



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

Rebecca S. Murray  
*Supervisor of Records*

November 30, 2020  
**SPR20/2278**

Rita P. Colucci, Esq.  
General Counsel  
Salem State University  
352 Lafayette Street  
Salem, MA 01970-5353

Dear Attorney Colucci:

I have received your petition on behalf of Salem State University (University) seeking an extension of time to produce records. G. L. c. 66, § 10(c). As required by law, it is my understanding that the University furnished a copy of this petition to the requestor, Dr. Saverio Manago. Id. In a letter dated October 26, 2020, Dr. Manago requested:

- Any and all communication and documents Provost David Silva initiated or received that include me, my name, my initials SM, or my position as the Department Chairperson or Veterans Fellow (and which I was not already a party to) (May, 2017 to present).
- Any and all communication and documents President John Keenan initiated or received that include me, my name, my initials SM, or my position as the Department Chairperson or Veterans Fellow (and which I was not already a party to) (May, 2017 to present).

***Petition for an Extension of Time***

Under the Public Records Law, upon a showing of good cause, the Supervisor of Records (Supervisor) may grant a single extension to an agency not to exceed 20 business days and a single extension to a municipality not to exceed 30 business days. In determining whether there has been a showing of good cause, the Supervisor shall consider, but shall not be limited to considering:

- (i) the need to search for, collect, segregate or examine records;
- (ii) the scope of redaction required to prevent unlawful disclosure;
- (iii) the capacity or the normal business hours of operation of the agency or municipality to produce the request without the extension;
- (iv) efforts undertaken by the agency or municipality in fulfilling the current request and previous requests;

(v) whether the request, either individually or as part of a series of requests from the same requestor, is frivolous or intended to harass or intimidate the agency or municipality; and  
(vi) the public interest served by expeditious disclosure.

G. L. c. 66, § 10(c).

If the Supervisor determines that the request is part of a series of contemporaneous requests that are frivolous or designed to intimidate or harass, and the requests are not intended for the broad dissemination of information to the public about actual or alleged government activity, the Supervisor may grant a longer extension or relieve the agency or municipality of its obligation to provide copies of the records sought. Id.

The filing of a petition does not affect the requirement that a Records Access Officer (RAO) shall provide an initial response to a requestor within ten business days after receipt of a request for public records. 950 C.M.R. 36.06(4)(b).

### ***Current Petition***

In its November 19<sup>th</sup> petition, the University seeks “an extension of thirty (30) calendar days to produce the records.” The University explains, “[a]n initial search for records responsive to Dr. Manago’s request revealed almost 10,000 records (see second attachment). Searched another way, approximately 750 records have been identified to date; however, the search continues for additional records.”

The University notes it “fully intends to comply with Dr. Manago’s request and is appreciative of Dr. Manago’s willingness to work with it to identify the best and least expensive way to access the records. However, the time needed to search, segregate and possibly redact the records is extensive. Unfortunately, the university does not employ a full-time record’s access officer; instead, the duties of collecting, segregating and redacting records is shared among less than a handful of employees who have numerous other duties to attend to as well. Additionally, all administrative employees of the university are required to furlough for two (2) weeks before the end of the 2020 calendar year, subtracting even more time from the available number of work hours to produce the requested records.”

### ***Conclusion***

I find the University has established good cause to permit an extension of time. See G. L. c. 66, § 10(c)(i)-(iv). I hereby grant the University an extension of 30 business days to furnish copies of records responsive to Dr. Manago’s request. See G. L. c. 66, § 10(c). To the extent possible, the University must provide responsive records on a rolling basis.

Further, this office encourages Dr. Manago and the University continue to communicate to facilitate providing records more efficiently and affordably. See G. L. c. 66, § 10(b)(vii)(an agency or municipality shall suggest a reasonable modification of the scope of the request or

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offer to assist the requestor to modify the scope of the request if doing so would enable the agency or municipality to produce records sought more efficiently and affordably). Any fee estimate by the University must be in compliance with this determination, the Public Records Law, and its Access Regulations.

Please note, Dr. Manago has the right to seek judicial review of this decision by commencing a civil action in the appropriate superior court. See G. L. c. 66, § 10(d)(iv)(4), 10A(c).

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: Dr. Saverio Manago