



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

Manza Arthur  
Supervisor of Records

April 6, 2026  
**SPR26/1054**

Colleen Kehew  
Records Access Officer  
Framingham Police Department  
1 William Welch Way  
Framingham, MA 01702

Dear Ms. Kehew:

I have received the petition of Andrew Quemere appealing the response of the Framingham Police Department (Department) to a request for public records. See G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On February 20, 2026, Mr. Quemere requested, “[a]ll internal affairs records for [two identified] former Framingham police officers . . . [.]”

***Previous Appeal***

This request was the subject of a previous appeal. See SPR26/0795 Determination of the Supervisor of Records (March 18, 2026). In my March 18<sup>th</sup> determination, I ordered the Department to revise its fee estimate or provide further explanation of how its assessed fee is consistent with G. L. c. 66, § 10(d). The Department provided a response on March 23, 2026. Unsatisfied with the response, Mr. Quemere petitioned this office and this appeal, SPR26/1054, was opened as a result. While this appeal was pending, the Department provided a supplemental response to this office and Mr. Quemere on March 24, 2026, which Mr. Quemere further appealed in an email on the same date.

***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.

### ***Fee Estimates - Municipalities***

A municipality may assess a reasonable fee for the production of a public record except those records that are freely available for public inspection. G. L. c. 66, § 10(d). The fees must reflect the actual cost of complying with a particular request. Id. A maximum fee of five cents (\$.05) per page may be assessed for a black and white single or double-sided photocopy of a public record. G. L. c. 66, § 10(d)(i).

Municipalities may not assess a fee for the first (two) 2 hours of employee time to search for, compile, segregate, redact or reproduce the record or records requested unless the municipality has 20,000 people or less. G. L. c. 66, § 10(d)(iii). Where appropriate, municipalities may include as part of the fee an hourly rate equal to or less than the hourly rate attributed to the lowest paid employee who has the necessary skill required to search for, compile, segregate, redact or reproduce a record requested, but the fee shall not be more than \$25 per hour. Id. However, municipalities may charge more than \$25 per hour if such rate is approved by the Supervisor of Records under a petition under G. L. c. 66, § 10(d)(iv).

A fee shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the Supervisor of Records under a petition under G. L. c. 66, § 10(d)(iv). See G. L. c. 66, § 10(d)(iii); 950 C.M.R. 32.06(4).

### ***The Department's March 23<sup>d</sup> and March 24<sup>th</sup> Responses***

In its previous March 5, 2026 response, the Department provided a fee estimate of \$525.00 for a total of 23 hours “to fill this request.” The Department additionally indicated that it was not assessing a fee for the first two hours of employee time, and that the assessed rate of “\$25/hour” is “lower than the hourly wage of the lowest paid employee capable of performing such work[.]”

In its March 23, 2026 response, the Department reiterated the \$525.00 fee, explained that “[r]esponsive records constitute 288 pages of documents[.]” and further provided the following additional information regarding its estimate:

The Department assessed a fee of \$525.00 for the estimated number of hours it would take to produce these records. . . . As [the responsive records] will need to be reviewed in their entirety before public release, the department has provided a good faith estimate for the amount of time it will take to search, segregate, and redact these records under the exemptions listed in the Public Records Law. Below we have provided an itemized assessment:

CATEGORY	ASSESSMENT	FEE
Search/Retrieval	1 hour @ \$25/hr (Searching and compiling responsive records)	\$25.00
Segregation	4 hours @ \$25/hr (Reviewing & Separating Exempt Information)	\$100.00
Redaction	18 hours @ \$25/hr (Redacting information as required by law)	\$450.00
Subtotal	23 hours	\$575.00
Free Time	Minus 2 hours (Municipal over 20,000) @ \$25/hr (\$50.00)	(\$50.00)
Total Estimated Fee	21 hours x \$25 per hour	\$525.00

. . . . At minimum, the Department assessed the fee based on likely statutes that will apply, based on a brief review of the records. . . . These include:

M.G.L. c.6 §172	CORI information	information directly relating to criminal charges, arrests, etc. for specific cases and investigations mentioned in reports
M.G.L. c. 66 §10B	Home address/personal email/phone of public safety personnel	home address, personal email address, and/or home telephone number of an employee
38 U.S. Code § 7332	Confidentiality of medical records	medical information for an identifiable individual
5 U.S.C. § 552(b)(7)(A)	protection of “records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings.”	information referencing ongoing cases currently under investigation
5 U.S.C. § 552(b)(7)(C)	protection for personal information in law enforcement records the disclosure of which “could reasonably be expected to	date of birth, license number, Social Security number, and/or medical information for an identifiable individual;

	constitute an unwarranted invasion of personal privacy.”	disciplinary documentation
5 U.S.C. § 552(b)(7)(D)	protection for “records or information compiled for law enforcement purposes which could reasonably be expected to disclose the identity of a confidential source and information furnished by a confidential source.”	information identifying witnesses and/or confidential informants for ongoing case currently under investigation
5 U.S.C. § 552(b)(7)(E)	provides protection to all law enforcement information which “would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcements investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”	information referencing ongoing cases currently under investigation

In its supplemental March 24, 2026 response, the Department provided clarification regarding “the necessity of reviewing the files for CORI information” and additionally noted, “[i]f the requestor would like assistance in narrowing the scope of the request to reduce the volume of documents and subsequently lower the assessed fee, that option is available.”

*Current Appeal*

In his March 23, 2026 appeal to this office, Mr. Quemere states, “the department says that it will spend [23] hours removing information from 288 pages of records. However, the department does not appear to have a lawful basis to charge for reviewing all 288 pages of records[.]” He notes that “[t]he department also cites two federal laws” in its fee estimate and contends, “[o]ne law cited . . . appears to protect certain records possessed by the US Department of Veterans Affairs and is . . . not relevant in any way. . .” Mr. Quemere additionally states that the Department “also cites various exemptions to the Freedom of Information Act” and argues, “this law does not govern public records requests under Massachusetts state law. . . .

***Reasonableness of Fee Estimate***

Although the Department has estimated that the process of compiling, reviewing, and preparing responsive documents for production will take 23 total hours of employee time, the Department has not provided sufficient explanation of why this amount of employee time is necessary. Specifically, the Department must clarify how it requires 1 hour to search for responsive records and 22 hours to segregate and redact the records. The Department must advise as to how many minutes per page it will take to segregate and redact the responsive

records. As such, the Department must provide additional information regarding its fee estimate. See G. L. c. 66, § 10(d)(iv) (requiring the amount of the fee be reasonable).

Further, as noted in the previous determination, a fee shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the Supervisor of Records under a petition under G. L. c. 66, § 10(d)(iv). See G. L. c. 66, § 10(d)(iii); 950 C.M.R. 32.06(4). The Department is reminded that for Exemption (a) to apply, a statute must either expressly state that the withheld record is not subject to disclosure under the Public Records Law, or limit dissemination of said information to a defined group or individuals or entities. The Department is further advised that information that is “required by law” to be segregated or redacted is found in statutes that explicitly indicate that certain records or information are not public records. Some common examples are the student record statute (G. L. c. 71, § 34D), the Criminal Offender Record Information (CORI) Act (G. L. c. 6, § 167), and laws regarding the confidentiality of domestic violence records (G. L. c. 41, § 97D; G. L. c. 41, § 98F; G. L. c. 209A, § 8). These statutes operate through Exemption (a) of the Public Records Law. Segregation or redaction under the attorney-client privilege is also interpreted to be “required by law.”

38 U.S.C. § 7332 provides, in relevant part:

Records of the identity, diagnosis, prognosis, or treatment of any patient or subject which are maintained in connection with the performance of any program or activity (including education, training, treatment, rehabilitation, or research) relating to drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus, or sickle cell anemia which is carried out by or for the Department [of Veterans Affairs] under this title shall . . . be confidential, and . . . such records may be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b).

38 U.S.C. § 7332(a)(1).

Additionally, 5 U.S.C. § 552(b)(7) states, in pertinent part:

This section does not apply to matters that are . . . records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, . . . (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source . . .

5 U.S.C. § 552(b)(7).

Upon review, the Department may assess a fee for segregation and redaction pursuant to the CORI Act and G. L. c. 66, § 10B, pursuant to Exemption (a), as described in its fee estimate. However, where 5 U.S.C. §§ 552(b)(7)(A), (C)-(D) does not operate through Exemption (a) to require the withholding of information, the Department is not permitted to assess a fee for segregation and redaction under 5 U.S.C. §§ 552(b)(7)(A), (C)-(D). It is also unclear how 38 U.S.C. § 7332, specifically or by necessary implication, permits the Department to charge for segregation and redaction of the records. The Department must clarify these matters.

For the reasons discussed above, I find the Department must either revise its fee estimate or provide further explanation of how the fees assessed are consistent with G. L. c. 66, § 10(d).

***Conclusion***

Accordingly, the Department is ordered to provide Mr. Quemere with a response to his request, provided in a manner consistent with this order, the Public Records Law and its Regulations 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 the response to this office at [pre@sec.state.ma.us](mailto:pre@sec.state.ma.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is fluid and cursive, with the first name "Manza" being the most prominent part.

Manza Arthur  
Supervisor of Records

cc: Andrew Quemere