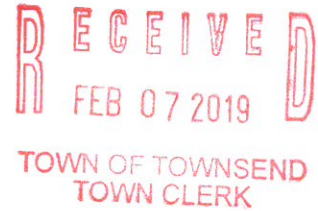


Kathy Spofford

From: James Kreidler <jkreidler@townsend.ma.us>
Sent: Thursday, February 07, 2019 2:18 PM
To: 'Kathy Spofford'; 'Moawde, Anastasia (SEC)'; 'Lisa Lewand'
Cc: pre@sec.state.ma.us
Subject: RE: SPR19/0148 Determination



Dear Ms. Lewand,

Please accept this as my timely response to your query of January 4, 2019.

Upon receipt of your records request of January 4, 2019 you received an immediate electronic reply which was clearly within the requisite ten (10) days called for under the public records law. This immediate response that you received expressly stated the following:

I am in receipt of your request. The request will be forwarded to the appropriate authority. Please note, we will be expeditious as possible in fulfilling your public records request, however, according to the Massachusetts Public Records Law, we have 25 business days in which to fulfill the request or deny access to these records. (emphasis added)

Accordingly, we have twenty-five (25) business days, or until tomorrow February 8, 2019 to provide the records, to the extent that they exist and are not otherwise exempt.

The records that you seek are exempt from disclosure pursuant to the public records statutes of the Commonwealth.

First, such records would be withheld per exemption a. the statutory exemption as being specifically or by necessary implication exempted from disclosure by statute and exemption. The disclosure of criminal offender record information (CORI) is strictly regulated by statute. See G.L. c. 6, § 172. Subject to certain exceptions not relevant here, secondary dissemination of CORI by a requestor thereof is expressly prohibited. See G.L. c. 6, § 172(33)(f). Access to CORI by non-criminal justice agencies is at the direction of the Department of Criminal Justice Information Services (DCJIS), see 803 CMR 7.00, et seq., and only "in accordance with state and federal laws and regulations," see id. The Attorney General's "Guide to Massachusetts Public Records Law," dated January 2017, explicitly recognizes the statutory restriction on disclosure or dissemination of CORI under so-called Exemption (a) to the Public Records Law, i.e. records "specifically or by necessary implication exempted from disclosure by statute." See G.L. c. 4, § 7(26)(a).

Second, such records would be withheld per exemption c. the privacy exemption as personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy.

You may appeal this response to the Supervisor of Public Records pursuant to 950 CMR 32.08(1)(d). By law, the Supervisor is required to respond within 10 business days of receipt of your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court, under G.L. c.66, §10A(c).

Regards,

Jim
James M. Kreidler
Town Administrator