

DISCLOSURE OF INFORMATION TO PUBLIC (Redress)

Information gathered and retained by the CFC may be disclosed to a member of the public only in the event that the requested information is a public record as defined by G.L. c. 66, §10, or is not otherwise exempt from public disclosure by statute or law.

Subject only to the mandates of the CFC to comply with the Massachusetts Public Records Law or other applicable laws, the CFC shall not confirm the existence or nonexistence of information to any person or agency that would not be eligible to receive the information itself, unless otherwise required by law.

In the event that a member of the public submits a request under G.L. c. 66, §10, the Massachusetts Public Records Law, the CFC reserves the right to assert any exemption contained in G.L. c. 4, §7, cl. 26 (a) - (u) or assert any Massachusetts statute or law prohibiting the public disclosure of requested CFC documents.

Categories of records which are ordinarily exempt from public inspection and/or not otherwise subject to public disclosure include, but are not limited to, the following records:

- Records which are, expressly or by implication, statutorily confidential or not subject to public disclosure. See G. L. c. 4, §7, cl. 26 (a).
- Records that relate to any ongoing investigation or prosecution. See G.L. c. 4, §7, cl. 26 (f).
- Information that meets the definition of "classified information" as that term is defined in the National Security Act, Public Law 235, Section 606, and in accord with Executive Order 13549, Classified National Security Information Program for State, Local, Tribal, and Private Sector Entities, August 18, 2010. See also, G.L. c. 66, §10.
- Investigatory records of law enforcement agencies that are exempted from disclosure requirements under G.L. c. 4, §7, cl. 26 (f).
- Records relating to the physical safety of any individual. See G.L. c. 4, §7, cl. 26 (n)
- Records that would reveal scientific and technological secrets or the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security. G.L. c. 4, §7, cl. 26 (a), (f), (n);
- Disclosure would constitute an unwarranted invasion of personal privacy. G.L. c. 4, §7, cl. 26 (c).
- A record or part of a record the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack is

exempted from disclosure. This includes a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism or an act of agricultural terrorism, including vulnerability assessments, risk planning documents, needs assessments, and threat assessments. See G.L. c. 4, §7, cl. 26 (f) and (n).

- The information is in a criminal intelligence system subject to 28 CFR Part 23 or is otherwise required to be kept confidential by federal law or regulation or state law or rule of court. See G.L. c. 66, §10, G.L. c. 4, §7, cl. 26 (f).
- Protected federal, state, local, or tribal records, which may include records originated and controlled by another agency that cannot, under the Access to Public Records Act, MGL, be shared without permission.

The CFC shall maintain an audit trail of all public inquiries received requesting CFC documents and, to the extent any information is furnished, shall include a description of any information disclosed in response to any public records request.

The CFC reserves the right to charge a fee for costs associated with researching or otherwise responding to a public records request in accordance with G.L. c. 66, §10 and 950 CMR 32.06.

Upon satisfactory verification of identity, any individual ("data subject") may access and review any personal data, as defined by G.L. c. 66A, §1 *et seq.* relating to the data subject and which personal data is within the possession of the CFC. In accordance with G.L. c. 66A, §1 *et seq.*, and to the extent that the CFC possesses personal data, the data subject may access his or her personal data for the purposes of challenging or contesting the accuracy or completeness of the information in accordance with G.L. c. 66A, §1 *et seq.* The CFC's response to the request for information shall be made within a reasonable time and in a form that is readily comprehensible to the individual.

Subject to the CFC's lawful discretion, the existence, content, and source of information shall not be made available to an individual unless required under G.L. c. 66, §10, the Massachusetts Public Records law or other law, when:

- disclosure would interfere with, compromise, or delay an on-going investigation or prosecution;
- disclosure would endanger the health or safety of an individual, organization, or community;
- the information is in an intelligence information system;
- The information is classified or otherwise not subject to disclosure under federal or state law.
- The CFC does not have the right to disclose the information.

Information gathered or collected and records retained by the CFC shall not be:

- published, exchanged, or disclosed for commercial purposes;
- Disclosed or published without prior notice to the originating agency that such information is subject to disclosure or publication, unless disclosure is agreed to as part of the normal operations of the agency.
- Disseminated to persons not authorized to access or use the information.

If an individual has a complaint or objection to the accuracy or completeness of information retained about him or her, originating with the agency, the CFC privacy officer shall inform the individual of the procedure for requesting review of any objections. The individual will be given reasons if a request for correction of information that has been disclosed to the individual is denied. The individual will also be informed of the procedure for appeal when the agency has declined to correct challenged information to the satisfaction of the individual about whom the information relates. A record shall be kept of all requests for corrections and resulting action, if any.

If an individual has a complaint with regard to the accuracy or completeness of terrorism-related protected information that: (a) is exempt from disclosure, (b) has been or may be shared through the ISE, (c) is held by the CFC, and (d) allegedly has resulted in demonstrable harm to the complainant, the center will inform the individual of the procedure for submitting (if needed) and resolving such complaints.

Complaints should be directed to the CFC's Privacy Officer at the following address:

Commonwealth Fusion Center
124 Acton Street
Maynard, MA 01754,
ATTN: CFC Privacy Officer

All complaints shall be acknowledged with an assurance that the complaint will be reviewed but will not confirm the existence or nonexistence of the information to the complainant unless otherwise required by law. All information held by the center which is the subject of a complaint shall be reviewed within 30 days and confirmed or corrected/purged if determined to be inaccurate or incomplete, to include incorrectly merged information, or to be out of date.

If the information did not originate with the CFC, the MSP Commanding Officer or designee shall notify the originating agency in writing or electronically within 10 days and, upon request, assist such agency to correct any identified data/record deficiencies, purge the information, or verify that the record is accurate.

To delineate protected information shared through the ISE from other data, the CFC maintains records of agencies sharing terrorism-related

information and employs system mechanisms to identify the originating agency when the information is shared.

A record shall be kept by the center of all complaints and the resulting action taken in response to the complaint.