



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

Rebecca S. Murray  
*Supervisor of Records*

June 20, 2019  
**SPR19/1141**

Tara Douglas, Esq.  
Assistant General Counsel  
Board of Registration in Medicine  
200 Harvard Mill Square, Suite 330  
Wakefield, Massachusetts 01880

Dear Attorney Douglas:

I have received the petition of Sammy Hinson (the requestor) 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, the requestor sought the addresses of identified physicians. The Board provided a response to the requestor on June 6, 2019. The requestor appealed the response to this office.

***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 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).

***Appeal***

In the requestor's appeal they explain that they "asked for the Address of Record and got a response to go to the internet. I do not have the internet at home and it is an inconvenience that they can't simply reply with the answer."

The Board states in a response on June 12, 2019 that the "public Physician Profile website is a database already available to the public pursuant to M.G.L. c. 112, §5 and 243 CMR 2.15. My understanding is that is no requirement to create a new record when the records sought are already publicly available via website. A Record Access Officer shall not be required to create a new public record in order to comply with a request. If the public record is available on a public website, the Record Access Offer may furnish the public record by providing reasonable assistance in locating the request record on the public website."

A review by this office of both the requestor's request and the Board's June 6<sup>th</sup> and June 12<sup>th</sup> responses 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 the requestor's petition for an appeal is based on a lack of response and whereas the Board has responded to the request, I find that the requestor'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. The requestor 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: Sammy Hinson