



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

Manza Arthur
Supervisor of Records

November 4, 2022
SPR22/2449

Stephen W. Shorey, Esq.
Senior Counsel
MassDOT/MBTA Office of General Counsel
10 Park Plaza, Suite 3510
Boston, MA 02116

Dear Attorney Shorey:

I have received your petition on behalf of the Massachusetts Bay Transportation Authority (MBTA) seeking an extension of time to produce records. G. L. c. 66, § 10(c). As required by law, it is my understanding that the Department furnished a copy of this petition to the requestor, Taylor Dolven, of *the Boston Globe*. Id. On October 5, 2022, Ms. Dolven requested:

- [1] Copies of the MBTA's internal speed restriction tracker page as of Aug. 3, 2022 and Oct. 3, 2022;
- [2] All emails to or from [an identified individual] including the keywords "speed restriction," or "contractor," or "Sullivan," or "TK-OL-SB-472421" from Sept. 23, 2022 through Sept. 27, 2022;
- [3] All emails to or from [an identified individual] including the keywords "speed restriction," or "cologne egg," or "Tufts," or "Back Bay," or "TK-OL-SB-471445," or "TK-OL-SB-471451" from Sept.[.] 21, 2022 through Sept. 26, 2022.

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) must 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 petition dated October 27, 2022, the MBTA seeks “an extension of 10 business days to respond and/or produce responsive records.” The MBTA asserts that “[i]n this instance, due to the need to review records for responsiveness and/exempt information, the volume of requests the MBTA is currently handling, as well as staffing efforts needed to comply with these requests, an extension of time is warranted.”

Conclusion

I find the MBTA has established good cause to permit an extension of time. See G. L. c. 66, § 10(c)(i)-(iv). I hereby grant the MBTA an extension of 10 business days to furnish copies of records responsive to Ms. Dolven’s request. See G. L. c. 66, § 10(c).

Please note, Ms. Dolven 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,



Manza Arthur
Supervisor of Records

cc: Taylor Dolven