May 26, 2015

Joint Committee on State Administration and Regulatory Oversight
Chairs: Rep. Peter V. Kocot, Sen. Joan B. Lovely

Dear Rep. Kocot, Sen. Lovely and members of the committee:

Thank you for the opportunity to speak with you today. I come to support **H. 2772 and S. 1676, An Act to Improve Access to Public Records.**

As a reporter at the Cape Cod Times, I and my colleagues deal with the state's public records law and its attendant shortcomings on a near-daily basis. Suffice it to say that the reforms contained in these bills are desperately needed to begin the long process of improving what is nearly universally considered the worst set of public records laws in the United States.

Before I moved to the Cape, I was a reporter for five years in Rockford, Illinois. When I learned more about the records laws here and marveled at the varied and byzantine ways the public's access to its own information could be limited, I thought fondly about the merely mediocre public records laws in Illinois. Please take a moment to reflect on that sentence — a state where four of the last seven governors have ended up in prison is seen as an upgrade to Massachusetts.

My own experience with the Massachusetts public records laws has been frustrating not for the outlier cases that often make headlines but for the difficulty in obtaining routine and clearly public information. As an example, in fall 2013 I requested the results of an internal affairs investigation of a Falmouth police officer. Despite a volume of case law and precedent from the Supervisor of Public Records that establishes internal affairs investigations are public record, the town chose to cite the privacy exemption to the public records law and refused to release the documents. Only after a successful appeal to the SPR did the town release records that were so blatantly public. But they got to stall their release for months and denied the right of their residents to know the conduct of their town's public servants.

I'd venture to say every reporter in Massachusetts could tell you a similar story of a routine request being taken to absurd levels. The reforms in H. 2772 and S. 1676 will not fix all the problems with access to public records in Massachusetts but they do introduce some common sense reforms to a law that hasn't been updated in 42 years. Forcing agencies that unlawfully withhold records to pay attorney fees. Designating a public records point of contact for the public. Reforming the fee structure to cover only the real costs of producing a record, not charging $25 for a CD for a simple Excel file. Providing electronic records in a readable, searchable format. These reforms are cheap to implement for public agencies, if not free, and can bring clear change to some common frustrations.

But after these bills become law, I urge you and your colleagues to look at this as a good first step in improving access to public records, not the end of the journey. Although I'm here today as a member of

the Fourth Estate, I constantly remind colleagues who complain about access to government records that we, the media, are not demanding special rights or privileges. We are exercising our rights as residents of the Bay State to access information that is, or should be, available to everyone. We have a unique charge to shine light into corners that otherwise would remain in shadow, to investigate situations that citizens have neither the time nor expertise to tackle and to give voice of the voiceless.

Please vote in favor of these bills and encourage your fellow legislators to do the same. Massachusetts and its citizens deserve no less.

Thank you for your time.

Sincerely,

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