

August 6, 2026

Via email to: maldennewsnetwork@gmail.com
Malden News Network

Re: Public Records Request

Dear Malden News Network:

Please be advised that this office represents the Malden School Committee (Committee). This correspondence is written to you in response to your request under the Massachusetts Public Records Law.

Your request seeks unredacted executive session minutes of the Committee for the following dates:

June 7, 2021
November 8, 2021
November 13, 2023
December 4, 2023

The request also seeks all records of the Committee's compliance with the periodic review requirement under the Open Meeting Law since November 1, 2024.

It is the Committee's understanding that the Public Records Law includes, G.L. c. 66, § 6A; G.L. c. 66, § 10; G.L. c. 4, § 7(26)(definition of "public records" and exemptions), and 950 C.M.R. 32.00. The Public Records Law broadly defines "public records" to include "all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee" of any Massachusetts governmental entity. Regional school districts fall under the definition of municipality. There are exemptions, defined in G.L. c. 4, § 7(26), to the broad definition of "public records", and common law privileges, such as the attorney-client privilege, that can be used to exclude requested records. G. L. c. 4, § 7(26) defines "public records" as materials which have already been "made or received" by a public entity such that the custodian is not obliged to create a record in response to a request for information. See also 32 Op. Att'y Gen. 157, 165 (May 18, 1977)¹

¹ A Guide to the Massachusetts Public Records Law, published by the Office of the Secretary of the Commonwealth, rev. Dec. 2022, p. 8 and footnote 16; accessible at <https://www.sec.state.ma.us/divisions/public-records/download/guide.pdf>

Under the Public Records Law the required disclosure is to any member of the public. “The purpose of the request has no bearing on the public status of the record. All requestors must be treated the same with respect to the response to their requests.”² Therefore, even though the requestor may have personal information or special interest in the records included in the request, the response and analysis is whether the requested records may be disclosed to any member of the public that requests such records.

Executive Session Minutes:

The requested executive session minutes are publicly available and accessible at the Committee’s website address <https://www.maldenps.org/district-information/school-committee/school-committee-meetings>. The executive session minutes on the website are independently searchable by keyword and may be downloaded.

The executive session minutes requested are redacted consistent with the Open Meeting Law (OML) and Public Records Law (PRL) for the following reasons:

1. Executive Session Minutes for November 13, 2023 and December 4, 2023

The executive session minutes requested for November 13, 2023 and December 4, 2023 remain redacted under the attorney-client privilege and in accordance with specific determinations and decisions of the Attorney General and Supervisor of Public Records under the OML and PRL that address prior requests for these minutes.

In a determination dated November 14, 2024, the Division of Open Government ordered:

the Committee to release the minutes of its November 13 and December 4 executive sessions without redaction of the portions related to contract negotiations with the former superintendent of schools, collective bargaining Unit A, or the SEIU Local 888 Clerical Unit grievance matter, unless the attorney-client privilege or an exemption to the Public Records Law allows for continued redaction. See OML 2024-219³.

Thereafter, in a decision dated March 10, 2025, the Supervisor of Public Records, following *in camera* review of the Committee’s executive session minutes for November 13, 2023; December 4, 2023; and January 18, 2024, found that, except with respect to discussion regarding the “collective bargaining SEIU Local 888 Clerical Unit grievance” (Agenda Item 2 on December 4, 2023), “the School has met its burden to redact the records pursuant to the attorney-client privilege.” See SPR 25/0231⁴ The Supervisor of Public Records thereafter reviewed the

² *Id.* at p. 6.

³ Open Meeting Law determinations are publicly available and may be accessed at the Attorney General’s website, <https://massago.hylandcloud.com/231publicaccess2/oml.html>

⁴ Supervisor of Public Records determination are publicly available and may be accessed at, <https://www.sec.state.ma.us/AppealsWeb/AppealsStatus.aspx>

decision and confirmed that the Committee had complied with the previous order in a decision dated March 28, 2025. See SPR 25/0713

2. Executive Session Minutes for June 7, 2021

Under G.L. c. 30A, § 22(f), the minutes of any executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer; . . .”

G.L. c. 30A, § 22(f) continues:

When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

In addition, “confidential communications between public officers and employees and governmental entities and their legal counsel undertaken for the purpose of obtaining legal advice or assistance are protected under the normal rules of the attorney-client privilege.” Suffolk Constr. Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444, 449-450 (2007).

The redactions in the executive session minutes dated June 7, 2021 relate to public records litigation and remain redacted in accordance with attorney-client privilege. Legal counsel attended the executive session on June 7, 2021 and upon request provided confidential legal advice and assistance to the Committee and Committee members on the issues presented. Accordingly, these exchanges have been redacted from the executive session minutes to preserve the attorney-client privilege, and applies to all redacted portions of the executive session minutes.

3. Executive Session Minutes for November 8, 2021

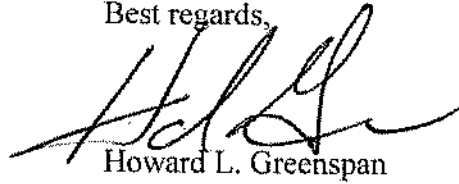
Unredacted executive session minutes for November 8, 2021 meeting of the Committee are publicly available and accessible at the Committee website address <https://www.maldenps.org/district-information/school-committee/school-committee-meetings>

Periodic Review of Executive Session Minutes

Records related to the periodic review of executive session minutes since November 1, 2024 are publicly available and accessible at the Committee’s website address <https://www.maldenps.org/district-information/school-committee/school-committee-meetings>.

Please be advised that you may appeal this response to the Supervisor of Public Records within 90 days hereof pursuant to 950 CMR 32.08(1)(c). You may also seek judicial review of this response by commencing a civil action in the Superior Court under G.L. c. 66, § 10A(c).

Best regards,

A handwritten signature in black ink, appearing to read 'H. L. Greenspan', written over the printed name.

Howard L. Greenspan