



Town of Greenwich
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OPEN RECORDS POLICY

It is the policy of the Town of Greenwich to strictly comply with the Freedom of Information Act (Chapter 14 of the Connecticut General Statutes) and the principles of transparent government. Therefore, the Town has adopted the following “open records” policy to encourage complete and speedy disclosure of its public records to any person who wishes to see or copy them. All questions should be referred to the Town’s Law Department.

Who Must Comply

This policy is mandatory for every employee and official of the Town and all of its departments, boards, commissions, committees, subcommittees, and authorities. Implementing this policy is part of the job duties of all Town personnel. State law imposes civil and criminal penalties for failure to comply with the provisions of the Freedom of Information Act and the orders of its enforcement agency, the Freedom of Information Commission.

What is a Public Record

Most information in the Town’s possession is considered to be part of a general record available to the public. “Public records” include not just paper files but any information recorded by any method which relates to the conduct of the public’s business and is prepared, owned, used, received, or retained by any division of the Town or its personnel. It makes no difference that the records are computer files, photographs, handwritten, tape-recorded, or mere interoffice memos, or that there is no legal duty to file or maintain them.

What is Not a Public Record

Only a few kinds of records in the Town’s possession are not available to the public. Some examples would include:

- certain preliminary drafts or notes which are still subject to revision
- criminal investigation records revealing confidential informants or witness
- test questions and scoring keys for licensing and employment exams
- appraisals and evaluations for prospective public supply and construction contracts
- privileged correspondence with the Law Department or an outside Town Attorney
- strategy and negotiations for pending claims, litigation, or collective bargaining
- public petitions for meetings, nominations, and referenda not yet officially certified
- security and emergency information that risks people’s safety or government property

- untranscribed voicemail messages

These kinds of records are considered “exempt” from the usual rules allowing public inspection and copying.

Records of Public Meetings

All departments, boards, commissions, committees, and subcommittees must create and keep public records of their meetings (other than a single officer’s administrative or staff meetings). The records which must be created and kept include:

- an agenda copied to the Town Clerk at least 24 hours before the meeting
- a notice of any rescheduling within 24 hours after the meeting was supposed to occur
- a list of how every member voted on each motion within 48 hours after the meeting
- full minutes of the public proceedings within 7 days after the meeting

Copies of all meeting notices must be mailed, at least one week in advance if possible, to any person who makes a written request to receive them (for up to one year unless renewed) and pre-pays the estimated postage and photocopying fees.

Inspection of Public Records

Every person has the right to look at any public record during regular office hours simply by asking. They need not give their names or the reason for their interest. All public records of every division of the Town must be kept in its regular office or, for officials and commissions which have no regular office, in the Town Clerk’s Office. They must be kept in an accessible place during regular business hours – for example, not in a locked drawer when the keys are not immediately available. Where possible, the few kinds of “exempt” records should be filed separately from all public records to protect confidentiality breaches.

Only records which actually exist at the time of the request must be made available. “Standing” requests for records not due to be created until later need not be honored (other than meeting notices; see above). If information is requested which is not already embodied in a document, computer file, or some other record, none need be created solely for that person.

Public records might contain some confidential information. These documents are still public records, but the confidential information in them must be redacted (that is, blacked out) before they are made available to the public. Some examples would include:

- any person’s social security number
- public school student names, addresses, or educational records without consent
- home addresses of judges, police officers, firefighters, and prosecutors
- commercial/financial information in a personal property tax declaration
- municipal utility records which reveal the usage or billing of individual customers
- most voter registration information other than name, address, etc.

Note that any information in personnel files, birth records, military discharge filings, or confidential tax records which is non-public must still be made available to the individual who is personally the subject of that information (with proof of identity).

Copies of Public Records

Every person has the right to be given a copy of any public record after submitting a written request. The Town has adopted a “Records Request Form” which is highly preferred because it encourages clarity and standardizes response efforts, but any written request should be accepted.

By law, all requests require prompt attention. Therefore immediate action generally should be taken to ensure prompt compliance with requests.

A request must properly identify the records to which access is sought. If the request is unclear, the person should be promptly asked to clarify exactly what records are sought.

A diligent and thorough search must be made to locate all of the relevant records properly identified in the request, including in archived or computerized storage if this is within the scope of the request. The Law Department must be notified immediately if the records requested:

- cannot be assembled within four business days of the request
- might be located across multiple offices or departments
- would have to be taken from an employee’s personnel or medical file
- appear to be exempt from public disclosure or to contain confidential information

Note: If the records have not been made available within four business days for any reason, the person must be sent a letter by the fourth day stating that the request is still under review and, if possible, give an estimated date of completion. The records must be compiled as quickly as possible thereafter. Notify the requesting person that the copies are ready for pickup or mail them out, at the person’s option.

Any person may also make their own copies of public documents (without a written request) if they use a portable battery-powered scanner. The scanner must leave no mark or impression on the records and not unreasonably interfere with the Town’s normal operations. Accommodate the scanning in the same way as would be appropriate for traditional copying; for example, remove staples or bindings from the pages if necessary for the scanner’s use.

Electronically-Stored Records

Information located in a computer, on a diskette, or in any other electronic storage medium or device is just as much of a public record as if it was a paper document. This may include not just the easily-printed software screens we use every day, but also “hidden” data which may be difficult to extract from the device’s memory or translate into English. Unless this

information would be considered “exempt” from public disclosure if it were on paper, a copy must be provided to any person requesting it in writing.

Properly identified non-exempt data contained in computer-stored public records must be provided in the format or medium requested if the public agency receiving the request can reasonably make such copy or have a copy made. The person should specify the format: a printout, diskette, or any other medium which can reasonably be accommodated. Other than simple printouts and downloads, the Town’s Information Technology Department must be consulted to ensure that the correct information is properly transferred to the requested medium. The Town will do whatever is reasonable to make copies of electronic data available to the public, including reformatting or reprogramming its equipment to release the information or hiring a professional retrieval service to do so.

In order to protect the accessibility, integrity and security of the Town’s public electronically-stored records, the Information Technology Department and the Law Department must be consulted before any computer system, equipment, or software is acquired or modified in such a way that it would make it more difficult or expensive to access existing data or other information.

Fees for Copies of Public Records

Paper Records: The fee for photocopying a paper record, including an existing computer printout, is \$0.50 per page if duplicated on a Town copier. If so many pages must be copied that an outside vendor must be used to accommodate the request, the fee is that vendor’s actual charge and no more. The fee for certified copies is \$1.00 for the first page and \$0.50 for each additional page in addition to the copying charges.

Audio Records: The fee for transcribing an audio record is a vendor’s actual charge for having the transcription prepared. If transcribed in-house, the fee is limited to normal per-page photocopy charges. Voicemails are not public records and need not be transcribed.

Scanned Records: The fee for copying public records with a portable scanner is a flat \$10.00 per scanner for an unlimited amount of copying during that business day.

Electronic Records: The fee for any electronically-stored information will usually be the actual cost of the diskette or other storage medium requested, and no more. If reformatting, reprogramming, or outside vendor assistance is necessary, the hourly salary or invoiced fees of the person doing this work may be charged to the requesting person if the Town’s Law Department has approved doing so in advance.

All fees expected to be \$10.00 or more must be paid in full before the copies are provided; smaller fees can be billed afterward. No fee should be charged:

- if the person requesting the copies provides proof of being indigent
- if the person requesting the copies is a Town employee or elected official on official business

- for the time spent compiling the requested records, without Law Department approval
- for postage to mail the copies to the person requesting them

Records Request Form

The Town has adopted a uniform Records Request Form which has been distributed to every department. Any person who verbally requests a copy of any public record should be asked to complete this form, except for Geographic Information Systems (GIS) maps and related data for which special forms should be used. All forms are available on the Town's website, www.greenwichct.org. If the person refuses to complete the Records Request Form or sends the request by letter, attach the person's request to the Form and write "see attached" on its front.

Complete the worksheet at the bottom of the Form to indicate the dates on which the request was made and complied with, the fees charged, and any inability to provide the requested documents. When the records are assembled and ready for mailing or pickup, attach a photocopy of the completed Form for the requesting person. Send the original Form to the Law Department along with the original receipts for any vendor's fees charged to the requestor and copies of any correspondence related to the request. (Copies of the records themselves should not be sent to the Law Department.)

If in doubt about any aspect of the Records Request Form or how to comply with the Town's Open Records Policy, please contact the Law Department.