



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

Rebecca S. Murray
Supervisor of Records

March 20, 2020
SPR20/0485; SPR20/0486

Jennifer M. Staples, Esq.
Records Access Officer
Massachusetts State Police
470 Worcester Road
Framingham, MA 01702

Dear Attorney Staples:

I have received the petitions of Matthew Rocheleau of the *Boston Globe* appealing the nonresponse of the Massachusetts Department of State Police (Department) to requests for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). Mr. Rocheleau requested multiple records in the Department's possession. Having received no response, he petitioned 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); 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). To meet the specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record.

If there are any fees associated with a response a written, good faith estimate must be provided. G. L. c. 66, § 10(b)(viii); see also 950 C.M.R. 32.07(2). Once fees are paid, a records custodian must provide the responsive records.

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Order

Despite being notified of the opening of these appeals from a member of the Public Records Division staff, no response has been provided. Accordingly, the Department is ordered to provide Mr. Rocheleau with a response to the requests in a manner consistent with this order, the Public Records Law and its Regulations, as soon as practicable. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of this response to this office at pre@sec.state.ma.us.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Murray". The signature is written in a cursive style with a large, looping "R" and a long, sweeping "y".

Rebecca S. Murray
Supervisor of Records

cc: Matthew Rocheleau