



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

Rebecca S. Murray
Supervisor of Records

January 6, 2020
SPR20/2622

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

Dear Attorney Williams:

I have received the petition of Laura Hecht-Felella appealing the nonresponse of the City of Boston Police Department (Department) to a request for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). Specifically, Ms. Hecht-Felella requested all records pertaining to social media monitoring records within the possession of the Department. Claiming to not yet have received a response, Ms. Hecht-Felella petitioned this office and this appeal 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 town 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. Attorney 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.

Conclusion

Despite being notified of the opening of this appeal and communication from a staff member of the Public Records Division, it remains unclear whether the Department has provided

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a response. As such, the Department is ordered to provide Ms. Hecht-Felella with a written response. Said response shall be made in accordance with the Public Records Law, its Access Regulations and this order within ten business days. It is preferable to send an electronic copy of this response to this office at pre@sec.state.ma.us. Ms. Hecht-Felella may appeal the substantive nature of the Department's response within ninety 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 style with a large, looped "R" and "M".

Rebecca S. Murray
Supervisor of Records

cc: Laura Hecht-Felella