



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 Law¹ (“Public Records Law”) made on behalf of the American Civil Liberties Union of Massachusetts (“ACLU”).

Pursuant to the public records law and its regulations,² 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.³

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.”⁴

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.”⁵

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.”⁶

On October 9, 2019, I submitted a public records request on behalf of the ACLU to the Boston Police Department (“PD”). (See Exhibit A.)

¹ See generally G.L. ch. 66.

² See generally 950 Code Mass. Regs. ch. 32.

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

⁴ G.L. ch. 66, § 10A.

⁵ Id.

⁶ Id.



In that request, the ACLU sought “records pertaining to the sharing of video surveillance data, including but not limited to any interagency memorandums of understanding (“MOUs”), like the ones highlighted in page five of Exhibit A [of the request].” (See Exhibit A.)

This request included “1. All memoranda of understanding, memoranda of agreement, and any other agreements, informal or formal, between City of Boston agencies and departments pertaining to video surveillance [and] 2. All memoranda of understanding, memoranda of agreement, and any other agreements, informal or formal, between the City of Boston (to include all subdivisions and agencies) and outside local, state, and federal agencies pertaining to video surveillance.” (See Exhibit A.)

On March 20, 2020, the City of Boston sent the ACLU a response. (See Exhibit B.)

The City of Boston sent records pertaining to a vendor, Lan-Tel, some surveillance projects, and camera specifications. **They did not send any records pertaining to the memoranda of understanding that are mentioned in the document we originally attached to the request.**

As as you can see from the correspondence between Kade Crockford, Director of the Technology For Liberty Program, and Shawn Williams, Director of Public Records and Records Access Officer, the response sent by the City was unresponsive to our request. (See Exhibit C.)

We believe that the memoranda of understanding exist because they are mentioned in the document we attached to the original request and that they are covered by the request we originally made.

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 Boston follows state law and provide the ACLU with all the records in its possession that relate to our request, specially those concerning the memoranda of understanding.**

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

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



Sincerely,

A handwritten signature in black ink, appearing to read "Emiliano Falcon-Morano". The signature is written in a cursive style with a prominent initial "E" and a final flourish.

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