

**Cambridge Public Schools
Administrative Guidelines and Procedures**

PUBLIC RECORDS

The Cambridge Public Schools (“CPS”), as a public employer, is subject to Massachusetts laws regarding the dissemination, retention, and destruction of public records. CPS expects that its employees will act in good faith to comply with these laws and has set forth the following guidelines and procedures to aid in such compliance.

Definition of Public Records

Section 10 of Chapter 66 of the Massachusetts General Laws provides that any person has a right to access public records, including the right to inspect, copy, and/or have copies of records provided upon a payment of a reasonable fee. Public records are broadly defined as “books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by” any employee of a public agency. Mass. Gen. Laws, ch. 4, § 7. There are, however, a number of categories into which such materials could fall and thus be exempt from public disclosure, including but not limited to:

- materials specifically (or by necessary implication) exempted from disclosure by statute;
- materials related solely to internal personnel rules and practices of the agency, withheld only to the extent that proper performance of necessary governmental functions requires;
- personnel and/or medical files or information, or any other materials relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy;
- inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency, not including reasonably completed factual studies or reports on which the development of such policy positions has been or may be based;
- notebooks and other materials prepared by an employee of the commonwealth which are personal to them and not maintained as part of the files of the agency;
- proposals and bids to enter into any contract or agreement until either the bids are opened publicly or the bidding period has expired, and any inter-agency or intra-agency communications made in connection with an evaluation process for reviewing bids, prior to a decision to enter into negotiations with or award a contract to a bidder;
- questions and answers, scoring keys and sheets, and other materials used to develop, administer, or score a test, examination or assessment instrument, provided that such materials are intended to be used for another test, examination or assessment instrument;

- records including but not limited to blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons, buildings, structures, facilities, utilities, transportation or other infrastructure within the Commonwealth, the disclosure of which, in the reasonable judgment of the custodian of records, subject to review by the supervisor of public records, is likely to jeopardize public safety;
- the home address and home telephone number of a public employee, contained in a record in the custody of a government agency that maintains records identifying public employees, provided that the information may be disclosed to an employee organization under Chapter 150E, a nonprofit organization for retired public employees under Chapter 180, or a criminal justice agency as defined in Section 167 of Chapter 6;
- the name, home address, and home telephone number of a family member of such a public employee; and
- information and records acquired under Chapter 18C by the Office of the Child Advocate.

For a complete list of exempted categories, see the Massachusetts Public Records Law, available online.

Making a Request for Public Records

Pursuant to the Public Records Law (G.L. c. 66, section 6A) the City Manager has designated Seah Levy as the Public Records Access Officer for the City of Cambridge.

Her contact information is:

Seah Levy
 Public Records Access Officer
 City of Cambridge
 Law Department
 City Hall, 795 Massachusetts Avenue
 Cambridge, MA 02139

Phone: (617) 349-4121

Email: slevy@cambridgema.gov

Procedure for Responding to a Request for Public Records

Requests for public record information must be responded to within ten (10) days of receipt. Accordingly, when such a request is received, the following procedure should be followed:

1. In the event that a public records request is directed to the CPS as opposed to the City of Cambridge's Public Records Access Officer, the CPS employee who receives the request

will contact the Office of Legal Counsel regarding the content of the request. If the request is made in writing, the employee will forward a copy to the Office of Legal Counsel either via email (mmacfarlane@cpsd.us or emchugh@cpsd.us) or via facsimile at 617-349-6499. The Office of Legal Counsel will forward the public records request to the attention of the City of Cambridge's Public Records Access Officer for review and processing.

2. The City of Cambridge's Public Records Access Officer will determine:
 - a. if any of the requested documents are exempt from production;
 - b. whether the material is available in the form requested; and
 - c. the fee to be charged for making the material available.
3. The Office of Legal Counsel will provide the CPS employee with directions as to any action to be taken after the request has been reviewed.

Retention and Destruction of Public Records

Section 8 of Chapter 66 of the Massachusetts General Laws provides that all public records "shall be preserved and safely kept" for a period of seven (7) years after the latest original entry therein, unless otherwise provided by law. Section 8 also provides that no public record shall be destroyed without the written approval of the Supervisor of Public Records of the Massachusetts Archives. Accordingly, all public records must be maintained for a minimum of seven (7) years, unless otherwise provided by law. The Supervisor of Public Records of the Massachusetts Archives has developed a retention schedule for school department records.

Prior to submitting any request to the Supervisor of Public Records of the Massachusetts Archives for approval of the proposed destruction of any public records, contact the Office of Legal Counsel at 617-349-6425 in order to verify that the records are not subject to any current or pending litigation and/or public records requests and that the prescribed retention period has fully expired for each record proposed to be destroyed. Any questions regarding the proposed destruction of public records should be directed to the Office of Legal Counsel.

For questions regarding the period of retention of student records and the procedures relating to their destruction, consult the CPS Administrative Guidelines and Procedures: Student Records.

Legal references: M.G.L c. 4, § 7; c. 66, §§ 8 & 10

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