



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

Rebecca S. Murray
Supervisor of Records

April 4, 2017
SPR17/456

Carla Vitale
Town Clerk
Town of Winthrop
One Metcalf Square, Room 5
Winthrop, MA 02152

Dear Ms. Vitale:

I have received your petition on behalf of the Town of Winthrop (Town) seeking an extension of time to furnish copies of requested records, or any portion thereof. G. L. c. 66 § 10(c); see also 950 C.M.R. 32.06(4). As required by law, the Town furnished a copy of this petition to the requester. G. L. c. 66, § 10(c). Specifically, Michael C. Harrington, Esq. requested records related to operating statements pertaining to a food service program for particular years.

Petitions 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) shall provide an initial response to a requestor within ten business days after receipt of a request for public records. 950 CMR 36.06(4)(b).

Current petition

In your petition dated March 28, 2017, you indicate the Town is requesting an extension of "an additional 30 days" to provide records to Attorney Harrington. You explain the Town received the request on March 15, 2017. I understand the Town is working to make the records available to Attorney Harrington without delay.

Conclusion

Accordingly, I will not opine on the Town's petition for an extension of time to furnish responsive records. The Town must provide the records within 25 business days of the receipt of the request in a manner consistent with the Public Records Law and its Access Regulations. See G. L. c. 66 § 10(b)(vi) (a municipality may provide a timeframe not to exceed 25 business days to produce responsive records). The Town is advised that it must submit another petition for an extension of time if it cannot provide responsive records within 25 business days of the receipt of the request. G. L. c. 66 § 10(c). Attorney Harrington may appeal the substantive nature of the Town's response within 90 days. See 950 C.M.R. 32.08(1).

Sincerely,

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

Rebecca S. Murray
Supervisor of Records

cc: Michael C. Harrington, Esq.