

**Town of Lowell, Vermont**  
**Office of the Town Clerk**  
**Public Record Inspection, Copying and Transmission Policy**

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**PURPOSE.** The Vermont Public Records Act, 1 V.S.A. §§ 315-320, provides that the Town of Lowell is required to provide access to public records for inspection and copying unless the records are exempt by law from public access. The Lowell Town Clerk 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 custody of the Town Clerk. Other public records may be in the custody of other officers or employees of the Town. In such cases where a public records request is made for a document that is not in the custody of the Town Clerk, the Town Clerk will promptly forward the request to the proper custodian and inform the requestor who that custodian is. This policy does not apply to the Town's land records, which are subject to the Town of Lowell Land Records Policy.

**PUBLIC RECORD REQUEST FORMS.** It is not intended that every public record request require the requestor complete a form. However, when a request is made for a public record that is not readily accessible, may be exempt from public access, may not exist, or may result in charges for copying or staff time, the requestor will be required to complete a Public Records Request Form designated by the Town Clerk.

**INSPECTION OF PUBLIC RECORDS.** Upon receipt of a request to inspect a public record, the Town Clerk will produce the record for inspection within three business days of receipt of the request, subject to the following:

1. If the record does not exist under the name given by the requestor or by any other name known to the Town Clerk, the Town Clerk will inform the requestor of this fact in writing.
2. If the Town Clerk considers the record to be exempt from public access, the Town Clerk will inform the requestor of this fact in writing. The Town Clerk will identify the record or portion of record withheld, the statutory basis for withholding the record, and a brief statement of the reasons and supporting facts for denial. The Town Clerk will also inform the requestor of the right to appeal this determination.
3. If the record is in active use or in storage and therefore not readily available at the time of the request, the Town Clerk will inform the requestor of this fact in writing and set a date and hour within one calendar week of the request when the record will be available for inspection.

**For the purpose of this policy, a business day means a day that the Town Clerk's office is open to provide services.**

*In the following circumstances, the time limits described above may be extended up to ten business days from receipt of the request:*

1. The need to search for and collect requested records from field facilities or other establishments that are separate from the Town Clerk's office;
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;
3. The need for consultation with other Town officers or departments having a substantial interest in the determination of the request; or
4. The need for consultation with the Town's attorney.

In responding to a request to inspect or copy a record, the Town Clerk will consult with the requestor in order to clarify the request or to obtain additional information that will assist the Town Clerk in responding to the request and in facilitating production of the requested record for inspection or copying. In the circumstances cited above, the Town Clerk may request that a requestor seeking a voluminous amount of separate and distinct records narrow the scope of the public records request.

If the time limits described above must be extended, the Town Clerk will inform the requestor of such fact in writing, setting forth the reasons for the extension and specifying the date upon which the Town Clerk will respond to the request. The Town Clerk 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 Town Clerk will redact the information the Clerk considers to be exempt and produce the record accompanied by an explanation of the basis for denial of the redacted information.

**COPIES OF PUBLIC RECORDS.** Upon receipt of a request to make a copy of a public record, the Town Clerk will make and produce a copy within 5 business days, subject to the following:

1. **Charges.** Except where otherwise provided by law, the Town Clerk 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 Select Board under 1 V.S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State].
- 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 determined by the Lowell Select Board under 1 V.S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State.].

A copy of the actual cost charge and staff time rate schedule is attached. Upon request, the Town Clerk will provide an estimate of the cost of making a copy of a public record prior to complying with the request. All charges for copies and staff time must be paid in full prior to delivery of the requested copy.

2. **Standard formats.** The Town Clerk will make a copy of a public record in the following standard format:

- a. For any public record maintained by the Town Clerk in paper form, a paper copy of the record.
- b. For any public record maintained in Town Clerk in electronic form, either a hard copy print out of the record or an electronic copy of the record in the format in which the record is maintained, as directed by the requestor.

Any other format is non-standard and the Town Clerk is not required to comply with the request. If the Town Clerk agrees to provide a copy of a public record in a non-standard format (e.g., conversion of a paper public record to electronic format), the requestor will be charged the time involved in producing the record in a non-standard format when the time exceeds 30 minutes as such costs are determined by the Lowell Select Board under 1 V.S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State.

If the time limit set forth above must be extended, the Town Clerk will inform the requestor of such fact in writing, setting forth the reasons for the extension and specifying the date upon which the Town Clerk will produce the copy.

**PROTECTION OF PUBLIC RECORDS REQUESTED FOR INSPECTION.** In order that all public records in the custody of the Town Clerk may be protected from damage or loss, such records may only be inspected in locations in the Town Office designated by the Town Clerk. 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 Town Clerk or other staff person 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 approved by the Town Clerk.

When inspection of an electronic record is requested and the inspection of the original electronic record would create a disruption in operations of the municipality or would jeopardize the security of the original record, the custodian will provide an electronic copy of the original record in read only format, less any exempt information redacted from the record, at no cost to the requestor.

**CREATION OF PUBLIC RECORDS.** The Town Clerk is not legally obligated to create a public record that does not otherwise exist. If the Town Clerk agrees to create a public record that does not exist, the Town Clerk will charge the requestor the cost associated with creating the record. Requests for creating a record must be made in writing and all charges must be paid prior to delivery of the record. Upon request, the Town Clerk will provide an estimate of the cost of creating a public record prior to complying with the request.

**TRANSMISSION OF PUBLIC RECORDS.** The Town Clerk is not legally obligated to transmit any public record by mail, facsimile, e-mail or any other means. If the Town Clerk agrees to transmit a public record, the Town Clerk will charge the requestor the costs associated 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

Town Clerk 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 Town Clerk denies a public record request in whole or in part, the denial may be appealed to the Town of Lowell Select Board. In accordance with 1 V.S.A. § 318(c)(1), the Select Board will make written determination on the appeal within five business days after receipt of the appeal.

The foregoing Policy is hereby adopted by the Town Clerk of the Town of Lowell, Vermont, this \_\_ day of \_\_\_\_\_ and is effective as of this date until amended or repealed.

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Town Clerk

# Town of Lowell, Vermont

## Request for Public Record Copies

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Date \_\_\_\_\_

Name: \_\_\_\_\_

Dear Town Clerk:

Pursuant to the Vermont Public Record Act, 1 V.S.A. §§ 315-320, I hereby request copies of the following public records:

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

I am addressing this request to you in the belief that you are the custodian of such documents. If you are not the custodian, please forward my request to the proper custodian of such documents and inform me of who that person is.

I hereby agree to pay reasonable and customary costs for these photocopies.

If the law does not allow me to have access to some of these records, please so inform me within three business days, as provided by law, and inform me of the specific exemption that applies to each record or portion of a record being withheld.

If an otherwise public record has a portion that is exempt from disclosure, I request that you block out the exempt portion and release a copy of the rest of the document together with a notation of the specific exemption that applies to the portion withheld.

If some or all of my request is denied, please tell me the title and name of the person responsible for the denial and, as the law requires, please inform me of the appeal procedures available to me and the name of the person to whom appeal may be made.

If you have questions about this request, please call me at \_\_\_\_\_

Thank you for your help.

Signed,

\_\_\_\_\_

Town of Lowell, Vermont  
Office of the Town Clerk  
**Certification of Denial Access to Public Records**

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**1 V.S.A. § 318(a)(2)**

On \_\_\_\_\_, the Town Clerk of the Town of Lowell, Vermont received a request from \_\_\_\_\_ for access to the following public record(s):

a. \_\_\_\_\_

b. \_\_\_\_\_

In response to this request, the Town Clerk is withholding the following record(s):

a. \_\_\_\_\_

b. \_\_\_\_\_

These records are being withheld pursuant to [insert exemption citation] . This exemption applies to the record withheld because

\_\_\_\_\_  
\_\_\_\_\_.

Therefore, the request for access to the above-described record(s) is denied. This denial may be appealed to the Town of Lowell Select Board. In accordance with 1 V.S.A. § 318(c)(1), the Select Board will make written determination on the appeal within five business days after receipt of the appeal.

\_\_\_\_\_  
Town Clerk  
Town of Lowell, Vermont

Date signed \_\_\_\_\_.

Town of Lowell, Vermont

Office of the Town Clerk

**Certification of Partial Denial Access to Public Records**

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**1 V.S.A. § 318(a)(2)**

On \_\_\_\_\_, the Town Clerk of the Town of Lowell, Vermont received

a request from \_\_\_\_\_ for access to the following public record(s):

a. \_\_\_\_\_

b. \_\_\_\_\_

In response to this request, the Town Clerk is making available the following record(s):

a. \_\_\_\_\_

b. \_\_\_\_\_

Certain portions of this record(s) have been withheld pursuant to [insert exemption citation] . This exemption applies to the record withheld because

\_\_\_\_\_  
\_\_\_\_\_.

Therefore, the request for access to the above-described record(s) is partially denied. This denial may be appealed to the Town of Lowell Select Board. In accordance with 1 V.S.A. § 318(c)(1), the Select Board will make written determination on the appeal within five business days after receipt of the appeal.

\_\_\_\_\_  
Town Clerk  
Town of Lowell, Vermont

Date signed \_\_\_\_\_.