



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

Manza Arthur
Supervisor of Records

September 21, 2026
SPR26/3907

Commonwealth Transparencys
VIA EMAIL

Dear Requestor:

I have received your letter appealing the response of the 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

Morrison, Michael (SEC)

From: Commonwealth Transparency <info@opencommonwealth.org>
Sent: Monday, September 21, 2026 11:48 AM
To: SEC-DL-PREWEB
Subject: Petition for Appeal - Malden, MA, Failure to provide specifically requested public records
Attachments: FOIA2026-0408_09172026125636.pdf

Importance: High

Greetings:

On September 8, 2026 the following PRR was served upon Malden:

From: Commonwealth Transparency <info@opencommonwealth.org>
Date: Tuesday, September 8, 2026 at 8:39 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 for all records created after January 1, 2020 regarding ALL ALPR (Automated License Plate Reader)'s and ALPR system(s) controlled or managed by the City of Malden or any of its departments;

- Records showing the location of ALPR cameras units operating in Malden;
- Records showing the total number of ALPR units operating in Malden;

- Records showing the total number of ALPR units submitting data to any database or system(s) controlled or managed by Malden;
- Records showing the total number of ALPR records created;
- Records showing the total number of searches performed on Malden's ALPR system(s), including the reasons for the searches and the identities of the agencies performing the searches;
- Records showing a list of agencies, inside and outside of Massachusetts, that have access to search Malden's ALPR system(s);
- Records containing the names of private companies that have access to search Malden's ALPR system(s);
- Records showing the total number of out-of-state or federal requests for information from the Malden's ALPR system(s), including information about how many and/or which of these requests resulted in the disclosure of the information sought;
- All Policies, memoranda of understanding, and/or contracts pertaining to Malden's ALPR system(s) or access to the data created or stored within them;
- Records containing the names, agencies, and titles of all authorized personnel who have the technical capacity to access or search the Malden's ALPR system(s);
- Records describing the number and type of crimes solved using data obtained from Malden's ALPR system(s), including any information about the role license plate data played in the investigation (please only provide this information for cases that resulted in convictions).

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 21, 2026 the following response and attached document were received:

From: foiadirect@townforms.com <foiadirect@townforms.com>

Date: Monday, September 21, 2026 at 9:55 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# 2026-0408 : Response to your Request

Please [click here](#) to download your response document(s).

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:2026-0408

Requester: Bruce Friedman

Request Date: Tuesday, September 8, 2026 8:40:00 AM

Response Due Date: Tuesday, September 22, 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,

Further information for your record request may be found at following:

<https://transparency.flocksafety.com/malden-ma-pd>

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

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's response provides no responsive public records nor any documents, it does provide a URL to a website hosted, created by, and wholly managed by a third-party service provider. This response fails to provide a single public record, rather it provides summary data which comes from a third-party. Wherefore OpenCommonwealth hereby petitions the SPR to find and Order that Malden's response and the URL provided fail to provide the specifically requested public records in the following ways;

- **NO Records showing the location of ALPR cameras units operating in Malden were provided or are available on the third-party website URL provided by Malden;**
- **NO Records showing the total number of ALPR units operating in Malden were provided, however the summary data on the third-party website does indicate a summary number which may or may not be relevant and accurate;**
- **NO Records showing the total number of ALPR units submitting data to any database or system(s) controlled or managed by Malden were provided or are available on the third-party website URL provided by Malden;**
- **NO Records showing the total number of ALPR records created were provided, however the summary data on the third-party website does indicate a summary number which may or may not be relevant and accurate;**

- **Some Records showing searches performed on Malden's ALPR system(s) were provided on the third-party website, however these records were only for the previous 30 days and not the specifically requested time period of January 1, 2020 through September 8, 2026 and were completely deficient on the specifically requested the identities of the agencies performing the searches;**
- **NO Records showing a list of agencies, inside and outside of Massachusetts, that have access to search Malden's ALPR system(s), however the summary data on the third-party website does indicate a summary number which may or may not be relevant and accurate;**
- **NO Records containing the names of private companies that have access to search Malden's ALPR system(s) were provided or are available on the third-party website URL provided by Malden;**
- **NO Records showing the total number of out-of-state or federal requests for information from the Malden's ALPR system(s), including information about how many and/or which of these requests resulted in the disclosure of the information sought were provided or are available on the third-party website URL provided by Malden;**
- **NO Policies, memoranda of understanding, and/or contracts pertaining to Malden's APLR system(s) or access to the data created or stored within them were provided or are available on the third-party website URL provided by Malden;**
- **NO Records containing the names, agencies, and titles of all authorized personnel who have the technical capacity to access or search the Malden's ALPR system(s) were provided or are available on the third-party website URL provided by Malden;**

OpenCommonwealth petitions the SPR to Order Malden to perform a comprehensive search for all specifically requested public records which were not provided above and that the resultant records be provided without delay and without charge.

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. OpenCommonwealth.org is a free service, is staffed only by volunteers, and all costs and expenses are borne by its creators. No person has ever paid OpenCommonwealth.org any monies, or any in-kind contributions for its reporting, or access to any of its files. It is the structural intent of OpenCommonwealth.org to maintain and persist as an absolutely free service to the entire public. Since its inception, OpenCommonwealth.org has been viewed by over 130,000 visitors between the website and

social media, and has had over 20,000 external visitors view and/or download records from our free and publicly available records repository. Currently OpenCommonwealth.org has over a 1.5 Terabytes of publicly available content published. This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you. Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any matters addressed herein.

From: [Carol Ann Desiderio](#)
To: [Commonwealth Transparency](#)
Subject: FOIA 2026-0408
Date: Thursday, September 17, 2026 12:53:51 PM

This message is to acknowledge receipt of the above referenced FOIA request.

Due to the current volume of incoming requests, staffing limitations, and other operational challenges, we respectfully request additional time to process your request. As permitted by Massachusetts Public Records law, municipalities are allowed up to 25 business days from the date of receipt to respond to FOIA requests.

We are making every reasonable effort to complete our review and provide a response as promptly as possible within this extended timeframe. If you have any questions or would like to discuss ways to narrow or clarify your request to facilitate a faster response, please feel free to contact our office.

Thank you for your understanding and patience as we work to process your request.

Sincerely,
Carol Ann

Carol Ann T. Desiderio
City Clerk,
Registrar of Voters,
Commissioner to Qualify,
Notary Public,
Wedding Officiant

City of Malden
City Clerk's Office
215 Pleasant Street, Room 220
Malden, MA 02148
Phone 781-397-7116
cityclerk@cityofmalden.org



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twitter.com/thecityofmalden

Monday, Wednesday, Thursday: 8:00-5:00
Tuesday: 8:00-7:00
Friday: Closed

To submit a public records request or FOIA, please visit <https://www.cityofmalden.org/311/Public-Records-Requests> or email publicrecords@cityofmalden.org.

To submit a vital records request, please visit <https://epay.cityhallsystems.com/> or email

vitalrecords@cityofmalden.org.