

From: Commonwealth Transparency <info@opencommonwealth.org>
Date: Sunday, August 16, 2026 at 2:47 PM
To: pre@sec.state.ma.us <pre@sec.state.ma.us>
Subject: Petition for Enforcement of Records Retention and Custody under
Massachusetts Public Records Law M.G.L. c66, §§ 10-10A - Malden, MA

Greetings:

On July 14, 2026, the following PRR was served upon Malden:

From: Commonwealth Transparency
<info@opencommonwealth.org>
Date: Tuesday, July 14, 2026 at 1:17 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 June 23, 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 July 28, 2026 the following response was received:

From: Joanne Perperian <jperperian@CITYOFMALDEN.ORG>
Date: Tuesday, July 28, 2026 at 5:04 PM
To: Commonwealth Transparency
<info@opencommonwealth.org>
Cc: Public Records <publicrecords@CITYOFMALDEN.ORG>
Subject: FD# 2026-0300

Good afternoon Mr. Friedman:

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,

Joanne Perperian
Records Access Officer
City of Malden
Office of the City Solicitor
215 Pleasant Street, Suite 420 | Malden, MA 02148
Phone: (781) 397-7106 Ext. 2166
jperperian@cityofmalden.org

City Hall Hours:
Mon/Wed/Thurs: 8:00 AM – 5:00 PM
Tues: 8:00 AM - 7:00 PM
Fri: CLOSED

Then on August 13, 2026, the following response was received:

From: foiadirect@townforms.com <foiadirect@townforms.com>
Date: Thursday, August 13, 2026 at 1:59 PM
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# 2026-0300 : 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:2026-0300
Requester: **Bruce Friedman**
Request Date: **Tuesday, July 14, 2026 1:17:00 PM**
Response Due Date: **Tuesday, August 18, 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 afternoon,

On Tuesday, July 14th, 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 June 23, 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 this type of specific record. As no such record exist, we are unable to fulfill your record 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 30 days.

The request was served on July 14, 2026, the records sought were for June 23rd, 2026 and were available from FLOCK SYSTEMS until July 23, 2026 on FLOCK SYSTEMS infrastructure and were able to be freely downloaded by Malden.

Malden refused to respond until July 28, 2026 and only stated that they would respond within 25 business days. This is not a proper response. Then On August 13, 2026 they allege that they do not have the requested records.

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,