



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

Manza Arthur
Supervisor of Records

March 6, 2026
SPR26/0590

Briana Malloy-Walker
Legal Administrative Assistant
Secondary Records Access Officer
Department of Transitional Assistance
600 Washington Street, 5th Floor
Boston, MA 02111

Dear Ms. Malloy-Walker:

I have received the petition of David Burger, of *True Signal Media*, appealing the response of the Department of Transitional Assistance (Department/DTA) to a request for public records. See G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On November 18, 2025, Mr. Burger requested the following records for the “Time Frame: January 1, 2025 to present”:

[I] USDA Data Demands (May-August 2025)

[1] All communications between Massachusetts and the U.S. Department of Agriculture Food and Nutrition Service regarding requests for SNAP participant data, including: Letters dated May 6, July 9, July 23, or July 25, 2025[;]

State responses, refusals, or requests for data security protocols[;]

Internal memos analyzing USDA requests[;]

[2] All communications with EBT payment processors (FIS, Conduent, or others) regarding USDA data requests, including any processor notifications similar to FIS’s May 9, 2025 letter[;]

[II] Federal Funding Threats

[3] All communications from USDA regarding: Threatened suspension or disallowance of federal SNAP administrative funds[;]

“Advance warning” or “formal warning” letters under 7 CFR 276.4

Penalty calculations or financial impact estimates[;]

Deadlines for compliance (particularly July 30, Aug 15, or Aug 19, 2025)[;]

[III] Multi-State Coordination

[4] Communications with other states or attorneys general regarding:

Coordinated responses to USDA data demands[;]

The California et al. v. USDA lawsuit (N.D. Cal. 3:25-6310)[;]
The July 18, 2025 multi-state AG letter opposing USDA's SORN[;]

[IV] State's Own Fraud Data

[5] Massachusetts internal audits or reports on: Deceased SNAP recipients (Jan 2020-present)[;]

Duplicate enrollments[;]

Comparison to USDA's claimed 186,000 deceased/500,000 duplicate findings[;]

[V] Data Security Protocols

[6] Any data sharing agreements, security protocols, or MOUs proposed or executed with USDA per 7 USC 2020(a)(3)(B)[.]

The Department responded on December 3, 2025, December 15, 2025, December 30, 2025, January 9, 2026, January 23, 2026 and February 6, 2026. Unsatisfied with the responses, Mr. Burger petitioned this office and this appeal, SPR26/0590, 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.

Current Appeal

In his appeal, Mr. Burger states that, "I am filing this appeal due to repeated extensions and lack of resolution on an outstanding public records request..."

The Department's Responses

In its December 3, 2025 response, the Department stated, “[t]he Department of Transitional Assistance (DTA) continues to process your November 18, 2025 public records request to identify and review potentially responsive records. Consistent with M.G.L. c. 66 §10(b)(vi), DTA expects to issue a response by December 19, 2025.” The Department provided the same response on December 15, 2025, December 30, 2025, January 9, 2026, January 23, 2026 and February 6, 2026, and in each correspondence provided a new completion date.

Timeliness in Providing Records

G. L. c. 66, § 10(b) provides, in pertinent part, that if the magnitude or difficulty of the request unduly burdens the other responsibilities of the agency or municipality such that the agency or municipality cannot provide records within 10 business days, the agency or municipality must inform the requestor in writing within 10 business days. With respect to the timeframe to produce responsive records, the written response shall:

identify a reasonable timeframe in which the agency or municipality shall produce the public records sought; provided, that for an agency, the timeframe shall not exceed 15 business days following the initial receipt of the request for public records and for a municipality the timeframe shall not exceed 25 business days following the initial receipt of the request for public records; and provided further, that the requestor may voluntarily agree to a response date beyond the timeframes set forth herein.

G. L. c. 66, § 10(b)(vi).

Where Mr. Burger’s request was originally submitted on November 18, 2025, and the Department has not provided responsive records, nor cited an exemption for withholding records, I find the Department has not met its burden in responding to the request in accordance with G. L. c. 66, § 10(b)(vi). Accordingly, the Department must provide an estimated date as to when it expects to complete its review and provide any responsive records. See G. L. c. 66, § 10(a) (records must be provided without unreasonable delay). To the extent possible, the Department must provide responsive records on a rolling basis.

Conclusion

Accordingly, the Department is ordered to provide Mr. Burger with a response to his request, in a manner consistent with this order, the Public Records Law, and its Regulations within ten (10) business days. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of the response to this office at pre@sec.state.ma.us. Mr. Burger may appeal the substantive nature of the Department’s response within ninety (90) days. See 950 C.M.R. 32.08(1).

Briana Malloy-Walker
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Sincerely,

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

Manza Arthur
Supervisor of Records

cc: David Burger