June 20, 2008

John Reinstein
Legal Director
ACLU of Massachusetts
211 Congress Street
Boston, MA 02110

Dear Mr. Reinstein:

This letter is a formal response to your public records request dated June 9, 2008, addressed to Secretary Burke and Undersecretary Kayyem, which this office received on June 10, 2008, concerning the Commonwealth Fusion Center.

The Executive Office of Public Safety and Security ("EOPSS") does not possess many of the documents you have requested, and we are not the records custodian for the Department of State Police. Accordingly, I am forwarding your letter to the State Police for response. In particular, the State Police would be the custodian of the Fusion Center's "Formal Agreements with Other Agencies" and "Standard Operating Procedures."

With respect to "Oversight" and the establishment of the privacy advisory group, although the EOPSS is nearly ready to roll out this initiative, we are still in the final stages of policy development. Accordingly, while the EOPSS does possess responsive documents, they are at present exempt from disclosure under the "policy deliberation" exemption of the public records laws. G.L. c. 4, § 7, cl. 26(d). There may be segregable portions of these documents concerning the scheduling of internal meetings and other non-substantive matters. I estimate it would take three hours of search and segregation time to collect and redact these documents. At the hourly rate of the lowest paid employee qualified to do this work, the cost would be approximately $84. See 950 CMR 32.06. Please let me know if you would like us to proceed with this aspect of your request.

As I mentioned at the outset, this letter is a formal response to your request. I will contact you in the near future, or feel free to contact me at 617-727-7775 ext. 25517, to discuss the matter further.