



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO
Frank DePaola, Interim General Manager

massDOT
Massachusetts Department of Transportation

November 20, 2015

Shawn Musgrave
MuckRock News
DEPT MR 16143
PO Box 55819
Boston, MA 02205

Re: Public Records Request 15-35
Emails To/From GM Scott-February 9 to 11, 2015
Non MBTA Email Addresses

Dear Mr. Musgrave:

In reply to your public records request for the referenced, enclosed are existing, responsive documents. The thumb drive contains emails that required no redactions. The drive must be opened in Microsoft Outlook. Select File-Open-Microsoft Data-KINGSTON (D) and click on FOIA 15-35.

Please be advised that the hard copy emails contain certain information relating to privacy matters, including but not limited to private email addresses, private home addresses, cell phone numbers and medical information. This information has been redacted as it is exempt from disclosure pursuant to the second clause of Massachusetts General Laws ch. 4, sec. 7, clause 26(c), records relating to a specifically identifiable individual that contains intimate details of a highly personal nature, the disclosure of which could constitute an unwarranted invasion of personal privacy, especially, in light of growing concerns over identity theft. Specifically with regard to cell phone numbers and private email addresses, the Supervisor of Public Records has consistently found a privacy interest of private citizens with respect to cell phone numbers and email addresses, as there is no public listing of cell phone numbers or email addresses. See SPR15/399 dated July 7, 2015.

In determining whether or not the second clause of Exemption (c) will allow for the withholding of the information at issue, the records custodian must apply a two-step balancing test. First, it must determine whether the information constitutes an intimate detail of a highly personal nature. In this case, the records you request identify private individuals and include private information.

Second, the records custodian must decide whether the public interest in dissemination of the information outweighs the privacy interest that would be invaded if the personal information is disclosed. In this case, the insignificant public interest in the release of private information does not outweigh the privacy interest concerning these intimate details of a highly personal nature.

If you are aggrieved by the denial of this information, you have the right to appeal within 90 days to the Supervisor of Public Records, Office of the Secretary of State, One Ashburton Place, Room 1719, Boston, MA 02108.

Sincerely yours,

Records Access Officer

Enclosures