



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

Rebecca S. Murray
Supervisor of Records

January 6, 2020
SPR19/2562

Carla Vitale
Town of Winthrop
Town Hall
One Metcalf Square
Winthrop, MA 02152

Dear Ms. Vitale:

I have received your petition on behalf of Town of Winthrop (Town) seeking an extension of time to produce records. G. L. c. 66, § 10(c); see also 950 C.M.R. 36.06(4)(b). As required by law, the Town furnished a copy of this petition to the requestor. G. L. c. 66, § 10(d)(iv). In a request dated December 13, 2019, Attorney Rich Sherman requested "[a]ny and all settlement agreements made between the Town of Winthrop and any Winthrop police officer in the last three (3) years."

Petitions for an extension of time

Under the Public Records Law, a records access officer may petition the Supervisor of Records (Supervisor) for an extension of the time for the agency or municipality to furnish copies of the requested record, or any portion of the requested record, that the agency or municipality has within its possession, custody or control and intends to furnish within 20 business days after initial receipt of the request, or within 10 business days after receipt of a determination by the Supervisor that the requested record constitutes a public record.

Upon a showing of good cause, the 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 current petition dated December 31, 2019, the Town states it will need “additional time to compile the information requested by the requestor.” Further, after the intervention of a Public Records Division staff member, an email communication was received by this office with a copy sent to Attorney Sherman identifying the need for more time to produce responsive records.

The Public Records Law, G. L. c. 66, § 10(c) and 950 C.M.R. 32.06(4)(d), allows a records access officer to submit a time petition to this office either within 20 business days after initial receipt of the request or within 10 business days after receipt of a determination by the Supervisor that the requested record constitutes a public record.

Conclusion

Accordingly, given the scope of the request and staffing considerations, I grant the Town an extension of 15 business days from the date of this determination to furnish copies of records responsive to Attorney Sherman’s request. *See* G. L. c. 66, § 10(c). The Town is advised it must provide the records in a manner consistent with the Public Records Law and its Access Regulations. To the extent possible, the Town must provide responsive records on a rolling basis.

Attorney Sherman may seek judicial review of this decision by commencing a civil action in the appropriate superior court. *See* G. L. c. 66, §§ 10(c), 10A(c).

Carla Vitale
Page 3
January 6, 2020

SPR19/2562

Sincerely,

A handwritten signature in black ink that reads "Rebecca Murray". The script is fluid and cursive, with the first name "Rebecca" and last name "Murray" clearly distinguishable.

Rebecca S. Murray
Supervisor of Records

cc: Rich Sherman, Esq.