

TOWN OF BURKE, VERMONT
Public Records Policy

I. AUTHORITY

The Vermont Public Records Act, 1 V.S.A. §§ 315-320, provides access to the Town of Burke's ("Town") 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 make reasonable rules to prevent disruption of its operations, to preserve the security of its public records, and to protect public records from damage.

II. PURPOSE

The purpose of this policy is to establish a clear process for submitting and handling public records requests, consistent with the Vermont Public Records Act. It is designed to:

- A. Support public access by facilitating efficient and timely responses to requests submitted in accordance with the procedures set by this policy;
- B. Limit disruption to municipal operations and business;
- C. Allow for recovery of costs as authorized by law; and
- D. Safeguard the integrity and security of the Town's records.

III. APPLICABILITY

This policy applies to all requests to inspect, copy, or transmit a public record of the Town, regardless of where it is located or whose custody it is in. Public records, regardless of format, are available for inspection and copying unless they are specifically exempt from public inspection and copying under state law, including 1 V.S.A. § 317(c).

IV. DEFINITIONS

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

"Business day" means a day on which the Custodian's office is open to provide services to the public during its regular business hours. A request or communication received after regular business hours, or on a day when the office is closed, will be considered received on the next business day.

"Custodian" means the person responsible for or having charge or custody of a public record, and may include their designee, as applicable.

“Promptly” means immediately, with little or no delay, and unless otherwise permitted, not more than three business days.

“Public Record” is any written or recorded information, regardless of physical form or characteristic, which is produced or acquired in the course of the Town’s business.

V. RECORDS RETENTION AND DESTRUCTION

Public records are maintained by the Town in accordance with applicable Vermont records retention schedules. This policy does not require the Town to retain a record beyond its legally mandated retention period. Once a record has met its retention requirement and is eligible for destruction, it will be disposed of in accordance with Town policy and State law.

VI. CUSTODIAN RESPONSIBILITIES

A. CREATING OR CONVERTING RECORDS. Pursuant to 1 VSA § 316 (i), a request for public records shall not require the Town to create a record that does not already exist, provide a record in a nonstandard format, or convert a paper record into electronic form. The Custodian may, but is not required to, accommodate such a request. When the custodian agrees to do so, the Town may charge the requester for the resulting costs in accordance with applicable law and Section 10 of this policy.

B. EXPLAINING RECORDS. A Custodian may, but is not required to, explain the contents, applicability, or meaning of a record under this policy.

C. PROTECTION OF PUBLIC RECORDS. Custodians must take steps to ensure that public records are protected from damage or loss. 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 require that they be present during the inspection of a public record. No person shall be allowed to create a physical copy of a public record using copying equipment other than that owned by the Town, unless approved by the Custodian.

D. DESTROYING PUBLIC RECORDS. No person may destroy, give away, sell, discard, or damage any public record or records, unless specifically authorized by law and by the Town.

VII. MAKING A PUBLIC RECORDS REQUEST

A. REQUESTS IN WRITING; FORMS. The Town maintains written records of public records requests to manage responses, track deadlines, and ensure compliance with the Vermont Public Records Act. Requesters shall submit requests to inspect or copy a public record in writing, using the Town’s public

records request form, on which they shall identify the records sought with sufficient detail to allow the Custodian to (1) determine whether responsive records exist and (2) locate the records requested.

B. WAIVER. The Custodian, in their sole discretion, may waive the use of the request form for a simple or routine request when the Custodian (1) has determined that there is no reasonable uncertainty about the identity of the record(s) sought and the existence and location of the record(s), and (2) the Custodian is able to provide all responsive records immediately. The Custodian's decision whether to waive the requirement that a public records request form be submitted by the requester is final and not subject to appeal.

C. SUBMITTING A REQUEST FORM. A request to inspect or copy a public record is considered submitted on the business day when the Custodian responsible for that record receives a completed request form. If a Town officer or employee receives a request for public records maintained by another Custodian, they shall promptly notify the requester and provide the appropriate Custodian's contact information. The requester is responsible for submitting the request to the proper Custodian in accordance with this policy.

VIII. RESPONDING TO REQUESTS

Upon receipt of a completed public records request form, or in the case that use of the form is waived, a public records request, the Custodian will promptly produce the record for inspection or copying in a manner that minimizes disruption to the operation or business of the Town, subject to the following:

A. CLARIFICATION. If a request is broad, unclear, or does not reasonably identify the records sought, the Custodian shall consult with the requester to clarify the content or scope of the request. Any request for clarification should be limited to information reasonably necessary to identify the records sought or facilitate inspection or copying. The requester shall cooperate in good faith and provide clarifying information when requested.

B. VOLUMINOUS AND BURDENSOME REQUESTS. When a requester seeks a voluminous amount of separate or distinct records, or if fulfilling the request would create an undue burden on the operation of the Town, the Custodian shall ask the requester to narrow or clarify the scope of the request and may ask the requester to agree to a reasonable response timeline. If the agreed-upon timeline exceeds the time limits permitted under the Public Records Act, the request shall be considered withdrawn and resubmitted three (3) business days before the agreed-upon deadline.

C. RECORD DOES NOT EXIST; NOT IN CUSTODY. If no responsive record exists, or if the requested record is not in the custody or control of the Town, the Custodian shall provide written notice that the record does not exist under the name given by the requestor or by any other name known to the Custodian. When known, the Custodian may identify the agency, office, or person that may have custody of the record.

D. EXEMPT, CONFIDENTIAL, PRIVILEGED, OR PROTECTED RECORDS. The Town may withhold or redact a record, in whole or in part, when the record or information in it is exempt from disclosure under 1 V.S.A. § 317(c) or another applicable state or federal law. If a record contains both exempt and non-exempt information, the Town shall redact the exempt information and provide access to the non-exempt information. If access to the requested record is denied in whole or in part, the Town shall provide a written explanation stating the reason for the denial, the statutory basis for the withholding or redaction, the names and titles or positions of each person responsible for the denial, and notice of the requester's appeal rights under this policy.

E. RECORD TEMPORARILY UNAVAILABLE. If a requested record cannot be made available immediately because it is in active use or in storage, the Custodian shall promptly notify the requester in writing. The written notice shall identify a date and time, no later than one calendar week after the request was received, on which the record will be available for examination.

F. EXTENDING RESPONSE TIME. If unusual circumstances require additional time to respond to a request, the Town may extend the response period by up to ten (10) business days. Unusual circumstances may include the need to search for and collect a voluminous amount of separate and distinct records, consult with legal counsel or another agency, or retrieve records from off-site storage. The Town shall provide written notice stating the reason for the extension and the date on which a response is expected.

G. SECURITY RISK. If inspection of an original electronic record would jeopardize the security of Town property, including the record, or the integrity, or condition of the record, the Custodian may provide an electronic copy instead. When feasible, the copy shall be provided in the format in which the record is maintained, subject to any redactions required or permitted by law.

H. FORMAT OF RECORDS. Standard formats for copies of public records are: (1) for paper records, a photocopy of the paper record; (2) for records maintained electronically, either a hard-copy printout or an electronic copy in the format in which the record is maintained. Any other format is a nonstandard format.

I. MINIMIZING DISRUPTION OF TOWN BUSINESS OR OPERATIONS. The Custodian may schedule a later date and time for inspection or copying if immediate production would disrupt Town business or operations or create a safety or security risk. Any scheduled date and time must be reasonable and comply with applicable legal deadlines.

IX. FEES, CHARGES, AND PAYMENT

Except where otherwise provided by law, the Custodian shall charge and collect costs for fulfilling a request for a public record based on the following:

A. STAFF TIME. The Town shall require payment for staff time spent fulfilling a records request and for any copies produced, in excess of 30 minutes, at the rates set out in the schedule below.

B. COPIES. The requester shall pay the actual cost of producing a copy of a record, in accordance with the fees set out in the schedule below.

C. TRANSMISSION. The Custodian shall charge the requester the costs associated with transmitting a record, in accordance with the rates and fees set out below.

D. PREPAYMENT. The Custodian may require prepayment for copies, staff time, or other costs authorized by law before fulfilling a public records request. For a voluminous or complex request, the Custodian shall provide the requester with a written estimate of the anticipated cost and an opportunity to narrow or revise the request before requiring prepayment.

If prepayment is required, the requester shall pay at least fifty percent (50%) of the estimated cost within three (3) business days after receiving the estimate, unless the Custodian requires a different lawful amount. The Custodian need not begin compiling, reviewing, copying, or producing the requested records until the required prepayment is received.

If the requester does not make the required prepayment within three (3) business days or submit a written revision of the request, the request may be treated as withdrawn. The Custodian shall decide whether prepayment is required and, if so, whether it will be partial or full. That decision is administrative and is not subject to appeal under this policy.

E. PAYMENT. All charges must be paid in full prior to delivery of the requested copies. Payment may be made by check payable to "Town of Burke" or other accepted methods. The Town will provide an estimate of fulfilling the public records request upon request.

SCHEDULE OF CHARGES FOR COSTS

Item	Rate
Staff Time I	\$2.00 per minute after the first 30 minutes.
Staff Time II (senior level; IT; data extraction)	\$3.00 per minute
Fees or Charge	
Photocopies (letter size only)	\$.25 per single-sided page, \$.50 per double-sided page
Color photocopies	\$1.00 per single-sided page
Digital Copies (e.g. pictures)	\$.25 per record
Physical Media (e.g. CD, DVD, USB Drive)	Actual Cost
Postage	Actual Cost

X. APPEAL PROCESS

If the Custodian denies a public records request in whole or in part, the denial shall be in writing. The requester may appeal the denial in writing to the Town Administrator. The appeal must state the basis for the challenge, including any provision of law or policy the requester claims the Town failed to follow. The Town Administrator shall issue a written determination within five (5) business days after receiving the appeal. The Administrator's determination may be subject to review by the Vermont Superior Court pursuant to 1 V.S.A. § 319.

XI. EFFECTIVE DATE

This Policy is effective as of the date it is adopted.

This Policy is hereby adopted by the Selectboard of the Town of Burke on this 1st day of June, 2026.

TOWN OF BURKE SELECTBOARD






