



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

Manza Arthur  
Supervisor of Records

November 20, 2025  
**SPR25/3265**

Ashley E. Melnik  
City Clerk  
City of Revere  
281 Broadway  
Revere, MA 02151

Dear Ms. Melnik:

I have received the petition of Robert Bamberg appealing the response of the City of Revere (City) to a request for public records. See G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On August 28, 2025, Mr. Bamberg requested “detailed maps showing all city, state, public and private utility lines that run through the Point of Pines. Specifically I am looking for maps that include Delano Ave, Alden Ave, and Bickford Ave, along with a span of the Lynnway that abuts each of these 3 streets.” On the same day, Mr. Bamberg stated, “I’d like to amend my original information request with the city to be for detailed utility maps of the area from before and after construction of the new Alden Mills Firehouse.”

***Previous Appeal***

This request was the subject of a previous appeal. See SPR25/2765 Determination of the Supervisor of Records (October 3, 2025). In my October 3<sup>rd</sup> determination, I ordered the City to identify the records being withheld, and to clarify its claims for withholding the records under Exemption (n) of the Public Records Law. Subsequently, the City responded on October 20, 2025. Unsatisfied with the City’s response, Mr. Bamberg petitioned this office, and this appeal, SPR25/3265, was opened as a result.

***The Public Records Law***

The Public Records Law strongly favors disclosure by creating a presumption that all governmental records are public records. G. L. c. 66, § 10A(d); 950 C.M.R. 32.03(4). “Public records” is broadly defined to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption. G. L. c. 4, § 7(26).

It is the burden of the records custodian to demonstrate the application of an exemption in order to withhold a requested record. G. L. c. 66, § 10(b)(iv); 950 C.M.R. 32.06(3); see also Dist. Attorney for the Norfolk Dist. v. Flatley, 419 Mass. 507, 511 (1995) (custodian has the burden of establishing the applicability of an exemption). To meet the specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record.

If there are any fees associated with a response, a written good faith estimate must be provided. G. L. c. 66, § 10(b)(viii); see also 950 C.M.R. 32.07(2). Once fees are paid, a records custodian must provide the responsive records.

### *The City's September 2<sup>nd</sup> and October 20<sup>th</sup> Response*

In its previous September 2, 2025 response, the City provided numerous responsive records. In its October 20, 2025 response, the City provided additional information concerning Mr. Bamberg's request, and explained that it would withhold other records pursuant to Exemption (n) of the Public Records Law. See G. L. c. 4, § 7(26)(n).

#### *Exemption (n)*

Exemption (n) applies to:

records, including, but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cyber security or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (c) of section 10 of chapter 66, is likely to jeopardize public safety or cyber security.

G. L. c. 4, § 7(26)(n).

Exemption (n) allows for the withholding of certain records which if released would jeopardize public safety. The first prong of Exemption (n) examines "whether, and to what degree, the record sought resembles the records listed as examples in the statute;" specifically, the "inquiry is whether, and to what degree, the record is one a terrorist 'would find useful to maximize damage.'" People for the Ethical Treatment of Animals (PETA) v. Dep't of Agric. Res., 477 Mass. 280, 289-90 (2017).

The second prong of Exemption (n) examines "the factual and contextual support for the proposition that disclosure of the record is 'likely to jeopardize public safety.'" Id. at 289-90. The PETA decision further provides that "[b]ecause the records custodian must exercise 'reasonable judgment' in making that determination, the primary focus on review is whether the

custodian has provided sufficient factual heft for the supervisor of public records or the reviewing court to conclude that a reasonable person would agree with the custodian's determination given the context of the particular case." Id.

PETA also provides that "[t]hese two prongs of exemption (n) must be analyzed together, because there is an inverse correlation between them. That is, the more the record sought resembles the records enumerated in exemption (n), the lower the custodian's burden in demonstrating 'reasonable judgment' and vice versa." PETA, at 290.

In its October 20<sup>th</sup> response, under Exemption (n), the City argues the following:

1) Records withheld under Exemption (n)

- Detailed utility plans and as-built drawings showing the internal layout and structural elements of municipal water, sanitary sewer, and stormwater systems within the requested area (including exact pipe alignments and depths, valve and gate locations, interconnections, bypasses, hydrants, manholes, catch basins, force mains, and similar appurtenances).
- GIS exports and map layers (including attribute tables) revealing precise coordinates, system connectivity, pressure zones, control points, and emergency interties.

2) Statutory basis

G.L. c. 4, § 7(26)(n) protects records "including, but not limited to, blueprints, plans, policies, procedures and schematic drawings" relating to the security or safety of "utilities...or other infrastructure," where disclosure is likely to jeopardize public safety or cybersecurity.

3) Public-safety rationale

The records listed above reveal exact locations and configurations of critical infrastructure. Public disclosure would materially lower the effort needed to interfere with or damage systems by exposing water distribution control points (valves, hydrants, interconnects) and sewer/stormwater structures (manholes, siphons, force mains). It would also expose system interdependencies (pressure districts, bypasses, redundancies) in ways that could maximize disruption. For these reasons, the City is withholding these categories under Exemption (n).

4) Redaction

We considered redaction; however, the sensitivity arises from the combination of spatial precision, connectivity, and appurtenance placement. Redactions sufficient to neutralize risk would remove the very details that make the materials useful as "detailed maps," so partial release is not feasible.

Based on the information provided in the City's October 20<sup>th</sup> response, the City has shown that the responsive records are the types of plans and drawings listed under Exemption (n). Further, where the City has explained that release of the withheld records would jeopardize public safety, I find the City has met its burden to withhold the responsive records pursuant to Exemption (n) of the Public Records Law. See G. L. c. 4, § 7(26)(n).

***Conclusion***

Accordingly, I will consider this administrative appeal closed. If Mr. Bamberg is not satisfied with the resolution of this administrative appeal, please be advised that this office shares jurisdiction with the Superior Court of the Commonwealth. See G. L. c. 66, §§ 10(b)(ix), 10A(c) (pursuing administrative appeal does not limit availability of judicial remedies).

Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is written in a cursive, flowing style.

Manza Arthur  
Supervisor of Records

cc: Robert Bamberg