



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

Manza Arthur
Supervisor of Records

September 17, 2026
SPR26/3838

Commonwealth Transparency
VIA EMAIL

Dear Commonwealth Transparency:

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

I have directed a member of my staff, Siena Graves, 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 records
Date: Thursday, September 17, 2026 11:28:21 AM

Greetings:

On September 2, 2026 the following PRR was served upon Malden:

From: Commonwealth Transparency <info@opencommonwealth.org>
Date: Wednesday, September 2, 2026 at 7:15 AM
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 September 1, 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 September 17, 2026 the following response was received:

From: foiadirect@townforms.com <foiadirect@townforms.com>
Date: Thursday, September 17, 2026 at 9:53 AM
To: Commonwealth Transparency <info@opencommonwealth.org>
Cc: publicrecords@cityofmalden.org <publicrecords@cityofmalden.org>; GChristenson@cityofmalden.org <GChristenson@cityofmalden.org>; publicrecords@cityofmalden.org <publicrecords@cityofmalden.org>
Subject: Request# 2026-0394 : 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:2026-0394

Requester: **Bruce Friedman**

Request Date: **Wednesday, September 2, 2026 8:00:00 AM**

Response Due Date: **Thursday, September 17, 2026**

Dear Bruce Friedman:

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

Request Response

**There are no responsive records to this request.
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.**

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.

Malden does not contend that the specifically requested records do not exist nor that the specifically requested records did not exist when they were requested. Malden does not contest that the specifically requested records are public records.

Malden does admit that all of the specifically requested records are NOT in their possession. Malden does admit that the specifically requested records are not under their control. Both of these admissions are in direct violation of Massachusetts Public Records Law.

Malden complains that it does not have the reporting, tooling or other means to download the specifically requested records that are maintained on a third-party system contracted with Malden.

This admission and complaint also is a direct violation of Massachusetts Public Records Law.

Malden appears to argue that the third-party (Flock Safety Technologies) system that they have contracted to use, and is paid for with taxpayer dollars which creates massive quantities of public records was improperly designed for them to access and retrieve the same public records, AND that they have handed control of these records retention to the whims of this third-party.

The argument that Malden offers "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" is a matter of records organization and a direct result of Malden failing to manage and maintain these records on their own systems and

control.

Malden has failed to provide a good-faith response. Malden has failed to provide responsive records.

Wherefore OpenCommonwealth hereby petitions the SPR to make specific findings that Malden has failed to manage and maintain public records, that Malden has allowed a third-party to manage and maintain these public records against the Massachusetts Public Records Laws and against the Massachusetts Municipal Records Retention Schedules, and that Malden has failed to provide specifically requested records.

OpenCommonwealth also petitions the SPR to Order Malden to immediately comply with the public records laws, comply with the municipal records retention schedules and to provide all specifically requested public records without delay and without charge as Malden failed to provide a good-faith response within 10 business days as required by law.

Kindest Regards,

OpenCommonwealth.org

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