



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

Rebecca S. Murray  
*Supervisor of Records*

May 27, 2021  
**SPR21/1215 & SPR1216**

Jennifer Staples, Esq.  
Department of State Police  
470 Worcester Road  
Framingham, MA 01702

Dear Attorney Staples:

I have received the petitions of Ethan Hansen appealing the nonresponse of the Department of State Police (Department) to requests for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). Specifically, Mr. Hansen requested details on a certain Department purchase order and “video footage from the Massachusetts State Police Air Wing unites that were over Boston during the protests on May 31<sup>st</sup>, 2020 into the morning of June 1<sup>st</sup>, 2020.” Having received no response, Mr. Hansen petitioned this office.

***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 town 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.

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***Order***

Despite being notified of the opening of these appeals, no response has been provided. Accordingly, the Department is ordered to provide Mr. Hansen with a response to the requests, provided in a manner consistent with this order, the Public Records Law and its Regulations as within 10 business days. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of this response to this office at [pre@sec.state.ma.us](mailto:pre@sec.state.ma.us). If Mr. Hansen is unsatisfied, he may appeal the substantive nature of the Department's response within 90 days. See 950 C.M.R. 32.08(1).

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: Ethan Hansen