



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

Manza Arthur
Supervisor of Records

September 16, 2026
SPR26/3729

Open Commonwealth
VIA EMAIL

Dear Requestor:

I have received your letter appealing the response of the City of Malden Police Department to your request for records.

I have directed a member of my staff, Owen Meech, Esq., to review this matter. Upon completion of the review, I will advise you in writing of the disposition of this case. If in the interim you receive a satisfactory response to your request, please notify this office immediately.

Any further correspondence concerning this specific appeal should refer to the SPR case number listed under the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Manza Arthur".

Manza Arthur
Supervisor of Records

Cc: Lt. Peter Mitchell

From: [Commonwealth Transparency](#)
To: [SEC-DL-PREWEB](#)
Subject: Petition for Appeal - Malden, MA - Failure to provide specifically requested public records F.K.A. SPR26-3477
Date: Wednesday, September 16, 2026 3:36:20 PM
Attachments: [spr263477.pdf](#)
Importance: High

Greetings:

On September 16, 2026, the SPR issued her findings and Orders in SPR26/3477 (attached hereto).

In her findings and determination, the SPR found that **"...it is unclear whether the Department possesses records responsive to the request. The Department must clarify this matter. To the extent that the referenced records exist, I find the Department must provide them in a manner consistent with Public Records Law or identify an exemption that applies to withhold the records from disclosure. G. L. c. 66, § 10(b). See G. L. c. 66, § 10(a) (records must be provided without unreasonable delay)."**

On September 16, 2026 the RAO for the MPD responded in the email below:

From: Peter Mitchell <PMitchell@maldenpd.com>
Date: Wednesday, September 16, 2026 at 2:44 PM
To: Hudson, Grace (SEC) <Grace.Hudson@sec.state.ma.us>; Commonwealth Transparency <info@opencommonwealth.org>
Cc: SEC-DL-PREWEB <SEC-DL-PREWEB@sec.state.ma.us>; Public Records <publicrecords@CITYOFMALDEN.ORG>
Subject: RE: SPR26-3477 Appeal Determination

Good afternoon,

The Malden Police Department is in receipt of this appeal notice.

It was noted in the appellant's argument that the Malden Police Department (MPD) "do not have the requested records, and admit that they do not download or maintain these records despite the PRL requiring them to do so", and also that "They (MPD) are also refusing to download them for a proper Public Records Request despite their ability to do so".

The Malden Police Department submits the following in response to this appeal:

Based on how the system operates, Flock Safety Technologies retains individual ALPR detections/images for the applicable retention period, but the Department does not maintain a pre-existing daily report, archive, or Department-side bulk export containing every image captured by every camera for a given day. The platform is an investigative search system rather than a conventional CCTV/DVR archive, and there is no customer-side capability to create a searchable date/time report that simply exports every detection and image for a 24-hour period.

Audit/search records are also separate from the underlying detection images.

Respectfully,

Lt. Peter Mitchell #291

Administration and Operations Division

Malden Police Department

800 Eastern Avenue

Malden, MA. 02148

pmitchell@maldenpd.com

781-397-7171 x1227

Despite the specific findings and Orders, Malden has failed to answer the specific question and instead offers an editorial about how MPD approaches Flock.

Malden fails to ADMIT that they WERE able to download the requested public records on the day that the public records request was served upon them and they failed to do so.

Currently Malden is able to download any of the images taken by the Flock cameras deployed throughout the City of Malden and all other images which other agencies have granted permission to Malden for the retention period which Malden CHOOSES to maintain on Flock Systems infrastructure.

It is believed that Malden is only maintaining these images for 7 (SEVEN)

days and then allowing Flock Systems to delete these images on the Flock Systems infrastructure.

On the day that the public records request was made and served upon Malden, the specifically requested public records WERE available to the RAO and the department to download, preserve and provide to the requestor. Whether or not Malden allowed those specifically requested public records to be deleted remains to be understood, as Malden has failed to admit or deny that the specifically requested records still exist today.

Malden has allowed a third party to manage and maintain public records, delete and purge these public records with total disregard for the Massachusetts Municipal Records Retention Schedules and legal requirements of G. L. c. 66, §§ 10-10A. Malden has failed to download and secure specifically requested public records which are illegally and improperly maintained and managed on a third party's systems and platform with no regard for the requirements under Massachusetts Law that Malden regularly download and maintain its own copy of these records.

Malden has also failed to download and secure public records which were specifically identified and requested, during a time when ALL of the specifically requested records were available to Malden to download, secure and provide to the requestor.

Wherefore OpenCommonwealth hereby petitions the SPR to Order Malden to:

- Admit or deny that the records DID exist on the day that the public records were requested;**
- Admit or deny that they failed to act and download and secure the specifically requested public records;**
- Admit or deny that the specifically requested records exist today in any form and can or cannot be provided to the requestor;**
- Admit or deny that Malden has failed to regularly download, secure and maintain its own copy of these public records on its own systems/inbrastructure;**
- Immediately download and secure all public records maintained on**

the third-party Flock Systems platform onto systems and/or infrastructure that Malden controls;

- **Immediately follow the Massachusetts Municipal Records Retention Schedules with respect to these records and only delete these public records when they are properly expired;**
- **Provide all specifically requested public records to OpenCommonwealth without delay and without charge;**
- **Refer any improper disposal/deletion/purging of public records to the Massachusetts Attorney General for enforcement**

Kindest Regards,

OpenCommonwealth.org

From: Hudson, Grace (SEC) <Grace.Hudson@sec.state.ma.us>

Sent: Wednesday, September 16, 2026 10:46 AM

To: Peter Mitchell <PMitchell@maldenpd.com>; info@opencommonwealth.org

Cc: SEC-DL-PREWEB <SEC-DL-PREWEB@sec.state.ma.us>

Subject: SPR26-3477 Appeal Determination

Hello,

Please be aware, the Supervisor of Records has issued a determination relating to an appeal in which you were involved. This determination is attached and available online at:

<http://www.sec.state.ma.us/AppealsWeb/AppealsStatus.aspx>.

If you have any questions, please contact the Public Records Division at 617-727-2832 or pre@sec.state.ma.us.

Thank you,

Grace Hudson (she/her)

Public Records Specialist

Office of the Secretary of the Commonwealth

Public Records Division

One Ashburton Place, Room 1719

Boston, MA 02108

617-727-2832

Grace.Hudson@sec.state.ma.us

report this email as spam.

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

Manza Arthur
Supervisor of Records

September 16, 2026
SPR26/3477

Lt. Peter Mitchell
Assigned Department Records Administrator
Malden Police Department
800 Eastern Avenue
Malden, MA 02148

Dear Lt. Mitchell:

I have received the petition of *OpenCommonwealth* (requestor) appealing the response of the Malden 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 August 16, 2026, the requestor sought “[a]n export of all images as maintained and in their native format specifically including all metadata from all FLOCK SAFETY cameras within the city limits of the City of Malden, for the 24 hour period of August 16, 2026 from 00:00:00 to 23:59:59 Eastern Standard Time.”

The Department responded on August 27, 2026, assigning the request Public Record Request Number 2026-0374. Unsatisfied with the Department’s response, the requestor petitioned this office and this appeal, SPR26/3477, 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. 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.

The Department's August 27th Response

In its August 27, 2026 response, the Department stated:

Upon further review of the request, it has been determined that the Malden Police Department does not maintain, store or preserve an existing report, file, or export consisting of all Flock images and associated metadata. The Flock Safety platform available to Department users is an investigative search platform and does not provide Department users with a search or export function that produces all camera captures for a specified 24-hour period in the manner described in your request... Please advise me if there is anything further that I can submit to you regarding this request and please be mindful of the privacy rights of people, and prevent, if necessary, the dissemination of this information.

Current Appeal

In the appeal petition, the requestor argued:

The PRL (M.G.L. c66, §§ 10-10A) requires that Malden maintain custody of and possession of all public records. The Municipal Records Retention Schedule dictates to Malden how long they must maintain the specifically requested images. Malden deleted, or allowed the deletion of specifically requested public records during the pendency of a properly made public records request... They allege that they do not have the requested records, and admit that they do not download or maintain these records despite the PRL requiring them to do so. They are also refusing to download them for a proper Public Records Request despite their ability to do so.

Records in Existence

Please be advised, under the Public Records Law a custodian is not required to create a record in response to a public records request. See G. L. c. 66, § 6A(d). In addition, a public employee is not required to answer questions, or do research, or create documents in response to questions. See 32 Op. Att'y Gen. 157, 165 (May 18, 1977). The duty to comply with requests for records extends only to those records that exist and are in the possession, custody, or control of the custodian of records at the time of the request. See G. L. c. 66, § 10(a)(ii).

Accordingly, based on the information provided in the requestor's appeal petition and the Department's response, it is unclear whether the Department possesses records responsive to the request. The Department must clarify this matter. To the extent that the referenced records exist, I find the Department must provide them in a manner consistent with Public Records Law or

identify an exemption that applies to withhold the records from disclosure. G. L. c. 66, § 10(b). See G. L. c. 66, § 10(a) (records must be provided without unreasonable delay).

Conclusion

Accordingly, the Department is ordered to provide the requestor with a response to the request 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. The Requestor may appeal the substantive nature of the Department's response within ninety (90) days. See 950 C.M.R. 32.08(1).

Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is fluid and cursive, with the first name "Manza" being more prominent and the last name "Arthur" written in a more compact, flowing style.

Manza Arthur
Supervisor of Records

cc: OpenCommonwealth



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

Manza Arthur
Supervisor of Records

September 16, 2026
SPR26/3477

Lt. Peter Mitchell
Assigned Department Records Administrator
Malden Police Department
800 Eastern Avenue
Malden, MA 02148

Dear Lt. Mitchell:

I have received the petition of *OpenCommonwealth* (requestor) appealing the response of the Malden 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 August 16, 2026, the requestor sought “[a]n export of all images as maintained and in their native format specifically including all metadata from all FLOCK SAFETY cameras within the city limits of the City of Malden, for the 24 hour period of August 16, 2026 from 00:00:00 to 23:59:59 Eastern Standard Time.”

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The Department's August 27th Response

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Accordingly, based on the information provided in the requestor's appeal petition and the Department's response, it is unclear whether the Department possesses records responsive to the request. The Department must clarify this matter. To the extent that the referenced records exist, I find the Department must provide them in a manner consistent with Public Records Law or

identify an exemption that applies to withhold the records from disclosure. G. L. c. 66, § 10(b). See G. L. c. 66, § 10(a) (records must be provided without unreasonable delay).

Conclusion

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Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is fluid and cursive, with the first name "Manza" being more prominent and the last name "Arthur" following in a similar style.

Manza Arthur
Supervisor of Records

cc: OpenCommonwealth



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

Manza Arthur
Supervisor of Records

September 1, 2026
SPR26/3477

Commonwealth Transparency
VIA EMAIL

Dear Commonwealth Transparency:

I have received your letter appealing the response of the City of Malden to your request for records.

I have directed a member of my staff, Owen Meech, Esq., to review this matter. Upon completion of the review, I will advise you in writing of the disposition of this case. If in the interim you receive a satisfactory response to your request, please notify this office immediately.

Any further correspondence concerning this specific appeal should refer to the SPR case number listed under the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Manza Arthur".

Manza Arthur
Supervisor of Records

Cc: Lt. Peter Mitchell

From: [Commonwealth Transparency](#)
To: [SEC-DL-PREWEB](#)
Subject: Petition for Appeal - Malden, MA - Failure to provide Public Records, Failure to Preserve and Maintain Public Records
Date: Monday, August 31, 2026 7:17:43 PM
Importance: High

Greetings:

On August 16, 2026, the following PRR was served upon Malden;

From: Commonwealth Transparency <info@opencommonwealth.org>
Date: Sunday, August 16, 2026 at 2:14 PM
To: 'publicrecords@cityofmalden.org' <publicrecords@cityofmalden.org>
Subject: Public Record Request under the Massachusetts Public Records Law M.G.L. c66, §§ 10-10A

Greetings:

This is a formal public records request under the Massachusetts Public Records Law M.G.L. c66, §§ 10-10A:

- This is a new request and does not replace or modify any prior requests.

Please provide the following documents/records in the possession or under the control of your agency;

- **An export of all images as maintained and in their native format specifically including all metadata from all FLOCK SAFETY cameras within the city limits of the City of Malden, for the 24 hour period of August 16, 2026 from 00:00:00 to 23:59:59 Eastern Standard Time.**

This request includes but is not limited to electronic and/or physical documents.

This request seeks responsive documents be delivered in electronic format and in the format in which they are regularly maintained and specifically includes all electronic **metadata**.

Where no such records in the above categories exist, please provide a written statement to that effect.

With respect to the form of production, we note that relevant regulations require the production of records in an accessible, commonly used electronic form, to the extent feasible. See 950 CMR 32.04(5)(d).

The records custodian who receives this request is required to use his or her “superior knowledge” to determine the exact records that are responsive to this request.

Your government entity may have multiple RAOs that are assigned to a specific division or department within that entity. A request to one RAO may include records of another division or department within the RAOs’ agency or municipality. RAOs must use their superior knowledge of the records to ensure that a request for records is delivered to the appropriate party. Therefore, an RAO is expected to forward such requests to the appropriate parties within its municipality or agency.

Record custodians are also required to implement new record keeping systems and databases in such a way as to allow for “retrieval of public portions of records to provide maximum public access.” See 950 CMR 32.07(1)(e).

Extraction of such data from a database or electronic record system does not constitute creating a new record. See 950 CMR 32.07(1)(f). Printing these records from a database or electronic system, redacting them with a marker, and then re-scanning them, is generally not consistent with these regulations; this process provides the digital records neither in the preferred form nor in a “searchable machine-readable form.” 950 CMR 32.04(5)(d).

If necessary, we welcome reasonable suggested modifications pursuant to 950 CMR 32.06(2)(g). Per *Attorney Gen. v. Dist. Attorney for Plymouth Dist.*, 484 Mass. 260, 141 N.E.3d 429 (2020), compiling information from a database is not tantamount to creating a new record that would otherwise be precluded under public records law. Specifically: “Where

public records are in electronic form, a public records request that requires a government entity to search its electronic database to extract requested data does not mean that the extracted data constitute the creation of a new record, which would not be required, under the public records law. " Id. at 442 to 443.

Thus, we request that your department query its database and provide a response to the records request. Should you determine that some portions of the documents are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note for any such redactions the applicable statutory exemption and explain why it applies to the redacted or withheld information.

This request and all responsive documents are for express purposes of gathering information to promote citizen oversight and further the public understanding of the operation and activities of our government.

Kindest Regards,

OpenCommonwealth.org

On August 27, 2026, the following Response was received;

From: foiadirect@townforms.com <foiadirect@townforms.com>
Date: Thursday, August 27, 2026 at 8:27 AM
To: Commonwealth Transparency <info@opencommonwealth.org>
Cc: veu@maldenpd.com; <publicrecords@cityofmalden.org>;
pmitchell@maldenpd.com <pmitchell@maldenpd.com>;
GChristenson@cityofmalden.org <GChristenson@cityofmalden.org>;
publicrecords@cityofmalden.org <publicrecords@cityofmalden.org>
Subject: Request# 2026-0347 : Response to your Request

Please DO NOT reply to this email !! Please use the email address of the sender at bottom of this email, in order to communicate with the request management team.

Malden, MA
Public Record Request Number:2026-0347
Requester: Bruce Friedman

Request Date: **Monday, August 17, 2026 8:00:00 AM**
Response Due Date: **Monday, August 31, 2026**

Dear Bruce Friedman:

We have completed the work in reference to your request as referenced above. The response is given below.

Request Response

Good morning,

On Monday, August 17th, 2026, we received your request, pursuant to the Massachusetts Public Records Law, for records regarding the Malden Police Department's available documentation of the following:

"An export of all images as maintained and in their native format specifically including all metadata from all FLOCK SAFETY cameras within the city limits of the City of Malden, for the 24 hour period of August 16, 2026 from 00:00:00 to 23:59:59 Eastern Standard Time"

Upon of further review of the request, it has been determined that the Malden Police Department does not maintain, store or preserve an existing report, file, or export consisting of all Flock images and associated metadata.

The Flock Safety platform available to Department users is an investigative search platform and does not provide Department users with a search or export function that produces all camera captures for a specified 24-hour period in the manner described in your request.

Please advise me if there is anything further that I can submit to you regarding this request and please be mindful of the privacy rights of people, and prevent, if necessary, the dissemination of this information.
Reference is made to the following statutes; G.L. c. 66,

§ 6A, c. 66, §10, and c. 4, § 7, clause 26; each of which informs the possessors of information of those items, documents, photos and videos which may or may not be disseminated.

Respectfully,

Lt. Peter Mitchell #291

Administration and Operations Division

Malden Police Department

800 Eastern Avenue

Malden, MA. 02148

pmitchell@maldenpd.com

781-397-7171 x1227

This email/electronic message, including any attached files, is being sent by the Malden Police Department. It is solely intended for the recipient(s) and may contain information that is proprietary, confidential, legally privileged, and/or exempt from disclosure pursuant to state and federal law. If you have received this message in error or are not the intended recipient(s), please notify the sender immediately by reply, and delete all copies of this email/electronic message and any attached files from your computer. If you are the intended recipient(s), you may use the information contained in this email/electronic message and any attached files only as authorized by the Malden Police Department. Any unauthorized use, dissemination, or disclosure of this email/electronic message and/or its attached files is strictly prohibited. When responding, please be advised that the City of Malden and the Office of the Secretary of State has determined that email could be considered a public record.

Attachments

This response may or may not contain separate Response Documents to include specific response and data. In case such separate response documents exist, they are represented by attachments to this response email. Therefore, please look for any attachments if they exist. Between Request Response and attachments, we believe you are receiving a comprehensive response to your request.

If you have any questions or comments, please do not hesitate to contact us at the following email address.

Thank you.

Pete Mitchell, Assigned Department Records Administrator
Police Department
Malden
800 Eastern Ave
Malden, MA 02148
Tel: (781)-397-7171
Email: pmitchell@maldenpd.com

You are advised that if you object to this response to your request, you have the right to petition the Commonwealth of Massachusetts Supervisor of Public Records. Your petition for appeal of this response must be made within 90 calendar days of the date of this response, in writing, and must specify the nature of your objections to this response, and include a copy of your electronic request with all header information including the time, date, subject, sender and recipient email address, and a copy of the within written response, and the attachment(s) related hereto.

Your petition should be sent to the Supervisor at the following address: Supervisor of Records Division of Public Records, Office of the Secretary of the Commonwealth, One Ashburton Place, Room 1719, Boston, Massachusetts 02108 or: pre@sec.state.ma.us. Electronic communication is strongly encouraged and is the preferred method of correspondence.

The PRL (M.G.L. c66, §§ 10-10A) requires that Malden maintain custody of and possession of all public records. The Municipal Records Retention Schedule dictates to Malden how long they must maintain the specifically requested images.

Malden deleted, or allowed the deletion of specifically requested public records during the pendency of a properly made public records request. FLOCK SYSTEMS which Malden contracts and pays for with public funding to take images of vehicles and license plates at the time of the request was maintaining the requested records for either 30 or 7 days.

The request was served on August 16, 2026, the records sought were for August 16, 2026 and were available from FLOCK SYSTEMS until at least August 23, 2026 or even September 15, 2026 on FLOCK SYSTEMS infrastructure and were/are able to be freely downloaded by Malden.

They allege that they do not have the requested records, and ADMIT that they do NOT download or maintain these records despite the PRL requiring them to do so. They are also REFUSING to download them for a proper Public Records Request despite their ability to do so.

Malden has failed to manage, maintain, control and provide public records.

Wherefore OpenCommonwealth hereby petitions the SPR to find and Order Malden to provide the requested records and to further Order Malden to manage, maintain, control and provide all public records according to the strict interpretation of M.G.L. c66, §§ 10-10A.

Kindest Regards,

OpenCommonwealth.org

OpenCommonwealth.org is a free and open public media organization. We serve the greater Massachusetts community with the goal to provide and empower citizen oversight of governmental operations and activities, help citizens understand how, why and where taxpayer dollars are expended, and to investigate, gather and report the facts in the online publications found on the webpages and social media accounts of OpenCommonwealth.org.

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purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any matters addressed herein.