

TOWN OF GUILFORD, VERMONT  
PUBLIC RECORDS INSPECTION, COPYING, AND TRANSMISSION POLICY

I. Purpose and Authority

This policy establishes procedures and fee schedules for public records requests in accordance with Vermont's Public Records Act, 1 V.S.A. §§ 315–320. The Town is committed to transparency and open government while ensuring that the administrative burden of records requests does not impair the Town's ability to provide essential services to all residents.

Under 1 V.S.A. § 316(e), the Selectboard, after public hearing, establishes the Town's actual-cost charges for copies of public records and the amounts that may be charged for staff time, when such a charge is authorized under the statute.

II. Definitions

For purposes of this policy:

**Public Record:** Any written or recorded information, regardless of physical form or characteristic, produced or acquired in the course of Town business, unless specifically exempted by statute, as defined in 1 V.S.A. § 317.

**Custodian:** The Town Administrator or their designee who has charge or custody of public records covered by this policy.

**Requester:** Any person, regardless of residency, who submits a request for public records under Vermont law.

**Business Days:** Days that the Guilford Town Office is officially open for the transaction of Town business.

This policy applies to records in the Custodian's custody. It does not alter the statutory duties of the Town Clerk for records under the Clerk's separate authority.

III. How to Request Records

A. Submission Requirements

All public records requests under this policy should be submitted in writing to:

Town of Guilford, Attn: Town Administrator  
236 School Road  
Guilford, Vermont 05301  
Phone: 802-254-6857  
Email: [townadmin@guilfordvt.gov](mailto:townadmin@guilfordvt.gov)

Requests must include:

- The requester's name and contact information.
- A specific description of the records sought.
- The preferred format for receiving records (inspection, paper copies, or electronic copies).

The Town's standard Public Records Request Form is available at the Town Office and on the Town website.

#### B. Specificity, Narrowing, and Large Requests

Requests must be specific as to subject matter, time period, custodians, and records sought. The Town is not required to:

- Create new records;
- Compile or synthesize information that does not exist as a discrete record;
- Conduct research on behalf of a requester; or
- Answer questions not relating to the document request.

When a requester seeks a voluminous amount of separate and distinct records, or submits a request that is overly broad or unclear, the Custodian will promptly consult with the requester to clarify and narrow the scope. Consistent with 1 V.S.A. § 318(d) and § 318(b)(5)(B), the Town may request that a person seeking a voluminous amount of separate and distinct records narrow the scope of a public records request.

Narrowing may include, for example:

- Limiting the date range (e.g., "January 1–31, 2024" rather than "all emails from 2024").
- Limiting to specific senders/recipients (e.g., "emails between the Town Administrator and the Selectboard").
- Limiting to specific subject matter (e.g., "correspondence regarding the Smith Road project").
- Limiting to particular record types (e.g., final reports or decisions rather than drafts and internal notes).

If, after consultation, the requester declines to narrow a voluminous or unclear request, the Town will process the request to the extent practicable. In such circumstances, response times may be extended under 1 V.S.A. § 318(b)(5), and staff time charges and required prepayment may be substantial due to the volume of records and the review and redaction required.

#### C. Phased Processing of Email and Electronic Requests

For requests likely to yield a large volume of email or other electronic communications (for example, hundreds of messages across multiple accounts), the Town may, in its discretion:

- Process the request in phases (for example, by custodian, date range, or subject line); and
- Provide separate written cost estimates, require prepayment, and set separate timeframes for each phase.

The Town may prioritize phases that are most likely to be responsive (for example, the Town Administrator's emails for a shorter time period) so that the requester can review initial results and decide whether to proceed, narrow, or discontinue additional phases. This phased approach is intended to balance the public's right to access with the Town's obligation to avoid unreasonable disruption of operations.

#### IV. Fees, Charges, Estimates, and Prepayment

##### A. Staff Time Rates (1 V.S.A. § 316(c), (e))

The first 30 minutes of staff time per request to locate, retrieve, review, redact, and prepare records for copying is provided at no charge. After 30 minutes, the Town charges the actual cost of staff time, as authorized by 1 V.S.A. § 316(c) and established by the Selectboard after public hearing under 1 V.S.A. § 316(e).

The following rates are based on actual employee compensation (and, where applicable, market-rate technical services) and may be adjusted by Selectboard resolution after public hearing:

Town Administrator: \$0.58 per minute

Town Treasurer: \$0.46 per minute

IT Support / Technical Staff: \$1.25 per minute

Administrative / Clerical Staff: \$0.42 per minute

In-Person Searches of Town Clerk's Vault: \$4.00 per hour (after the first 15 minutes)

Billable staff activities after the first 30 minutes include:

- Locating and retrieving records from files, archives, email servers, and other electronic systems.
- IT retrieval of email archives, backups, or digital records.
- Reviewing records line-by-line to determine whether any content is exempt under 1 V.S.A. § 317(c).
- Redacting exempt information.
- Preparing records for delivery (organizing, copying, converting formats).

##### B. Copying and Material Costs (1 V.S.A. § 316(b), (e))

In addition to staff time, the Town charges the actual cost of copies and materials, as authorized by 1 V.S.A. §§ 316(b) and 316(e). Using the cost factors required of the Secretary of State under 1 V.S.A. § 316(d) (paper or media, prorated equipment maintenance and replacement, and copying-related utilities), the Selectboard has established the following charges:

Paper copies (black and white, up to 8.5" x 14"): \$0.25 per page

Paper copies of recorded documents: \$1.00 per page

Copies of Lister Cards: \$1.00 per page or \$10.00 for a one-year subscription

Electronic delivery by email: No charge for files under 100 MB

Large electronic deliveries (USB drive, other media, or cloud transfer): actual cost of media or service

Postage or other delivery: actual mailing or delivery cost

The Guilford Town Office does not stock or provide some items described in the VT Secretary of State's Uniform Charges Schedule; computer diskettes, compact discs, audio tapes; video tapes; DVDs.

If the Selectboard later determines that documented actual costs differ materially, it may adjust these rates by resolution after a public hearing, as required by 1 V.S.A. § 316(e).

### C. Written Cost Estimates and Prepayment (1 V.S.A. § 316(c))

For any request for copies that the Custodian reasonably determines will require more than 30 minutes of staff time, or that will incur significant copying or transmission costs, the Town will provide a written cost estimate before beginning billable work.

The estimate will include:

- Estimated staff hours required for each task;
- Applicable hourly rates;
- Description of work to be performed (e.g., search, review, redaction, IT export);
- Estimated copying and material costs; and
- Total estimated cost and any proposed phasing.

As authorized by 1 V.S.A. § 316(c), the Town may require that requests subject to staff time charges be made in writing and that all charges be paid, in whole or in part, prior to delivery of the copies. For any request with an estimated total cost exceeding \$100.00, full prepayment is required before staff time beyond the initial 30 minutes is expended.

If actual costs exceed the estimate by more than 20 percent, the Town will notify the requester, provide a revised estimate, and obtain authorization before proceeding with additional billable work. If the requester declines to authorize additional costs, the Town will provide all records processed up to that point.

Upon completion, the Town will provide an itemized invoice showing: dates of work, tasks performed, staff involved, time spent (in 15-minute increments), rates applied, copying/material costs, prepayments credited, and any balance due or refund owed.

### V. Response Timeline and Extensions

The Town will respond to public records requests promptly, which under 1 V.S.A. § 318(a)(1) means immediately, with little or no delay, and in any event not more than three business days after receipt of the request.

Within this timeframe, the Town will:

- Provide the requested records for inspection or copying; or
- Provide the requested records in part and deny in part; or
- Provide a written cost estimate; or
- Provide written notice that additional time is needed under 1 V.S.A. § 318(b)(5); or
- Provide a written certification that the record does not exist or is not in the Town's custody; or
- Provide a written denial, in whole or in part, citing the applicable statutory exemptions.

In unusual circumstances, the Custodian may extend the response time for up to 10 business days, with written notice stating the reasons and the date by which the Town will respond, as permitted by 1 V.S.A. § 318(b)(5). "Unusual circumstances" include:

- The need to search for and collect requested records from field facilities or other establishments separate from the Town Office;
- The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records demanded in a single request; or
- The need for consultation with another public agency or among Town officials with substantial interest in the determination of the request, or with the Town attorney.

In such circumstances, the Town may also request that the requester narrow the scope of the request under 1 V.S.A. § 318(d).

## VI. Inspection of Public Records

Public records in the Custodian's custody will be made available for inspection during regular business hours at locations designated by the Custodian. To protect the integrity of public records:

- Records may not be removed from the designated location;
- Records may not be marked, altered, damaged, or rearranged; and
- The Custodian or designee may be present during inspection.

If inspection of an original electronic record would disrupt operations or jeopardize the security or condition of the record, the Town may provide an electronic copy in the format in which the record is maintained, with exempt information redacted as required by 1 V.S.A. § 318(e).

## VII. Exemptions and Redactions

Certain records are exempt from public inspection and copying under 1 V.S.A. § 317(c) and other statutes. Examples include:

- Personnel records and evaluations (1 V.S.A. § 317(c)(7));
- Records that by law are designated confidential (1 V.S.A. § 317(c)(1));
- Attorney-client privileged communications and attorney work product;
- Records relating to pending litigation;

- Medical and confidential health information;
- Social Security numbers, financial account numbers, and similar sensitive identifiers;
- Preliminary drafts, notes, and internal memoranda not retained in the ordinary course of business; and
- Other specific exemptions in Vermont statutes.

The Town will not withhold a record in its entirety solely because it contains some exempt content. Instead, in accordance with 1 V.S.A. § 318(e), the Town will redact exempt information and produce the remainder of the record, accompanied by an explanation of the basis for denial of the redacted information.

### VIII. Denials and Appeal Rights

If access to a record is denied in whole or in part, the Custodian will promptly provide a written denial that:

- Identifies the record or portion of record withheld;
- States the statutory basis for withholding the record;
- Provides a brief statement of the reasons and supporting facts for the denial;
- Identifies the names and titles of each person responsible for the denial; and
- Notifies the requester of the right to appeal, as required by 1 V.S.A. § 318(b)(2) and (c).

A requestor may request reconsideration by the Town Administrator or appeal a denial to the Selectboard.

The Selectboard shall make a written determination on any appeal within five business days after receipt, as required by 1 V.S.A. § 318(c)(1), or the lack of determination may be considered a denial.

Upon a Selectboard denial of an appeal, a requester may apply to the Civil Division of the Vermont Superior Court under 1 V.S.A. § 319.

### IX. Waiver of Fees

The Town Administrator may waive fees in whole or in part when:

- The request serves a clear public interest and disclosure is likely to contribute significantly to public understanding of Town operations;
- The requester demonstrates financial hardship

Fee waiver requests must be made in writing with supporting justification. The Town Administrator's decision on fee waivers is final for purposes of this policy.

### X. Annual Reporting, Review, and Effective Date

The Town Administrator will include a summary of public records activity in the annual Town Report, including:

- Number of requests received;
- General categories of records requested;
- Total staff hours required; and
- Fees collected.

This policy will be reviewed at least annually and updated as necessary to ensure compliance with Vermont law and to address operational needs. It supersedes the Public Records Inspection, Copying, and Transmission Policy adopted November 14, 2022, and becomes effective upon adoption by the Guilford Selectboard at a properly warned meeting following a public hearing on the schedule of charges as required by 1 V.S.A. § 316(e).

Existing forms—Request for Inspection or Copying of Public Record(s), Certification of Denial of Access to Public Record(s), and Response to Public Records Request—remain in effect and are incorporated by reference, as updated to reflect this policy.

## XI. Appendix A — Procedures for Email and Large-Volume Electronic Request

### **APPENDIX A**

#### Procedures for Large Email and Electronic Records Requests (50+ Records)

##### Purpose

This appendix establishes additional procedures for public records requests that are reasonably expected to result in a large volume of email messages and other electronic records, in order to ensure compliance with the Vermont Public Records Act while protecting Town staff time and operational capacity.

##### 1. Scope and Applicability

These procedures apply when a public records request is reasonably expected, after an initial assessment, to result in 50 or more distinct electronic records, including email messages and associated attachments.

For purposes of this appendix, “electronic records” includes, but is not limited to:

- Email messages and attachments;
- Electronic documents stored on Town servers or shared drives;
- Exported calendar entries, logs, or messaging records; and
- Other digitally stored public records subject to disclosure.

Examples of requests that may trigger this appendix include, but are not limited to:

- “All emails between the Town Administrator and [name] over the past year.”
- “All electronic correspondence regarding [project or topic] since 2020.”

## 2. Initial Assessment and Narrowing

Before undertaking any extensive search, retrieval, review, or redaction, the Custodian will conduct a brief preliminary assessment, not to exceed the first 30 minutes of staff time, to determine whether the request is reasonably likely to result in 50 or more electronic records.

If the Custodian determines that the request is likely to exceed this threshold, the Custodian will promptly contact the requester in writing to consult about narrowing the scope of the request. Narrowing may include, for example:

- Limiting the date range;
- Limiting the request to specific subjects, projects, or issues;
- Limiting the request to specific custodians, senders, or recipients;
- Excluding routine notices, newsletters, or automatically generated communications; or
- Limiting the request to final documents rather than drafts or internal notes.

No work beyond the initial 30 minutes will proceed until the requester confirms a narrowed scope in writing (email is sufficient), unless the requester affirmatively elects to proceed without narrowing and acknowledges the resulting costs and timeframes.

## 3. Written Cost Estimate and Prepayment

Once the scope is clarified or narrowed, and the request is still reasonably expected to result in 50 or more electronic records, the Town will provide a written cost estimate before beginning any billable work.

The cost estimate will include:

- Estimated staff time for searching, retrieval, review, including legal review, and redaction;
- Estimated IT or technical support time, if required;
- Applicable hourly rates established by Selectboard resolution;
- Estimated material or delivery costs; and
- The total estimated cost, including any proposed phased processing.

If the estimated total cost exceeds \$100.00, full prepayment will be required before any billable search, retrieval, review, or redaction work begins, consistent with 1 V.S.A. § 316(c).

## 4. Search, Retrieval, and Technical Support

For large electronic records requests, billable activities after the initial 30 minutes may include:

- IT or technical support to retrieve archived data, search backups, or export electronic records;
- Staff time to organize, de-duplicate, and prepare records for review; and
- Reconstruction of email threads or compilation of responsive electronic files.

All staff and technical time is tracked and billed at the rates established by Selectboard resolution.

## 5. Line-by-Line Review and Redaction

All responsive electronic records must be reviewed line-by-line to identify information exempt from disclosure under 1 V.S.A. § 317(c) or other applicable law, including but not limited to:

- Attorney–client privileged communications and attorney work product;
- Personnel records and evaluation materials;
- Medical or confidential health information;
- Social Security numbers, financial account numbers, and similar sensitive identifiers; and
- Other information specifically exempted by statute.

Only exempt portions of records will be redacted. The Town will produce the remainder of each record, accompanied by an explanation of the statutory basis for each redaction, as required by 1 V.S.A. § 318(e).

## 6. Phased Processing

For large electronic records requests, the Town may process records in phases, such as by:

- Custodian or department;
- Date range;
- Subject matter; or
- Record type.

Each phase may have a separate cost estimate, prepayment requirement, and anticipated completion timeframe. Phased processing allows the requester to review initial results and decide whether to proceed with additional phases.

## 7. Production Format and Delivery

Unless otherwise agreed, electronic records may be produced in the format in which they are maintained or in a reasonably usable format, such as:

- PDF files; or
- Exported electronic files, when feasible and secure.

Large productions may be delivered via secure electronic transfer, cloud service, or physical media such as a USB drive. The requester will be charged the actual cost of any storage media or delivery service used.

## 8. Itemized Billing and Partial Completion

Upon completion of the request, or any phase of a phased request, the Town will provide an itemized invoice showing:

- Dates of work performed;

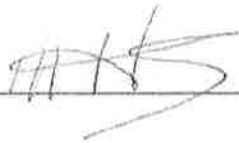
Nevada Parke

Shila Mason

Tara Arenal

Carter





TOWN OF GUILFORD, VERMONT  
236 School Road, Guilford Vermont 05301-8319  
802.254.6857

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.

**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.