

March 1, 2024

Editor, Truro News
editor@truronews.org
via email

Dear Editor,

In your January issue, an interesting article was included regarding Public Records Requests (PRRs). Town Hall has been referring quite a bit to the number of PRRs in recent months and we are even being asked to contemplate adding a new staff position to handle them. We need to ask WHY before we answer HOW, at least based on my experience. And because of my experience and on the reports of others, I believe we need to create a public record for all to see about the Town's handling of PRRs. I call on others with PRR experiences and documents to join me.

I have made a few PRR requests. The process has been painful on all of them, but I will illustrate with just one that I filed in August 2023. I asked for information regarding Town officials' communications with a local media outlet, The Provincetown Independent. I did this in part because I was shocked that a communication I had sent to the Select Board one Friday evening after Town Hall had closed ended up being the subject of a question to me from the Editor of the Independent the next morning. How could I receive a query from him before the Select Board had even seen my letter? I did not hear from the Town about my communication, but Ed Miller must have because he contacted me about it. Surprisingly, I still don't know what happened — the Town has yet to provide correspondence from me that ended up in Miller's hands, and which is clearly responsive to my request.

On this PRR I received an initial response that 14,000 items had been found and a good faith estimate for producing them of \$6,050. This fee was outrageous, in part because of the justification — that Town Counsel had to review for privilege and redact accordingly — which is inapplicable to this request. Attorney-client privilege could never apply to Town communications with third parties such as the Independent absent litigation between them. I appealed this to the State Supervisor of Records and on November 16, the Town was notified that this fee was unjustified. On December 4th I received a sharply reduced Good Faith Estimate of \$87.50. FIVE months later, on January 5th, I finally received a file of 140 items. Where are the other 13,860 items that had been found?

The Town Manager's own comments confirm that the initial response of 14,000 "hits" is correct because at the December 5th Select Board Meeting the Town Manager justified the need for a new staffer to handle PRRs by saying this: "One previous request was for 15,000 [sic] records and resulted in a \$6,000 charge to the person who requested it."

This is mistaken in every factual way: I never asked for any specific number of items; I asked for all responsive items, whatever the number. The Town identified 14,000, not 15,000. The actual fee I was charged was \$87.50, not \$6,000. I received a mere one percent of the items identified, and that did not include my own remarks to the SB that triggered my inquiry, nor the communication between Town Hall and Miller that gave him my communication to the SB. By the time the Town Manager made this report to the SB, he knew it was in error. And finally, this inflated and inaccurate report is the illustration used to justify another increase in staff.

Every PRR I have filed is at the outset denied, overcharged, and some had to be appealed to the Supervisor of Records. I have won my appeals, but the Town does not comply easily. All of them involve months of back and forth. And in the end, fulfillment is not complete in any case.

I know I am not alone on this. I asked for a correction to the December 5th minutes recently, only to see the Select Board ignore my request to correct these errors and shockingly to hear the Town Manager again repeat the same false remarks later in the same meeting where I requested striking this false statement from the December 5 minutes.

This doubling down in part explains why there are so many PRRs, in my view:

- first, because the Town Administration and some elected officials are engaging in behavior that merits serious public scrutiny in a way that has not been experienced in Truro before — there is little trust in Town government now and this mistrust is based in reality;
- second, because the challenges to voters in the Fall 2023 caused a one-time spike in public records requests; and
- third, because the Town, in my experience, does not respond to PRRs in a simple, transparent way and instead makes it expensive, time consuming and really hard to get public records. This reflects a culture of top-down obstruction.

If we sort out why this behavior is happening, how it is happening, and how it affects Truro citizens — and get good information from our PRRs to answer these questions — then the need for and the frequency of PRRs will likely diminish.

In other words, if we look at the WHY squarely and address it honestly, the HOW becomes simple — and the need for a new staffer disappears.

Since my public comments requesting a correction of the minutes based on the facts on my PRR, another citizen sent me the public log of all PRRs over the past year. I've also now heard from a few other requestors to compare experiences. I also have my experiences on the other PRRs requests I have made. The pattern is similar.

I would ask ANYONE who has filed PRRs this past year to send a note to Truro News with your request, any appeals or correspondence needed to get the PRRs fulfilled, and the results (produced files) of your PRRs so Truro residents can understand what the PRR experience is for this community.

I believe that we can and should begin to create a “transparency library” as a community resource. I believe it is important for members of the community to benefit from the hard-earned information gained from PRR production for understanding and for accountability.

Thanks for your consideration of this request.

Jon Slater
Truro, MA