



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

Manza Arthur  
Supervisor of Records

June 5, 2026  
**SPR25/1958**

Denise Quist  
Records Access Officer  
Town of Winthrop  
One Metcalf Square  
Winthrop, MA 02152

Dear Ms. Quist:

I have received the petition of Leonora Foley appealing the response of the Town of Winthrop (Town) to a request for public records. See G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). In three separate requests, Ms. Foley requested the following:

*The April 10, 2026 Requests*

[1] [T]he personal phone records - calls and texts, incoming and outgoing – of [an identified] Councilor . . . during the Town Council meeting of April 8, which took place between 6.30 and 9:45 pm.

[2] [P]ersonal phone records – calls and texts, incoming and outgoing - for [an identified] Vice President . . . during the Town Council Meeting of April 8, 2026, approximately 6.30pm to 9:45 pm.

*The April 14, 2026 Request*

[3] [A]ll electronic communications during the April 7, 2026 Town Council meeting for [an identified] Councilor. . . . These include all incoming and outgoing messages in text or email, including messaging apps, and incoming and outgoing phone calls. Time duration is from approximately 6.30 pm to meeting adjournment at 9.45 pm.

The Town responded to the requests on May 5, 2025 and May 20, 2026. Unsatisfied with the Town's responses, Ms. Foley petitioned this office and this appeal, SPR26/1958, was opened as a result.

### ***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. Att’y 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.

### ***The Town’s May 5<sup>th</sup> and May 20<sup>th</sup> Responses***

In its May 5, 2026 response to each request, the Town requested an extension of time to produce records and explained that the individual identified in the request, “has been notified of [the] request and our office is waiting for responses of which we can send as we receive information.”

In its May 20, 2026 response to each request, the Town further explained that “[a]s of this date,” the identified individual “has not provided any information responsive to this public records request.”

### ***Current Appeal***

In her May 21, 2026 appeal, Ms. Foley states the Town’s May 20<sup>th</sup> responses were “notice that the councilors were non-responsive.” She further explains, “[t]hese councilors are bypassing the process for public input and possibly violating public meeting law by making decisions as a group outside the normal council process and town charter rules.”

### ***Timeliness in Providing Records***

G. L. c. 66, § 10(b) provides, in pertinent part, that if the magnitude or difficulty of the request unduly burdens the other responsibilities of the agency or municipality such that the agency or municipality cannot provide records within 10 business days, the agency or municipality must inform the requestor in writing within 10 business days. With respect to the timeframe to produce responsive records, the written response shall:

identify a reasonable timeframe in which the agency or municipality shall produce the public records sought; provided, that for an agency, the timeframe shall not exceed 15 business days following the initial receipt of the request for public records and for a municipality the timeframe shall not exceed 25 business days following the initial receipt of the request for public records; and provided further, that the requestor may voluntarily agree to a response date beyond the timeframes set forth herein.

G. L. c. 66, § 10(b)(vi).

Where Ms. Foley submitted her requests on April 10, 2026 and April 14, 2026, and the Town has not provided the responsive records, nor cited an exemption for withholding records, I find that the Town has not met its burden in responding to the requests in accordance with G. L. c. 66, § 10(b)(vi). Consequently, the Town must provide an estimated date as to when it intends to complete the search and provide any responsive records. See G. L. c. 66, § 10(a) (records must be provided without unreasonable delay). To the extent possible, the Town must provide responsive records on a rolling basis.

### ***Conclusion***

Accordingly, the Town is ordered to provide Ms. Foley with a response to her requests, provided in a manner consistent with this order, the Public Records Law and its Regulations within ten (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). Ms. Foley may appeal the substantive nature of the Town's response within ninety (90) days. See 950 C.M.R. 32.08(1).

Sincerely,



Manza Arthur  
Supervisor of Records

cc: Leonora Foley