



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

Manza Arthur  
Supervisor of Records

May 2, 2023  
**SPR23/0767**

Shawn A. Williams, Esq.  
Director of Public Records  
City of Boston  
1 City Hall Square, Room 615  
Boston, MA 02201

Dear Attorney Williams:

I have received the petition of Sarah Ryley, of the *Boston Globe*, appealing the response of the City of Boston (City) to a request for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On March 31, 2023, Ms. Ryley requested the following:

[D]ata on 311 service requests for 2018 through the date that [her] data is exported, that includes all fields in the data on the city's online data portal (<https://data.boston.gov/dataset/311-service-requests>) AND the text of the service request. The online data does not include the actual requests, whereas it is included and searchable on <https://311.boston.gov/>.

In her request, Ms. Ryley also states that she "need[s] the text in the data so [she] can search and analyze complaints based on key words." The City responded on April 18, 2023, indicating that responsive records were available on the City's website. Unsatisfied with the City's response, Ms. Ryley appealed, and this case was opened as a result.

***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 agency or municipality 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.

Att’y 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.

### ***Current Appeal***

In her appeal petition, Ms. Ryley contends that “the narrative information is not available for bulk download with the request of the data, which [Ms. Ryley] needed in order to do [her] analysis.”

### ***The City’s April 18<sup>th</sup> Response***

In its April 18, 2023 response, the City states the following:

The records on the City’s website comply with [Ms. Ryley’s] request. There is a free text field that is omitted from the online database and that portion is omitted to protect the identity of the complainant. A review would require a Boston 311 team member to review each complaint and omit or redact identifying information pursuant to the privacy exemption of the public records law. This information is not available from another public source and the public interest does not outweigh the privacy interest of these private individuals.

### ***Preferred Format***

The City is advised that a records access officer must, to the extent feasible, provide public records to a requestor in electronic format unless the record is not available in electronic form or the requestor does not have the ability to receive or access the records in electronic format and if feasible, in the requestor’s preferred format. In the absence of a preferred format, the records shall be provided in a searchable machine-readable form. See 950 C.M.R. 32.04(5)(d).

In this case, where Ms. Ryley has described the format of the data she is seeking, it is unclear why the City has not provided the data in the requested format. The City must explain whether it is feasible to provide the responsive records in Ms. Ryley’s preferred format.

### ***Burden of Specificity***

Additionally, based on the City’s response, it is unclear whether the City is redacting or withholding records, and if so, which exemption the City is citing in order to redact or withhold such records. See G. L. c. 66, § 10(b)(iv) (a written response must “identify any records,

categories of records or portions of records that the agency or municipality intends to withhold, and provide the specific reasons for such withholding, including the specific exemption or exemptions upon which the withholding is based”). See also Globe Newspaper Co. v. Police Comm’r, 419 Mass. 852, 857 (1995); Flatley, 419 Mass. at 511; Reinstein v. Police Comm’r of Boston, 378 Mass. 281, 289-90 (1979) (the statutory exemptions are narrowly construed and are not blanket in nature). The City must clarify these matters.

***Conclusion***

Accordingly, the City is ordered to provide Ms. Ryley with a response to her request, provided in a manner consistent with this order, the Public Records Law, and its Regulations within ten business days. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of the response to this office at [pre@sec.state.ma.us](mailto:pre@sec.state.ma.us).

Sincerely,

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

Manza Arthur  
Supervisor of Records

cc: Sarah Ryley