

THE TOWN OF GUILFORD VERMONT

236 School Road Guilford Vermont 05301-8319

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Public Records Inspection, Copying, and Transmission Policy

PURPOSE. The Vermont Public Records Act, 1 V.S.A. §§ 315-320, provides access to a town's public records for inspection and copying unless the records are exempt by law from public access. The Town is authorized under section 316(j) of the Public Records Act to adopt and enforce reasonable rules to prevent disruption of operations in responding to records requests, to preserve the security of public records, and to protect public records from damage. This policy is intended to provide for timely action on requests for public records without unreasonable interruption of operations and to protect the integrity of the Town's public records.

APPLICABILITY. A public record is defined as any written or recorded information, regardless of physical form or characteristic, which is produced or acquired in the course of Town business. Public records, regardless of format, are available for inspection and copying unless there is a specific statute exempting the record from public disclosure. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c). This policy applies only to requests for public records in the Custodian's custody. It does not pertain to those records for which the Town Clerk has statutory responsibility.

DEFINITIONS. For purposes of this policy, the following words and/or phrases shall apply:

1. "Agency" means an agency, board, committee, department, branch, instrumentality, commission, or authority of any town.
2. "Custodian" means the person(s) that has (have) charge or custody of a public record. In most cases it is the Town Administrator and/or their designee. The Town Clerk is not considered a custodian of public records for purposes of this policy.
3. "Promptly" means immediately, with little or no delay, and generally not more than three business days after receipt of the request, consistent with the provision of this policy.
4. "Business Days" means the days that the Guilford Town Office is officially open for the transaction of Town business and that the Custodian's office is open to provide services.

PUBLIC RECORD REQUEST FORMS. Not every public record request will necessitate the use of a written request form. However, when a request is made for a public record

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that is not readily accessible, may be exempt from public access, or may not exist, the requestor will be asked to complete a Public Records Request Form. Where a request is likely to result in charges for copying or staff time, the requestor shall be required to submit a completed Request Form. The Town shall retain the original copy of all requests and written responses (if applicable). The form may be found on the Town's website: www.guilfordvt.gov by searching "forms and is also available in the Town Office."

INSPECTION OF PUBLIC RECORDS. In responding to a request to inspect or copy a record, a Town employee or municipal official will consult with the requestor, if necessary, in order to clarify the request or to obtain additional information that will assist the Town in responding to the request and in facilitating production of the requested record for inspection or copying. When a requestor seeks a voluminous amount of separate and distinct records, the Town may ask the requestor to narrow the scope of the public records request.

Upon receipt of a request to inspect a public record, the Custodian will promptly produce the record for inspection except that:

1. The Custodian will inform the requestor in writing if the record does not exist under the name given by the requestor or by any other name known to the employee or municipal official.
2. If the Custodian withholds the record as exempt from public access, the Custodian will promptly certify this fact in writing to the requestor. The Custodian will identify the record or portion of record withheld, the statutory basis for withholding the record, a brief statement of the reasons and supporting facts for denial, and provide the names and titles or positions of each person responsible for denial of the request. The Custodian will also inform the requestor of the right to appeal this determination to the Selectboard.
3. It is the policy of the Town that all exempt records will be withheld from disclosure.
4. If the record is in active use or in storage and therefore not readily available at the time of the request, the Town will promptly certify this fact in writing to the requestor and set a date and hour within one calendar week of the request when the record will be available for inspection.

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The time limits described above may be extended in writing up to ten business days from receipt of the written records request based on:

1. The need to search for and collect requested records from field facilities or other establishments that are separate from the Town Office; or
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
3. The need for consultation with the Town attorney or other Town officers or departments having a substantial interest in the determination of the request.

If the time limits described above are extended, the Custodian will inform the requestor of such fact in writing, setting forth the reason(s) for the extension and specifying the date upon which the Custodian will respond to the request.

The Custodian will not withhold any record in its entirety on the basis that it contains some exempt content if the record is otherwise subject to disclosure; instead, the Custodian will redact the information he or she considers to be exempt and produce the record accompanied by an explanation of the basis for denial of the redacted information.

PROTECTION OF PUBLIC RECORDS REQUESTED FOR INSPECTION. In order that all public records in the custody of the Town may be protected from damage or loss, such records may only be inspected in locations in the Town Office designated by the Custodian. No public record may be removed from a designated location, marked, altered, defaced, torn, damaged, destroyed, disassembled, or removed from its proper location or order. The Custodian may be present during the inspection of a public record. No person shall be allowed to copy a public record using copying equipment other than that owned by the Town unless previously approved in writing by the Custodian.

When inspection of an electronic record is requested and the inspection of the original electronic record would create a disruption in operations of the Town or would jeopardize the security or condition of the original record, the Custodian will provide an electronic copy of the original record in the original format in which the record is maintained, less any exempt information redacted from the record, at no cost to the requestor and may be viewed at the Town Office. If the requestor wishes to retain a copy of the electronic record and lacks the electronic media for storing the record, the Custodian may provide one for a charge as outlined below.

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COPIES OF PUBLIC RECORDS. Upon receipt of a request to make a copy of a public record, the Custodian will make and produce a copy subject to the following:

1. Charges. Except where otherwise provided by law, the Custodian will charge and collect the following costs for making a copy of a public record:
 - a. The actual cost charge for a copy of a public record as determined by the uniform schedule of charges established by the Secretary of State (see attached Uniform Schedule of Fees); and
 - b. The cost of staff time associated with complying with a request for a copy of a public record when the time exceeds 30 minutes as that cost is determined by the uniform schedule of charges established by the Secretary of State; and
 - c. The actual cost of electronic storage media for storing electronic copies of records.

All charges for copies and staff time must be paid in full prior to delivery of the requested copies. Upon written request, the Custodian will provide an estimate of the cost of making a copy of a public record prior to complying with the request.

2. Standard formats. The Custodian will make a copy of a public record in the following standard format:
 - a. For any public record maintained by the Town in paper form, the Custodian will make a paper copy of the record;
 - b. For any public record maintained by the Town in electronic form, the Custodian will make an electronic copy of the record in the format in which the record is maintained.

A request for a copy in a format other than those mentioned above is “non-standard.” The Town will not provide a copy of a public record in a non-standard format (e.g., conversion of a paper public record to electronic format or conversion of an electronic record to paper format) as permitted under 1 V.S.A. § 316 (2) (i).

CREATION OF PUBLIC RECORDS. The Town will not create a public record that does not exist.

TRANSMISSION OF PUBLIC RECORDS. The Custodian will transmit a public record only upon written request. The Custodian will charge the requestor the costs associated

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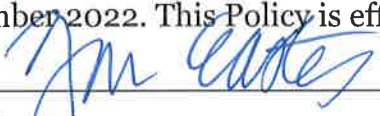
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with doing so. Requests for transmission of a record must be made in writing and all charges must be paid prior to delivery of the record. Upon request, the Custodian will provide an estimate of the cost of transmitting a public record prior to complying with the request.

DENIAL OF A PUBLIC RECORD REQUEST. If the Custodian denies a public record request in whole or in part, the denial may be appealed to the Town Administrator or their designee . In accordance with 1 V.S.A. § 318(c)(1), the Selectboard will make a written determination on the appeal within five business days after receipt of the appeal. A decision of the Selectboard may be reviewable by the Vermont Superior Court pursuant to 1 V.S.A. § 319. In the event that there is no regularly scheduled Selectboard meeting within four business days following receipt of the appeal the Selectboard may convene a special meeting or advise the requestor that determination of the appeal will be made at the first Selectboard meeting after receipt of the appeal and the decision conveyed on the following business day.

The foregoing Public Records Inspection, Copying, and Transmission Policy is hereby adopted by the Selectboard of the Town of Guilford, Vermont, this 14th day of November 2022. This Policy is effective as of this date until amended or repealed.




Zon Eastes, Chair
Selectboard




Verandah Porche, Vice-chair
Selectboard



Michael Becker, Selectboard



Richard Wizansky,
Selectboard



Knute "Rusty" Marine,
Selectboard

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Town of Guilford, Vermont

Uniform Schedule of Public Records Charges for State Agencies (CVR 04-000-002)

Pursuant to 1 V.S.A. 316(d) and Acts 1996, No. 159 section 1, the following fees are established as the actual cost of providing a copy of a public record:*

1. For staff time involved in physically duplicating a record, \$.33 per minute after the first 30 minutes.
2. For senior-level staff time, and information technology specialists' time spent extracting data from databases, or performing similar tasks necessary to comply with a request to create a new public record, \$.57 per minute.
3. For any other staff time for which cost can be charged and collected under this section, \$.45 per minute.
4. For photocopies, \$.05 per single-sided page, \$.09 per double-sided page for pages up to 8.5 by 14 inches.
5. For color photocopies, \$1.00 per single-sided page.
6. For computer-generated paper copies, \$.02 per page for pages up to 8.5 by 14 inches.
7. For computer diskettes, \$.28 each for 3.5-inch diskettes.
8. For compact discs, \$.86 each for write-once CD w/case, \$2.31 each for re-writable CD w/case.
9. For audio tapes, \$.81 each.
10. For video tapes, \$1.69 each.
11. For DVDs, \$2.00 each for write-once DVD w/case, \$4.00 each for re-writable DVD w/case.

*Note: there are fees for copies of public records that are established by statute that may override the fees established by this schedule.

Attached:

Form: Request for Inspection or Copying

Form: Certificate of Denial

Form: Response to Public Records Request

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Town of Guilford, Vermont
Request for Inspection or Copying of Public Record(s)

Date _____

Dear Custodian:

Pursuant to the Vermont Public Record Act, 1 V.S.A. §§ 315-320, I hereby request to inspect the following public record(s):

- a. _____
- b. _____
- c. _____

(If applicable) I hereby request a copy of the above record(s) in the following format:

_____. I agree to pay reasonable and customary costs for these copies.

(Complete this section if you have a disability requiring an accommodation): I request the following accommodation(s) in order to access the public record(s) I seek:

If you have questions about this request, please call me at _____.

Thank you for your help.

Signature

Printed Name

The Custodian for the Office of *[insert title of office]* shall retain the original of this form for record keeping purposes and provide the requestor with its copy.

Town of Guilford, Vermont
Certification of Denial of Access to Public Record(s)
1 V.S.A. § 318(a)(2)

On _____, the Custodian for the Office of *[insert title of office]* of the Town of _____, Vermont, received a request from _____ for access to public record(s). Certain records determined to be subject to the request have been withheld in whole or in part as exempt from disclosure under 1 V.S.A. § 317. Such withheld records are as follows:

Title or Other Description of Public Record Withheld	All or Partial	Reasons for Withholding and Supporting Facts	Statutory Exemption(s)

You may appeal any or all of the withholding of these public records to the Town of _____ *[insert "Town Manager," "Town Administrator," or "Selectboard Chair" as applicable]*. In accordance with 1 V.S.A. § 318(c)(1), the *[insert "Town Manager," "Town Administrator," or "Selectboard Chair" as applicable]* will make a written determination on the appeal within five business days after receipt of the appeal. A decision of the *[insert "Town Manager," "Town Administrator," or "Selectboard Chair" as applicable]* may be reviewable by Vermont Superior Court under 1 V.S.A. § 319.

 Custodian for the Office of *[Insert title of office]*

Town of Guilford, Vermont

Date signed _____.

The Custodian for the Office of *[insert title of office]* shall retain the original of this form for record keeping purposes and provide the requestor with its copy.

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PUBLIC RECORDS REQUEST

To: *recipient*
From: Town Administrator, on behalf of the Guilford Selectboard
Date:

This is to acknowledge receipt, on *DATE*, of your request for the following record(s):

Enumerate request

The following documents are enclosed:

Enumerate documentation

If applicable, document(s) or information is/are being withheld as follows:

The information is being withheld based on 1 v.s.a. 317(c)(1), "*Records that by law are designated confidential or by a similar term,*" <https://legislature.vermont.gov/statutes/section/01/005/00317>.

To the best of our knowledge, we are not withholding any other information and we consider the request satisfied to the extent possible.

IF A DENIAL

This denial may be appealed to the Selectboard. In accordance with 1 V.S.A. § 318(c)(1), the Selectboard will make a written determination on the appeal within five business days after receipt of the appeal. A decision of the Selectboard may be reviewable by the Vermont Superior Court pursuant to 1 V.S.A. § 319.

