



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Public Records Division

Rebecca S. Murray  
*Supervisor of Records*

June 12, 2019  
**SPR19/1153**

Gerard F. Dolan, Esq.  
Assistant General Counsel  
Board of Registration in Medicine  
200 Harvard Mill Square, Suite 330  
Wakefield, MA 01880

Dear Attorney Dolan:

I have received the petition of Benny Greene appealing the response of the Board of Registration in Medicine (Board) to a request for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). Specifically, Mr. Greene requested the address of record for five identified physicians.

In a June 5, response, the Board states, “[y]ou may find a physician’s business address of record on the physician’s public profile at: <http://profiles.ehs.state.ma.us/Profiles/Pages/FindAPhysician.aspx>. Using this website, you may search for public information, including the business address, of any Massachusetts physician holding a full license to practice medicine. Each of the physicians listed in your email has a public profile displaying an address of record.”

As a result of Mr. Greene’s petition to the Supervisor of Records (Supervisor), this appeal was opened. In his petition, Mr. Greene writes, “I am appealing the (lack of) response. Please help me in obtaining an answer.”

***The Public Records Law***

The Public Records Law strongly favors disclosure by creating a presumption that all governmental records are public records. G. L. c. 66, § 10A(d); 950 C.M.R. 32.03(4). “Public records” is broadly defined to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any town of the Commonwealth, unless falling within a statutory exemption. G. L. c. 4, § 7(26).

It is the burden of the records custodian to demonstrate the application of an exemption in order to withhold a requested record. G. L. c. 66, § 10(b)(iv) (written response must “identify

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any records, categories of records or portions of records that the agency or municipality intends to withhold, and provide the specific reasons for such withholding, including the specific exemption or exemptions upon which the withholding is based..."); 950 C.M.R. 32.06(3); see also Dist. Attorney for the Norfolk Dist. v. Flatley, 419 Mass. 507, 511 (1995) (custodian has the burden of establishing the applicability of an exemption).

A review by this office of both Mr. Greene's request and the Board's June 5<sup>th</sup> response providing the website link to the public profiles for physician's licensed to practice in the Commonwealth of Massachusetts, reveals that the "Addresses of Record" are listed on the Board's website, and may be printed from the website free of charge.

***Conclusion***

Accordingly, given that the basis for Mr. Greene's petition for an appeal is based on a lack of response and whereas the Board has responded to the request, I find that Mr. Greene's petition for an appeal is unclear. Consequently, this office is unable to opine any further on this matter. Accordingly, I will consider this appeal closed. Mr. Greene may petition this office for a new appeal by providing this office with the necessary clarification of the request for an appeal.

Sincerely,



Rebecca S. Murray  
Supervisor of Records

cc: Benny Greene