecting town records, documents and other such property, the resident must enter his or her name within the sign in sheet provided within each department of the town hall. The individual will enter his or her name, along with the time he or she entered the office to inspect the public document and the time he or she exited the office. The requestor may not bring or use photocopiers, fax machines and other copy, scanning or reproductive device when inspecting records. Upon completion of the review, the requester may mark with tabs the pages he or she wishes to have copied. Copies will be made available at a later time, depending on the volume. The requestor will be notified by the method identified on the Public Records Request form when the copies are available for inspection and/or pickup. Copies must be made by the custodian and not by members of the public.

H. 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. With respect to email, each day the town's computer system routinely purges incoming and outgoing e-mails that are over 90 days old. Therefore, employees are responsible to retain, archive and/or purge, as appropriate, any incoming or outgoing e-mail, along with their other official town records, in accordance with the department's or office's retention schedule from the Connecticut State Library (Reference M1-210).

Adopted by the Board of Selectmen on August 18th, 2015

Town Of Thompson
815 Riverside Drive
North Grosvenordale, CT 06255
860.923.9900

All requests for public records of the Town of Thompson, CT pursuant to the Connecticut of Freedom of Information Act must be submitted in writing. Please read the instructions on the following page for additional information. Thank you.

Requested by:
Name:
Address:
City, State, Zip code:
Phone/Fax:
Email Address:
Delivery Method (Email, Pick-up, Fax, Mail):
Call to advise when request is ready for pick-up? (Y/N) _____ Phone: _____

Under the **Connecticut Freedom of Information Act § 1-200 et seq.**, I am requesting an opportunity to inspect or obtain copies of public records that **[Describe the records or information sought with enough detail for the public agency to respond, including date range for the information you are requesting. Be as specific as your knowledge of the available records will allow. But it is more important to describe the information you are seeking.]**

Under the Connecticut Freedom of Information Act, a response must be given to the requestor within four business days. If access to the records being requested will take longer, the requestor will be contacted by the appropriate custodian, providing information as to when such copies or the ability to inspect the requested records will be made available.

OFFICE USE ONLY	
Received by:	
Date Received:	
Number of Pages:	Fee Paid: \$ _____ Check # _____
Date Completed:	Date requestor was notified:
Additional notes:	

The Town of Thompson, CT and the custodian who signs his or her name under the "Received by" portion of the Office Use Only section within this document understands that it is a crime both to make or alter written documents and to possess forged documents with the intent to defraud others.
 (Conn. Gen. Stat. §§ 53a-137, 53a-138, 53a-139, 53a-140.)