



May 11, 2020

Sent via email

Supervisor of Public Records  
Public Records Division  
McCormack Building  
One Ashburton Place, Room 1719  
Boston, MA 02108

**Re: Appeal to the Supervisor of Public Records**

To Whom It May Concern:

This is an appeal under Massachusetts Public Records Law<sup>1</sup> (“Public Records Law”) made on behalf of the American Civil Liberties Union of Massachusetts (“ACLU”).

Pursuant to the public records law and its regulations,<sup>2</sup> after a request is submitted to a governmental agency, it is the duty of the designated Record Access Officer (“RAO”) to either provide or deny access to the requested records.<sup>3</sup>

When an agency “fails to comply with a requirement of section 10 or issues a response the requestor believes in violation of section 10, the person who submitted the initial request for public records may petition the supervisor of records for a determination as to whether a violation has occurred.”<sup>4</sup>

After this appeal is filed, “[t]he supervisor of records shall issue a written determination regarding any petition submitted (...) not later than 10 business days following receipt of the petition by the supervisor of records.”<sup>5</sup>

Finally, “[u]pon a determination by the supervisor of records that a violation has occurred the supervisor of records shall order timely and appropriate relief.”<sup>6</sup>

On February 2, 2020, I submitted a public records request on behalf of the ACLU to the Springfield Police Department (“PD”). (See Exhibit A.)

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<sup>1</sup> See generally G.L. ch. 66.

<sup>2</sup> See generally 950 Code Mass. Regs. ch. 32.

<sup>3</sup> See generally G.L. ch. 66, § 10; 950 Code Mass. Regs. § 32.06.

<sup>4</sup> G.L. ch. 66, § 10A.

<sup>5</sup> Id.

<sup>6</sup> Id.



In that request, the ACLU sought “records related to the relationship between Springfield Police Department and IBM related to the offering, acquisition of, and/or use of facial-recognition technology, including but not limited to products and services like Watson AI.” (See Exhibit A.)

On February 4, 2020, the City of Springfield acknowledged the receipt of the request. (See Exhibit B.)

On February 19, 2020, the City of Springfield sent us a message through the records center stating that “[d]ue to the capacity of the City to search for, collect, segregate and examine any records during its normal business hours of operation, the City is requesting an extension of twelve [12] business days until Friday, March 12, 2020 to provide any records that may be responsive to this request.” (See Exhibit B.)

That message was their last communication. We never received a response to our request, despite that we followed up with the city twice. The first follow up message was sent on March 20. The second follow up was sent on April 23. (See Exhibit B.)

For all the reasons mentioned above, **I therefore respectfully request that your office (1) finds that there was a violation of the applicable law (2) orders as appropriate relief that the City of Springfield follows state law and provide the ACLU with a response to the public records request.**

If you have any questions concerning this appeal, you can contact me at (617) 482-3170 x402 or [efalcon@aclum.org](mailto:efalcon@aclum.org)

Thank you for your assistance. I look forward to your response.

Sincerely,

Emiliano Falcon-Morano  
Policy Counsel  
Technology for Liberty Program  
ACLU of Massachusetts