

ASK THE LEAGUE

A resident has asked to inspect some of the town's financial records. These records are generated and kept in an electronic format on the town's computer network. We are concerned that if the original records are accessed by the requestor, the integrity of the records might be compromised. How do we respond to the request?

The Vermont Public Records Act affords persons the basic right to inspect any non-exempt public record. 1 V.S.A. §§ 316(a), 317(c). The Act also allows municipalities to “make reasonable rules to prevent disruption of operations, to preserve the security of public records or documents, and to protect them from damage.” 1 V.S.A. § 316(j).

Allowing a requestor to inspect the town's paper documents is usually a fairly straightforward task. Since an altered paper record can be more readily recognized than an altered electronic file, there is usually less concern about the security of paper documents. If there is a concern about damage to a paper record, the custodian can supervise its inspection to ensure that the record is not harmed. Electronic records can present a challenge in that they may be more easily lost, damaged, or altered. But the right to inspect any public record cannot be denied on the basis that the custodian believes the record might be damaged, altered, or compromised.

In these circumstances, a reasonable rule for the municipality to adopt would be that when inspection of an electronic record is requested and when the inspection of the original record might jeopardize the security of that record or could cause it to be damaged, the custodian will provide the requestor with either an electronic, read-only copy of the record or a paper copy print-out of the record, as the requestor directs.

If the sole request is to inspect the electronic record, the requestor should not be charged for the copy of the record provided. If exempt information is redacted from the copy, the custodian must produce an explanation of the basis for denial of the redacted information, citing the statutory basis for the denial and a

brief statement of the facts supporting the denial. 1 V.S.A. § 318(a)(2),(e).

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