RAHIMAH RAHIM VS. DISTRICT ATTORNEY FOR THE SUFFOLK DISTRICT

Docket:	SJC-12884
Dates:	September 11, 2020 - December 31, 2020
Present:	Lenk, Gaziano, Lowy, Budd, & Kafker, JJ.[1]
County:	Suffolk
Keywords:	Public Records. District Attorney. Statute, Construction. Words, "Receive."

Civil action commenced in the Superior Court Department on July 24, 2017.

The case was heard by Joseph F. Leighton, Jr., J., on motions for summary judgment.

The Supreme Judicial Court granted an application for direct appellate review.

Kate R. Cook for the plaintiff.

Donna Jalbert Patalano, Assistant District Attorney, for the defendant.

Joseph H. Hunt, Assistant United States Attorney General, Hashim M. Mooppan, Deputy Assistant United States Attorney General, H. Thomas Byron, III, & Joshua K. Handell, of the District of Columbia, Andrew E. Lelling, United States Attorney, & Brian M. LaMacchia, Assistant United States Attorney, for the United States, amicus curiae, submitted a brief.

LOWY, J. During the course of investigating a fatal shooting by Federal and State law enforcement officials, the office of the district attorney for the Suffolk district (district attorney) requested and received assorted materials related to the incident from the Federal Bureau of Investigation (FBI). We now decide whether these materials qualify as public records under G. L. c. 66, § 10 (a), of the Massachusetts public records law (public records law) and, if so, whether they are exempt from disclosure under either G. L. c. 4, § 7, Twenty-sixth (a) (exemption [a]), or G. L. c. 4, § 7, Twenty-sixth (f) (exemption [f]).[2]

Background. In June 2015, the FBI and the Boston police department jointly investigated Usaamah Rahim for suspected ties to the terrorist organization, the Islamic State of Iraq and the Levant (ISIL). Among its various terrorist activities, ISIL had encouraged followers to target and kill members of law enforcement in the United States. In response to evidence that Rahim

was planning imminent acts of violence against members of law enforcement, surveilling officers from the joint investigation approached him in a Boston parking lot. Rahim, carrying a large knife, walked toward the officers. After he failed to comply with orders to drop the knife, the officers fired their service weapons at Rahim, killing him.

The district attorney then opened an investigation into Rahim's death. To aid in this effort, the FBI provided various materials (FBI materials) to the district attorney. The FBI delivered the materials accompanied by a letter asserting that the materials remained FBI property, were being loaned temporarily to the district attorney, and were not to be disclosed upon a Massachusetts public records law request. The district attorney concluded its investigation, determining that the officers had acted lawfully.

In 2017, Rahimah Rahim, Rahim's mother,[3] filed a public records request seeking documents relating to Rahim's death. The district attorney provided Rahimah with 783 pages of documents, 373 photographs, and unedited surveillance footage from the investigation, but denied her access to all the FBI materials. Rahimah then sued the district attorney in the Superior Court, seeking a declaration that the FBI records were public records that must be produced under G. L. c. 66, § 10.[4] After the parties filed cross motions for summary judgment, the district attorney provided an index listing brief descriptions of each item of the FBI materials, along with brief explanations of why each was being withheld. Additionally, the United States Attorney for the District of Massachusetts filed a statement of interest on behalf of the FBI, arguing that the FBI materials should not be disclosed under the Massachusetts public records law.

The judge granted the district attorney's motion for summary judgment, holding that the FBI materials were not public records because they were not "made or received by" the district attorney as that phrase is used in G. L. c. 4, § 7, Twenty-sixth, the statute that defines "public records" in the Massachusetts public records law. See G. L. c. 66, § 10. Additionally, the judge concluded that even if the FBI materials were public records, they were exempt from disclosure as "investigatory materials" under exemption (f).[5] Rahimah appealed. We granted her application for direct appellate review.

We now hold that the FBI materials qualify as "public records" under the public records law; that the materials do not qualify for exemption (a); and that some of the materials qualify for exemption (f), but the rest must be remanded to determine whether exemption (f) applies.

Discussion. "Where the parties have cross-moved for summary judgment, we review a grant of summary judgment de novo to determine whether, viewing the evidence in the light most favorable to the unsuccessful opposing party and drawing all permissible inferences and resolving any evidentiary conflicts in that party's favor, the successful opposing party is entitled to judgment as a matter of law." Dzung Duy Nguyen v. Massachusetts Inst. of Tech., 479 Mass. 436, 448 (2018).

1. Public records. Two statutes primarily govern public records requests. General Laws c. 66, § 10 (a), of the public records law requires State governmental entities to provide access to "public records" upon request.[6] The definition of "public records" is provided in G. L. c. 4, § 7, Twenty-sixth, and includes all "documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee" of any Massachusetts governmental entity (emphasis added). The district attorney maintains, and the Superior Court held, that "received" implies ownership and, therefore, the FBI materials are not public records under G. L. c. 4, § 7, Twenty-sixth, because the materials belong to the FBI, not the district attorney.[7] We disagree.

"A fundamental tenet of statutory interpretation is that statutory language should be given effect consistent with its plain meaning and in light of the aim of the Legislature unless to do so would achieve an illogical result." Sullivan v. Brookline, 435 Mass. 353, 360 (2001). See also Plymouth Retirement Bd. v. Contributory Retirement Appeals Bd. 483 Mass. 600, 604 (2019), quoting Matter of E.C., 479 Mass. 113, 118 (2018) ("When conducting statutory interpretation, this court strives 'to effectuate' the Legislature's intent by looking first to the statute's plain language").

"Receive" means "to take possession or delivery of"; it does not mean own.[8] Webster's Third New International Dictionary 1894 (1993). See also Black's Law Dictionary 1522 (11th ed. 2019) (defining "receive" as "To take [something offered, given, sent, etc.]; to come into possession of or get from some outside source"). Not only would construing "received" to be synonymous with "owned" contravene the plain meaning of the word, it would be inconsistent with the purpose of the public records law: to provide "the public broad access to governmental records." Worcester Tel. & Gazette Corp. v. Chief of Police of Worcester, 436 Mass. 378, 382-383 (2002) (Worcester Tel.). If every public records request also required the requestor to conduct something akin to a title search, then the public would necessarily be stymied in its quest for greater government transparency. By using the word "received" in G. L. c. 4, § 7, Twenty-sixth, it is clear that the Legislature did not intend a result so starkly at odds with the purpose of the law.

Consequently, because the district attorney received the FBI materials, the materials are "public records" under G. L. c. 4, § 7, Twenty-sixth. Cf. Harvard Crimson, Inc. v. President & Fellows of Harvard College, 445 Mass. 745, 755 (2006) (reports created by private university would qualify as public records "[o]nce in the custody of the department of State police").

The FBI's assertion that the materials are Federal property and outside the purview of the public records law does not alter this conclusion. The public records law does not vest agencies with the authority to determine the statute's scope by making interagency agreements. See Champa v. Weston Pub. Sch., 473 Mass. 86, 98 (2015), quoting Ackerly v. Ley, 420 F.2d 1336, 1339 n.3 (D.C. Cir. 1969) ("It will obviously not be enough for the agency to assert simply that it received the file under a pledge of confidentiality to the one who supplied it"). That duty is the province of the supervisor of public records, the Superior Court, and, ultimately, this court. See Hull Mun. Lighting Plant v. Massachusetts Mun. Wholesale Elec. Co., 414 Mass. 609, 615 (1993). See also Commerce Ins. Co. v. Commissioner of Ins., 447 Mass. 478, 481 (2006), citing Cleary v. Cardullo's, Inc., 347 Mass. 337, 343-344 (1964) ("the duty of statutory interpretation rests in the courts").

2. Exemptions. Although the definition of "public records" under G. L. c. 4, § 7, Twenty-sixth, is intentionally broad,[9] the statute exempts twenty-one categories of information from disclosure. See G. L. c. 4, § 7, Twenty-sixth (a)-(v), as amended through St. 2019, c. 41, § 4. Because the statute presumes disclosure, these exemptions "must be strictly and narrowly construed." Boston Globe Media Partners, LLC v. Department of Pub. Health, 482 Mass. 427, 432 (2019), quoting Globe Newspaper Co., 439 Mass. at 380. "Despite this general presumption, the decision whether an exemption to disclosure applies requires careful case-by-case consideration." WBZ-TV4 v. District Attorney for the Suffolk Dist., 408 Mass. 595, 603 (1990). Here, the district attorney claims that both exemption (a) and exemption (f) apply to the FBI materials.

a. Exemption (a). A public record custodian may invoke exemption (a) to prevent disclosure in two scenarios. First, exemption (a) exempts a custodian from disclosing public records "where another statute -- the 'exempting statute' -- expressly prohibits disclosure." Boston Globe Media Partners, LLC v. Department of Criminal Justice Info. Servs., 484 Mass. 279, 282 (2020). Second, exemption (a) applies "where the exempting statute protects the record from disclosure by 'necessary implication,' such as where the exempting statute prohibits disclosure as a practical matter." Id. The district attorney argues that both the Federal Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Federal Privacy Act, 5 U.S.C. § 552a qualify as exempting statutes under exemption (a). Neither does.

Much like the Massachusetts public records law, FOIA creates a framework for public access to various materials in the possession of Federal agencies. See 5 U.S.C. § 552. Because FOIA does not even apply to State agencies, the statute cannot serve as the basis for an exemption (a) claim.[10] See 5 U.S.C. § 552(f) (defining agencies within scope of FOIA). See also Sykes v. United States, 507 Fed. Appx. 455, 463 (6th Cir. 2012) ("FOIA does not apply to state entities"); Grand Cent. Partnership v. Cuomo, 166 F.3d 473, 484 (2d Cir. 1999) ("it is beyond question that FOIA applies only to federal and not to state agencies"); Phillip Morris Inc. v. Harshbarger, 122 F.3d 58, 83 (1st Cir. 1997) (FOIA "applies only to federal executive branch agencies"); St. Michael's Convalescent Hosp. v. California, 643 F.2d 1369, 1373 (9th Cir. 1981) (FOIA's definition of agency "does not encompass state agencies or bodies").

Unlike FOIA, the Privacy Act bars Federal agencies from disclosing certain records "maintained on individuals" unless an exemption applies.[11] See 5 U.S.C. § 552a(b). Yet this prohibition applies only to Federal agencies like the FBI, not State agencies like the district attorney's office.[12] See 5 U.S.C. § 552a(a)(1) (defining agencies within scope of Privacy Act). See also Spurlock v. Ashley County, 281 Fed. Appx. 628, 629 (8th Cir. 2008) (noting that Privacy Act applies to Federal agencies only); Schmitt v. Detroit, 395 F.3d 327, 331 (6th Cir. 2005), cert. denied, 546 U.S. 1138 (2006) ("The fact that the Privacy Act contains a section that defines the term 'agency' as including only those agencies that fall under control [of] the federal government, coupled with a legislative history that supports such a reading of its scope, forces us to conclude that . . . the Privacy Act applies exclusively to federal agencies"); Polchowski v. Gorris, 714 F.2d 749, 752 (7th Cir. 1983) (Privacy Act "applies only to agencies of the United States Government"); St. Michael's Convalescent Hosp., 643 F.2d at 1373 (Privacy Act's definition of agency "does not encompass state agencies or bodies"); Gamble v. Department of the Army, 567 F. Supp. 2d 150, 154 (D.D.C. 2008) (both Privacy Act and FOIA "are limited to entities deriving their authority from the federal government"). Consequently, neither the Privacy Act nor FOIA can be read as an exempting statute as contemplated by exemption (a), and the district attorney has not cited any other authority that so qualifies. The district attorney thus cannot claim exemption (a).

b. Exemption (f). Exemption (f) exempts from disclosure "investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials[,] the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest." G. L. c. 4, § 7, Twenty-sixth (f). Among the reasons for exemption (f) are "the prevention of the disclosure of confidential investigative techniques, procedures, or sources of information, the encouragement

of individual citizens to come forward and speak freely with police concerning matters under investigation, and the creation of initiative that police officers might be completely candid in recording their observations, hypotheses and interim conclusions." Bougas v. Chief of Police of Lexington, 371 Mass. 59, 62 (1976).

Depending on the contents of a particular record, exemption (f) may cover only certain aspects of the record, see Reinstein v. Police Comm'r of Boston, 378 Mass. 281, 290 (1979), or encompass "a certain carefully defined class of documents" in its entirety, Bougas, 371 Mass. at 65. Furthermore, because the nature of certain records' contents may require continuing secrecy, the end of an investigation does not automatically terminate the applicability of exemption (f). Id. at 63.

i. Burden of proof. As a general matter, one might assume that disclosing materials concerning an investigation into an individual's ties to an international terrorist organization known for targeting law enforcement officials would "be so prejudicial to effective law enforcement that it is in the public interest to maintain secrecy."[13] Globe Newspaper Co. v. Police Comm'r of Boston, 419 Mass. 852, 859 (1995). The requisite legal inquiry as to whether exemption (f) applies, however, does not resolve at this level of generality; the public records law "does not provide a blanket exemption for investigatory materials assembled by police departments." WBZ-TV4, 408 Mass. at 603. Instead, the burden is on the district attorney "to prove, by a preponderance of the evidence, that such record or portion of the record may be withheld in accordance with state or federal law" before a court may conclude that exemption (f) applies. G. L. c. 66, § 10A (d) (1) (iv). As the record stands, it remains unclear whether the district attorney has satisfied that standard with respect to all the FBI materials.

There remains understandable confusion concerning the burden of proof that a record custodian bears when claiming an exemption from the public records law. In concluding that the FBI materials fell within exemption (f), the motion judge reasoned that the district attorney's index offered "specific proof" of the prejudicial effect that the materials' release would have on law enforcement. "Specific proof" is not mentioned in G. L. c. 66, § 10A. Rather, that language comes from the statute's predecessor, G. L. c. 66, § 10 (c), as amended through St. 2010, c. 256, §§ 58-59 ("the burden shall be upon the custodian to prove with specificity the exemption which applies" [emphasis added]). Part of a broader revision of the public records law, G. L. c. 66, § 10A (d) (1) (iv), replaced "with specificity" with "by a preponderance of the evidence" as the standard the custodian must prove to claim an exemption. We now compare these two standards to elucidate the meaning of G. L. c. 66, § 10A (d) (1) (iv).

In People for the Ethical Treatment of Animals, Inc. v. Department of Agric. Resources, 477 Mass. 280, 281 n.3 (2017), we noted that it appeared that the revisions to the public records law "would not significantly alter our analysis as to the exemptions and their application." After reviewing the legislative history, we stand by this conclusion.[14] Our cases that were decided prior to this revision thus remain instructive on the level of detail that a record custodian must provide to claim exemption (f).

ii. Sufficiency of the index descriptions. In order for a record custodian to prove by a preponderance of the evidence that a record is exempt under exemption (f), the custodian must provide "insight as to the confidential nature of the contents." Matter of a Subpoena Duces Tecum, 445 Mass. 685, 690 (2006). See Worcester Tel., 436 Mass. at 386 ("What is critical is the nature or character of the documents, not their label"). Recognizing that exempt materials will necessarily contain sensitive information, the record custodian need only provide enough evidence about the nature and scope of the materials' contents for a court to infer that disclosure would more likely than not prejudice effective law enforcement. See Bougas, 371 Mass. at 62. Evidence about the materials' nature and scope can be provided "through the use of an itemized and indexed document log in which the custodian sets forth detailed justifications for its claims of exemption." Worcester Tel., 436 Mass. at 384. "Where the applicability of an exemption is questionable, in camera inspection by a judge may be appropriate."[15] Id.

To illustrate the required level of detail, we examine several entries from the district attorney's index.[16] Entry two states in relevant part: "Signed/Sworn statement of a Special Agent of the Federal Bureau of Investigation concerning actions taken and observations made regarding the shooting that occurred on June 2, 2015, dated June 4, 2015 -- 5 pages. The statement includes a one page annotated aerial photograph." Although succinct, this description demonstrates that the identified materials contain the identity of at least one law enforcement official by name via the signature, descriptions of the official's "observations, hypotheses, and interim conclusions" about the shooting, and an aerial photograph presumably related to these observations. Bougas, 371 Mass. at 62.

Likewise, entry seventeen describes a "Report from a Federal Bureau of Investigation Assistant Inspector-in-Place concerning a memorandum of understanding, deputation, and cost sharing agreements, dated June 5, 2015, and labeled 'Deliberative Process Privileged Document' -- 1 page." From the references to deputation[17] and cost sharing agreements, a court may reasonably infer that the materials detail the joint investigation's internal organization, facts about which reveal highly sensitive investigative techniques or procedures. In short, entries two, seventeen, and other analogous entries[18] provide a court with sufficient detail to conclude that

disclosure of these materials would more likely than not prejudice effective law enforcement, and thus qualify for exemption (f).

In contrast, entry thirty-six is described as "Report from a Federal Bureau of Investigation Assistant Inspector-in-Place concerning copies of reports received, dated June 5, 2015 and labeled 'Deliberative Process Privilege Document' -- 3 pages." The entry provides a court with little insight into why it should qualify for exemption (f). The label "Deliberative Process Privilege Document," without more, gives no guidance as to how disclosure would prejudice effective law enforcement; mere repetition of the word "report" ("Report . . . concerning copies of reports") fails to add anything about the nature and scope of the materials' contents.[19] Finally, at the far extreme of examples is entry twenty-two: "Hand-drawn diagram, dated June 2, 2015 -- 1 page." From this description, a court is able to discern little.

Conclusion. Entries one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty, twenty-one, and twenty-four of the district attorney's index fall within exemption (f) and need not be turned over. We remand the case to the Superior Court for determination of whether exemption (f) applies to the following entries in the district attorney's index: eighteen, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight. On remand, the district attorney must provide a revised index that catalogues these entries in a manner inclusive of enough details about the nature and scope of the materials to determine whether each entry falls within exemption (f) by a preponderance of evidence. See G. L. c. 4, § 7, Twenty-sixth (f). Should the district attorney determine that it is not possible to provide fuller descriptions of any specified entry without disclosing information as would defeat the purpose of claiming exemption, then the district attorney may seek in camera review of the relevant materials.

So ordered.

footnotes

[1]Justice Lenk participated in the deliberation on this case prior to her retirement.

[2]We acknowledge the amicus brief submitted by the United States.

[3]Because she shares with her son the same last name, Rahimah is referred to throughout by her first name, whereas Usaamah Rahim is referred to by his last name.

[4]Rahimah also sought injunctive relief to ensure that the district attorney maintained possession of the FBI materials during the pendency of the litigation. The parties eventually stipulated that the district attorney would continue to hold the FBI materials until the dispute was resolved.

[5]The Superior Court judge also concluded that Federal law preempted the Massachusetts public records law. Because we affirm in part and vacate in part and remand on exemption (f), we do not reach this issue.

[6]General Laws c. 66, § 10 (a), provides:

"A records access officer appointed pursuant to [G. L. c. 66, § 6A], or a designee, shall at reasonable times and without unreasonable delay permit inspection or furnish a copy of any public record as defined in clause [G. L. c. 4, § 7 Twenty-sixth], or any segregable portion of a public record, not later than [ten] business days following the receipt of the request, provided that:

"(i) the request reasonably describes the public record sought;

"(ii) the public record is within the possession, custody or control of the agency or municipality that the records access officer serves; and

"(iii) the records access officer receives payment of a reasonable fee as set forth in subsection (d)."

[7]Neither party disputes that the FBI materials were not "made" by the district attorney.

[8]Contrary to the district attorney's argument, Globe Newspaper Co. v. District Attorney for the Middle Dist., 439 Mass. 374 (2003), does not undermine this reading. In that case, we held that certain docket number information constituted "court records" under the criminal offender record information statute, G. L. c. 6, §§ 167 et seq. (CORI statute), and thus was not exempt from disclosure under G. L. c. 66, § 10. Globe Newspaper Co., supra at 383-384. Our analysis there, in other words, turned first and foremost on an interpretation of the CORI statute. Here, our focus is solely on the public records law.

[9]General Laws c. 4, § 7, Twenty-sixth, defines "public records" as " all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission,

bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, or any person, corporation, association, partnership or other legal entity which receives or expends public funds for the payment or administration of pensions for any current or former employees of the commonwealth or any political subdivision as defined in [G. L. c. 32, § 1]."

[10]Even if FOIA did apply to State agencies, the statute still could not serve as the basis for an exemption (a) claim. Although FOIA exempts from disclosure certain materials "compiled for law enforcement purposes," 5 U.S.C. § 552(b)(7), the statute's exemptions do not "foreclose disclosure," Chrysler Corp. v. Brown, 441 U.S. 281, 292 (1979). Instead, FOIA permits an agency to exercise its discretion and disclose exempted materials so long as the disclosure is not otherwise prohibited by applicable law. Id. at 294 ("We therefore conclude that Congress did not limit an agency's discretion to disclose information when it enacted the FOIA"). Thus, FOIA itself would neither expressly nor by "necessary implication" prohibit the district attorney's disclosure of the FBI materials as is needed for exemption (a) to apply. Cf. Boston Globe Media Partners, LLC, 484 Mass. at 282 (collecting examples of statutes that qualify as exempting statutes under exemption [a]).

[11]The act defines such records to include "any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph." 5 U.S.C. § 552a(a)(4). Although the descriptions of the FBI materials contained in the district attorney's index indicate that at least some of the materials involve individuals, we need not reach the issue whether the information is sufficient for the materials to fall within the Privacy Act, because the statute only governs Federal agencies.

[12]The United States, in its amicus brief, cites Champa, 473 Mass. at 92-93, for the proposition that Federal statutes may qualify as exempting statutes under G. L. c. 4, § 7, Twenty-sixth (a). This is true of Federal statutes that either expressly or necessarily prohibit States from disclosing particular materials. For example, the decision in Champa involved "[t]he statute known as the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2012 & Supp. II 2014), [which] does not expressly prohibit disclosure of 'education records,' but . . . does condition receipt of Federal funds on the nondisclosure of educational [13]We recognize that preserving comity between State and Federal law enforcement agencies may qualify as an interest protected by exemption (f) when the record custodian can demonstrate that disclosure of

particular materials would so prejudice law enforcement efforts arising from State-Federal cooperation that secrecy is in the public interest.

[14]The shift from "with specificity" to "by a preponderance of the evidence" first appeared in a draft bill proposed by the Senate. See 2016 Senate Doc. No. 2120. As the lead negotiator for the Senate noted, a main concern behind the draft was to guarantee that the public records law was "easy to understand." Committee will debate public-records law changes in public, The Lowell Sun (Mar. 3, 2016), quoting Sen. Joan Lovely. See State House News Service (Senate Sess.), May 25, 2016 (statement of Sen. Jason M. Lewis) ("The focus has been to improve and strengthen and modernize the law, not to change the scope of the law").

[15]Because in camera review occurs in the "absence of an advocate's eye," judges "are all too often unable to recognize the significance, or insignificance, of a particular document." Commonwealth v. Dwyer, 448 Mass. 122, 144 (2006). We thus reiterate that the technique should be used "only in the last resort." Reinstein, 378 Mass. at 295.

[16]Although not raised in the district attorney's brief, the district attorney previously claimed in the motion for summary judgment that entry thirty-four was covered by G. L. c. 4, § 7, Twenty-sixth (c) (exemption [c]), in addition to exemption (f). Exemption (c) exempts from disclosure "personnel and medical files or information [and] any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy." G. L. c. 4, § 7, Twenty-sixth (c). Entry thirty-four states in relevant part: "Report from a Federal Bureau of Investigation Assistant Inspector-in-Place regarding medical records, dated June 4, 2015 -- 1 page. The report includes eight pages of medical records." Unlike the analysis under exemption (f), the analysis under exemption (c) "requires a balancing test: where the public interest in obtaining the requested information substantially outweighs the seriousness of any invasion of privacy, the private interest in preventing disclosure must yield." People for the Ethical Treatment of Animals, Inc., 477 Mass. at 291-292. Yet despite the different framework, entry thirty-four suffers from the same problem as some of the entries claiming exemption (f) do: it is unclear whether and how the privacy interests of a "specifically named individual" are implicated when the description of the records merely as "medical" remains abstract and general.

[17]The entry does not define "deputation." However, given the context of the joint investigation conducted by the FBI and the Boston police department, it is reasonable to infer that the term refers to the deputation of State law enforcement officials in aid of that investigation.

[18]Additional entries that provide sufficient detail about the nature and scope of the underlying material are entries one, three through sixteen, nineteen through twenty-one, and twenty-four.

[19]The hollowness of entry thirty-six's invocation of "report" is particularly evident when juxtaposed to entry seventeen, which, though also discussing a "report," actually provides details about the report's substantive contents.