Requester Rebuttal & Appeal - Westfield Public Schools - Sept. 30, 2026

Dear Supervisor of Records:

I submit this correspondence as both (1) my opposition to Westfield

Public Schools' September 30, 2026 fee and time petition, and (2) an appeal under G.L. c. 66, § 10A and 950 C.M.R. 32.08 from the District's

September 30, 2026 response and $200 fee estimate concerning my September

23, 2026 public records request.

I respectfully ask that this be docketed and considered with Westfield's pending petitions.

The request is narrow and defined. It seeks final or executed student-related agreements from September 18, 2021 to the present; expressly excludes employee, labor, vendor, procurement, construction, property, and unrelated commercial matters; expressly disclaims student

PII; identifies the categories of PII that may be redacted; and requests rolling electronic production. Westfield has now identified approximately 25 responsive documents totaling approximately 120 pages.

1. WESTFIELD'S OWN NUMBERS DO NOT SUPPORT A 30-BUSINESS-DAY EXTENSION

Westfield states that it has already spent four hours searching for the records and estimates only two additional hours to review approximately 120 pages. On the District's own figures, the work described totals approximately six hours.

Against that backdrop, a request for an additional 30 business days is not supported by a Westfield-specific explanation showing why six hours of identified work cannot reasonably be completed within the ordinary statutory timeframe.

The principal reason offered for the extension is that Parent Data Force sent similar requests to other school districts and that the same legal counsel will need to review records for counsel's other clients. That does not, standing alone, establish that this particular request unduly burdens

Westfield's own responsibilities. G.L. c. 66, § 10(c) directs the

Supervisor to consider the municipality's need to search, collect, segregate, or examine records; the scope of legally required redactions; the capacity and normal business hours of the municipality; efforts already undertaken; and the public interest served by expeditious

disclosure.

The workload of outside counsel generated by unrelated public-records requests to other municipalities should not be treated as a substitute for a showing concerning Westfield's own capacity. The statute permits necessary vendor and outside-counsel time to count as employee time, but that does not automatically establish good cause for the maximum extension.

The petition also does not address my express request for rolling production. If some agreements can be redacted and released sooner, there is no apparent reason to hold every responsive record until all 25 have been reviewed.

I therefore ask that the 30-business-day petition be denied or, at minimum, limited to the shortest period supported by concrete Westfield-specific facts, with rolling production required as records are ready.

2. THE $75-PER-HOUR RATE HAS NOT BEEN SHOWN TO BE NECESSARY FOR THIS

REQUEST

Westfield seeks permission to charge $75 per hour for two hours of review, segregation, and potential redaction. The stated justification is that the

Office of District Counsel is the lowest-paid person with the skill necessary to determine whether attorney-client privilege applies.

But my request is for final or executed settlement, resolution, mediation, MOU/MOA, stipulation, side, and similar agreements. It does not seek confidential communications between Westfield and its attorneys. A final agreement shared with and executed by a parent, guardian, student, opposing party, or other third party is not transformed into an attorney-client communication merely because counsel negotiated, drafted, or reviewed it. Massachusetts privilege principles protect confidential communications made for the purpose of legal advice; they do not make the underlying final agreement privileged merely because attorneys were involved.

Westfield has not identified any actual responsive record that contains attorney-client privileged material, nor explained why every page of all 25 final agreements must be reviewed by counsel for privilege.

The remaining anticipated redactions are student-identifying information.

My original request already expressly authorized redaction of student names, identifying parent/guardian information, addresses, contact information, student identification numbers, dates of birth, and other legally protected direct or indirect identifiers. Champa v. Weston

Public

Schools, 473 Mass. 86 (2015), provides the governing framework: protected student information may be redacted, while segregable non-exempt portions are disclosed.

The petition does not explain why those routine, legally required PII redactions require an attorney billing at an enhanced public-records rate on every page, rather than the lowest-paid employee with the necessary skill.

If Westfield later asserts attorney-client privilege over any specific record or portion, I ask that it identify that record and provide the record-specific factual basis required by G.L. c. 66, § 10(b)(iv) and §

10A, rather than using a generalized possibility of privilege to justify enhanced-rate review of the entire production.

3. THE FEE PETITION IS NOT SUFFICIENTLY TAILORED OR ITEMIZED

G.L. c. 66, § 10(d)(iv) permits an enhanced municipal hourly rate only where the Supervisor determines that the fee is an actual and good-faith representation of the cost of compliance, is necessary such that the request could not prudently be completed without the increased rate, is reasonable, and is not designed to limit, deter, or prevent access.

Westfield's petition contains a significant copy-and-paste error: it states that "[e]ach page of the invoices sought in the request must be reviewed."

No invoices were requested. The request concerns student settlement and resolution agreements. This matters because the statute requires an actual, request-specific, good-faith showing before an enhanced rate may be approved.

The estimate also combines multiple distinct tasks. It assigns two hours at $75 per hour to "review all 25 documents and segregate and potentially redact" exempt information, while the petition separately describes counsel as necessary to determine attorney-client privilege. The District does not separate:

- time allegedly necessary for attorney-client privilege review; - time necessary for legally required student-PII redaction; - who would perform each task; - why a lower-paid qualified employee cannot perform the PII portion; or - how much of the two hours actually requires legal judgment.

Without that breakdown, the Supervisor cannot determine whether the entire $75 rate is necessary or whether any enhanced rate should apply only to a narrower subset of work.

The search component is similarly sparse. Westfield states that it has already spent four hours

searching and has already identified approximately

25 documents, but it does not identify the employee who performed the search, the repositories searched, the tasks performed, or why four hours were reasonably necessary to locate a limited set of final agreements.

I therefore ask that the $75-per-hour petition be denied. If any fee is permitted, Westfield should be required to provide a revised, task-specific, good-faith estimate applying the statutory $25-per-hour cap unless and until it establishes that a particular portion of the work genuinely requires an enhanced rate.

4. THE PUBLIC-INTEREST FACTOR WEIGHS AGAINST AN ENHANCED FEE

My original request expressly sought a fee waiver or reduction because the request is noncommercial and is intended to contribute to public understanding of how school districts use public funds and resolve student-related educational disputes.

G.L. c. 66, § 10(d)(iv)(1) requires the Supervisor, when deciding an enhanced-fee petition, to consider the public interest served by limiting the cost of public access, the requester's financial ability to pay increased fees, and other relevant circumstances. Section 10(d)(ix) expressly excludes gathering or reporting news, citizen oversight, public research, and efforts to further understanding of government operations from the definition of a commercial purpose.

Westfield's petition does not meaningfully address the public-interest factor. Its observation that Parent Data Force made the same request to multiple districts supports, rather than defeats, the stated comparative public-interest purpose of the project.

I ask the Supervisor to make an express finding on the public-interest factor when deciding Westfield's request for permission to exceed $25 per hour.

5. APPEAL OF THE SEPTEMBER 30 RESPONSE

Independently of the pending petitions, I appeal Westfield's September 30 response because:

(a) The response says responsive records may be "redacted or withheld" under Exemption (a), but does not identify any specific agreement or category that must be withheld in full or explain why segregation would be impossible. Champa supports redaction of protected student information and disclosure of the segregable agreement, not categorical withholding merely because a student is identifiable before redaction.

(b) The response does not provide a definite production date within the ordinary municipal timeframe. It states only that Westfield will seek an additional 30 business days. Unless and until an extension is granted, the petition itself is not an extension.

(c) The $200 estimate is not sufficiently itemized to demonstrate that the proposed enhanced-rate work is necessary. It conflates privilege review, segregation, and student-record redaction and does not identify the factual basis for applying an attorney-level rate to the entire 120-page production.

(d) The response does not substantively address my request for rolling production even though Westfield has already identified the responsive universe.

REQUESTED RELIEF

I respectfully request that the Supervisor:

1. Deny Westfield's petition to charge $75 per hour, or limit any enhanced rate to a specifically demonstrated task that actually requires legal counsel; 2. Require a revised, task-specific fee estimate applying the statutory cap and free-time provisions to all work not shown to require an enhanced rate; 3. Deny the requested 30-business-day extension, or reduce it to the shortest period supported by concrete Westfield-specific facts; 4. Require rolling production of segregable records as they are completed; 5. Require Westfield to produce the segregable portions of responsive agreements after lawful PII redaction and not categorically withhold agreements based merely on their status as student records; and 6. Consider and make findings regarding the public interest served by low-cost and expeditious access when ruling on the fee petition.

For convenience, I have attached the original September 23 request,

Westfield's September 30 fee estimate, and Westfield's September 30 fee/time petition.

Thank you for your consideration. Please confirm receipt and docketing of this appeal and opposition.

Respectfully,

Joey Ford

1. WESTFIELD'S OWN NUMBERS DO NOT SUPPORT A 30-BUSINESS-DAY EXTENSION Westfield states that it has already spent four hours searching for the records and estimates only two additional hours to review approximately 120 pages. On the District's own figures, the work described totals approximately six hours. Against that backdrop, a request for an additional 30 business days is not supported by a Westfield-specific explanation showing why six hours of identified work cannot reasonably be completed within the ordinary statutory timeframe. The principal reason offered for the extension is that Parent Data Force sent similar requests to other school districts and that the same legal counsel will need to review records for counsel's other clients. That does not, standing alone, establish that this particular

request unduly burdens Westfield's own responsibilities. G.L. c. 66, § 10(c) directs the Supervisor to consider the municipality's need to search, collect, segregate, or examine records; the scope of legally required redactions; the capacity and normal business hours of the municipality; efforts already undertaken; and the public interest served by expeditious disclosure. The workload of outside counsel generated by unrelated public-records requests to other municipalities should not be treated as a substitute for a showing concerning Westfield's own capacity. The statute permits necessary vendor and outside-counsel time to count as employee time, but that does not automatically establish good cause for the maximum extension. The petition also does not address my express request for rolling production. If some agreements can be redacted and released sooner, there is no apparent reason to hold every responsive record until all 25 have been reviewed. I therefore ask that the 30-business-day petition be denied or, at minimum, limited to the shortest period supported by concrete Westfield-specific facts, with rolling production required as records are ready.

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