



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

Rebecca S. Murray
Supervisor of Records

July 28, 2020
SPR20/1218

Jane Lawnicki
Records Supervisor
Northampton Police Department
29 Center Street
Northampton, MA 01060

Dear Jane Lawnicki:

I have received your petition on behalf of the City of Northampton Police Department (Department) seeking an extension of time to produce records. G. L. c. 66, § 10(c). As required by law, it is my understanding that the Department furnished a copy of this petition to the requestor. *Id.* In a letter dated July 5, 2020, Defundnpd requested, “[a]ll Internal Investigation Case Files for the Northampton Police Department.”

Petition 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 C.M.R. 36.06(4)(b).

Current Petition

In its petition dated July 20, 2020, the Department seeks an extension of time to produce records. Specifically, the Department seeks an extension of 30 business days. In its petition, the Department states, “internal investigation reports are in paper format and would need to be searched and sorted by hand. Each report would require to be searched, sorted, copied, redacted (according to MA State Laws) and recopied. After which, the City’s Attorney would need to look at each report (both unredacted and redacted versions) to ascertain that no privacy laws have been violated.”

The Department notes, “many of the officers that have internal investigations in their personnel file are no longer working for the Northampton Police Department...[t]his will be an extremely large project and will take more time than is allotted. With the Covid19 pandemic, only one (1) person is allowed in the office at a time as we are still working from home which will make it difficult to copy and redact all these records in the 10 days allowed.”

Conclusion

In light of the Department’s petition, I find the Department has established a good cause to permit an extension of time. See G. L. c. 66, § 10(c)(i)-(iv). I hereby grant the Department an extension of 30 business days to furnish copies of records responsive to Defundnpd’s request. See G. L. c. 66, § 10(c). To the extent possible, the Department must provide responsive records on a rolling basis.

Further, this office encourages Defundnpd and the Department to continue to communicate to facilitate providing records more efficiently and affordably. See G. L. c. 66, § 10(b)(vii)(an agency or municipality shall suggest a reasonable modification of the scope of the request or offer to assist the requestor to modify the scope of the request if doing so would enable the agency or municipality to produce records sought more efficiently and affordably). Any fee estimate by the Department must be in compliance with this determination, the Public Records Law, and its Access Regulations.

Please note, Defundnpd has the right to seek judicial review of this decision by

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commencing a civil action in the appropriate superior court. See G. L. c. 66, § 10(d)(iv)(4), 10A(c).

Sincerely,

A handwritten signature in black ink that reads "Rebecca Murray". The signature is written in a cursive, flowing style.

Rebecca S. Murray
Supervisor of Records

cc: Defundnpd