



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

Rebecca S. Murray
Supervisor of Records

August 12, 2020
SPR20/1269

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

Dear Attorney Douglas:

I have received the petition of Colman Herman appealing the response of the Board of Registration in Medicine (BORIM) to a request for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). Specifically, Mr. Herman requested the disciplinary file for an identified doctor.

Previous Appeal

This request has been the subject of a prior appeal. See SPR20/1051 Determination of the Supervisor of Records (July 14, 2020). In my July 14th determination, I found BORIM did not meet its burden of demonstrating how the responsive records, in their entirety, are exempt from disclosure. BORIM was ordered to provide Mr. Herman with a response to the request, in a manner consistent with the order, the Public Records Law and its Regulations as soon as practicable. BORIM provided said response on July 21, 2020. Unsatisfied with this response, Mr. Herman petitioned this office and this appeal, SPR20/1269, was opened as a result.

BORIM's July 21st response

In its July 21st response, BORIM states “[t]he Board withheld an Order of Impoundment and an Order to Use Pseudonyms and Impound Identities and Medical Records because the Board found documents contain medical information and/or data relating to specifically named individuals, the disclosure of which may constitute an unwarranted invasion of personal privacy, and is therefore exempt from disclosure pursuant to G.L. 66A, § 2(c), and G.L. c. 4, § 7(26)(c).; 2) the content of a reviewer which are confidential pursuant to 243 CMR 1.02(8)(c)2.”

Mr. Herman appeals this response and contends “[s]ome of these documents can be suitably redacted, and so I ask you to so order.”

Conclusion

Subsequent to the request for an appeal, I learned that BORIM provided a supplemental response to Mr. Herman on August 12, 2020. In light of BORIM's supplemental response, I will now consider this administrative appeal closed. Mr. Herman may appeal the substantive nature of the BORIM's August 12th response within ninety (90) days. See 950 C.M.R. 32.08(1).

Sincerely,

A handwritten signature in black ink that reads "Rebecca Murray". The signature is written in a cursive, flowing style.

Rebecca S. Murray
Supervisor of Records

cc: Colman Herman