

Subject: REF: Request# 2024-0262:

Date: Tuesday, May 28, 2024 at 8:25:11 AM Eastern Daylight Time

From: foiadirect@townforms.com <foiadirect@townforms.com>

To: Commonwealth Transparency <info@opencommonwealth.org>

Your request does not comply with the Public Records Law (PRL), G.L. c. 66 and 950 C.M.R. 32.00. Your request is excessively broad, and so broad that it is not permitted by the PRL. The Supervisor of Public Records requires that public records requests must reasonably describe the records sought. G. L. c. 66, § 10(a)(i).

In a recent Suffolk Superior Court case, the court found that under the PRL “[t]he reasonable description requirement contemplates that a requesting party will identify documents or categories of documents with sufficient particularity that government employees will be able to understand exactly what they are looking for, and then make a prompt production.”, Suffolk. Sup. No. 1784CV02087, at 2 (January 23, 2019).
Chawla v. Dep’t of Revenue

The court further indicated “[r]equests for documents that are articulated with very broad language that calls upon non-lawyer administrative personnel to interpret the scope of what is sought, and then make fine judgments about what documents are and are not sufficiently ‘related’ to the category of materials requested, will satisfy this statutory standard.” not Id. (emphasis in original).

In accordance with G. L. c. 66, § 10(a)(i) and the Chawla decision described above, whereas you seek “all information and documents” or “any and all communications, documents, e-mails, text messages, voice recordings, and other information or tangible evidence” “pertaining” to elections for example, it is unclear with “sufficient particularity” which records you seek. Thus, your request “calls upon non-lawyer administrative personnel to interpret the scope of what is sought, and then make fine judgments about what documents are and are not sufficiently ‘[regarding]’ the category of materials requested.” Chawla, at 2.

Therefore, your request is not legal and not permitted under the PRL.

Should you wish to define a scope for the emails sought from the City of Malden sever, we can attempt a search.

Right of Appeal-Pursuant to G.L. c. 66, § 10(b)(ix), please note you have a right of appeal to the Supervisor of Records under G.L. c. 66, § 10A(a) and the right to seek judicial review by commencing a civil action in the Superior Court under G.L. c. 66, § 10

Regards,
Public Records
City of Malden