



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

Manza Arthur  
Supervisor of Records

April 9, 2024  
**SPR24/0921**

Melissa Falkowski  
Assistant Superintendent of Business & Operations  
Lenox Public Schools  
6 Walker Street  
Lenox, MA 01240

Dear Ms. Falkowski:

I have received the petition of Commonwealth Transparency (“requestor”) appealing the response of the Lenox Public Schools (School) to a request for public records. See G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On March 26, 2024, the requestor sought the following records:

[F]or the time period February 1, 2024 through March 26, 2024:

Any and all email communications which contains “1367661” (without quotes) and/or “1367661.v1” (also without quotes) including any attachments.

The School responded on March 27, 2024, requesting “a driver license or other identification.” Unsatisfied with the School’s response, the requestor 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. 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.

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.

### ***The School's March 27<sup>th</sup> Response***

In its March 27, 2024 response, the School states the following:

To assure that this request is not being generated by an AI bot, please provide proof that this request has been generated by an actual person in the form of a driver license or other identification.

Subsequent to the opening of this appeal, in an email to this office and the requestor on March 28, 2024, the School reiterated the concerns raised in its March 27<sup>th</sup> response.

### ***Identity or Status of Requestor***

Please note that the reason for which a requestor seeks access to or a copy of a public record does not afford any greater right of access to the requested information than other persons in the general public. The Public Records Law does not distinguish between requestors. Access to a record pursuant to the Public Records Law rests on the content of the record and not the circumstances of the requestor. Given this, the requestor may not be required to identify himself or herself as a condition of obtaining access to the requested records. See *Bougas v. Chief of Police of Lexington*, 371 Mass. 59, 64 (1976) (“the statute . . . extends the right to examine public records to ‘any person’ whether intimately involved with the subject matter of the records he seeks or merely motivated by idle curiosity”). Accordingly, in this case, the requestor’s status will play no role in a determination as to whether the records should be disclosed or redacted under the Public Records Law.

### ***Conclusion***

Accordingly, the School is ordered to provide the requestor with a response to the request, provided in a manner consistent with this order, the Public Records Law and its Regulations within ten (10) 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).

Melissa Falkowski  
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Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is written in a cursive, flowing style with a large initial "M".

Manza Arthur  
Supervisor of Records

cc: Commonwealth Transparency