



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

Shawn A. Williams
Supervisor of Records

May 20, 2016
SPR16/291

Daniel E. Gutekanst, Ed.D.
Superintendent of Schools
Town of Needham – Public Schools
Emery Grover Administration Building
1330 Highland Avenue
Needham, MA 02492

Dear Dr. Gutekanst:

I have received the April 27, 2016 petition of Michael DiPronio appealing the failure of the Town of Needham – Public Schools (School District) to provide records responsive to a March 6, 2016 request for public records. G. L. c. 66 § 10(b); see also 950 C.M.R. 32.08(2). Specifically, Mr. DiPronio requested a copy of four categories of records. By letter dated March 18, 2016 the School District provided Mr. DiPronio a written estimate for the costs incurred in complying with his public records requests. By letter dated March 23, 2016 Mr. DiPronio paid the estimate fee. By letter dated April 13, 2016 Mary Lammi, Director of Student Support Services informed Mr. DiPronio that the School District received payment and was in the process of compiling and redacting the records. As of the date of his petition to this office Mr. DiPronio had not received the responsive records.

To date, the School District has failed to provide Mr. DiPronio with any records, and neither has the School District provided him with any update to inform him when he will receive the records. A record custodian is required to maintain procedures to avoid unreasonable delays and to allow inspection and copying by any person during regular business hours. 950 C.M.R. 32.05(1). In Globe Newspaper Co. v. Commissioner of Education, 439 Mass. 124 (2003), the Supreme Judicial Court concluded that the release of public records within ten (10) days of the receipt of a request to inspect or copy them is presumptively reasonable. Id. at 125.

As of the date of this letter seventy-five (75) days have passed since Mr. DiPronio's request for records. I find the School District has failed to properly respond to a request for public records. Accordingly, the School District is hereby ordered, within ten (10) days of this order, to provide Mr. DiPronio with the responsive records, provided in a manner consistent with this order, the Public Records Law and its Regulations. If the School District maintains that any

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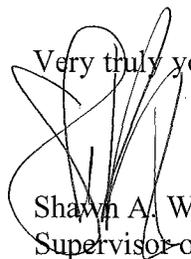
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portion of the responsive records are exempt from disclosure it must provide to Mr. DiPronio a written explanation, *with specificity*, how a particular exemption applies to each record. To meet the specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record. 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.

To assist the School District in responding to requests for public records I advise a review of our publication, *A Guide to the Massachusetts Public Records Law*. This document is available on the Internet, free of charge, at <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>. Attorneys on my staff are available during regular business hours to answer general questions regarding the Public Records Law.

In addition, members of my staff will visit a records custodian in person to conduct training workshops on the Public Records Law upon request. Please contact my office directly at the telephone number below for further information.

Very truly yours,



Shawn A. Williams
Supervisor of Records

cc: Mr. Michael DiPronio