



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

Rebecca S. Murray
Supervisor of Records

April 8, 2021
SPR21/0744

Arielle Mullaney, Esq.
Assistant General Counsel
Executive Office of Public Safety and Security
1 Ashburton Place, Room 2133
Boston, MA 02108

Dear Attorney Mullaney:

I have received the petition of Colman Herman appealing the response of the Executive Office of Public Safety and Security (Office) to a request for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On February 27, 2021, Mr. Herman requested “copies of any and all communications related to Secretary Thomas Turco getting the COVID-19 vaccine.” Mr. Herman requested that the “[c]ommunications include, but are not limited to, emails, letters, memoranda, faxes, and/or notes.”

The Office responded on March 24, 2021, indicating there were no records responsive to the request. Claiming responsive records exist, Mr. Herman petitioned this office, and appeal SPR21/0744 was opened as a result.

Current Appeal

In his appeal petition, Mr. Herman contends the March 24th Office response “is not creditable.” Mr. Herman referred to a February 26, 2021 *Boston Globe* article with the headline “Baker’s public safety secretary received COVID-19 vaccine as first-line responder.” The article stated that “[i]n the Commonwealth, the Secretary of Public Safety and Security, the lead public safety official in state government, is considered a first-line responder to emergencies. In Turco’s case, the secretary was vaccinated as part of the first responder eligibility group.”

Records in existence

The duty to comply with requests for records extends to those records that exist and are in the possession, custody, or control of the custodian of records at the time of the request. See G. L. c. 66, § 10(a)(ii). In light of the issues raised in Mr. Herman’s appeal regarding the existence of responsive records, I find it is unclear whether responsive records exist.

Arielle Mullaney, Esq.
Page 2
April 8, 2021

SPR21/0744

Order

Accordingly, the Office is ordered to provide Mr. Herman with a response to these requests in a manner consistent with this order, the Public Records Law, and its Regulations within ten (10) business days. 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, flowing style.

Rebecca S. Murray
Supervisor of Records

cc: Colman Herman