

**State of Rhode Island and Providence Plantations
DEPARTMENT OF ADMINISTRATION**

**ONE CAPITOL HILL
PROVIDENCE, RHODE ISLAND 02908**

**POLICIES AND PROCEDURES REGARDING ACCESS TO PUBLIC RECORDS
MAINTAINED BY THE DEPARTMENT OF ADMINISTRATION
(revised August 28, 2012)**

Section 1 **Authority**

- A. RIGL section 38-2-3 (d), as amended in June 2012, states in part that each public body shall establish written procedures regarding access to public records and that a copy of these procedures shall be posted on the public body's website. The above requirements take effect on September 1, 2012.

- B. RIGL section 42-35-2(1) states that each agency shall adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests. The rules that were adopted by the Department of Administration in June 2010 will be amended as described within and in accordance with the Administrative Procedures Act.

Section 2 **Purposes**

- A. To establish public records procedures for the Department of Administration that are consistent with requirements of RIGL section 38-2-1, et seq. as amended.

- B. To revise rules previously adopted by the Department of Administration that implement RIGL section 42-35-2, regarding the methods whereby the public may request access to agency records.

Section 3 **Policy**

The Department recognizes both the public's right to access public records and the individual's right to dignity and privacy. It is the Department's policy to facilitate public access to all public records that may be disclosed in accordance with R.I. Gen. Laws § 38-2-1, et seq. It is also the policy of the Department to make all public records in the Department's possession available for public inspection and copying, consistent with applicable state or federal law, unless otherwise prohibited by a court of competent jurisdiction.

Section 4 *Procedures for Requesting Documents or Records Maintained by the Department of Administration*

- A. As stated in RIGL section 38-2-3 (a), a written request for public information need not be submitted for records available pursuant to RIGL section 42-35-2 or for those documents that are prepared for or readily available to the public. Documents that are readily available for distribution or inspection may be reviewed at Department offices on weekdays between the hours of 8:30 AM and 3:30 PM. If a person has any questions about the availability of these documents, the person should contact the office/division within the Department where the documents are maintained. For contact information, go to the Department's website at <http://www.admin.ri.gov>

- B. For records that are maintained by the Department of Administration's Division of Purchases, the Requestor may utilize the form attached as Appendix A. A request for procurement records shall be directed to:

Division of Purchases
One Capitol Hill, 2nd Fl.
Providence, Rhode Island 02908

The fax number is 401-574-8387 and the telephone number is 401-574-8387. Individuals or entities making a request for procurement records, may want to check the Division of Purchases' website at www.purchasing.ri.gov to check the status of a solicitation, because certain procurement records (i.e. proposals, etc.) may not be available until the specific solicitation has been awarded.

- C. For other Department records that are not readily available to the public, Requestors are asked to complete a Request Form that is attached as Appendix B. In order to assure that requests are promptly processed, it is requested that Request Forms are submitted to the Associate Director for Division of Legal Services, who is the Public Records Officer for the Department of Administration. Completed Request Forms should be mailed or faxed to the Public Records Officer at the Division of Legal Services, Department of Administration, One Capitol Hill, Providence, Rhode Island 02908. The telephone number is 401-222-8880 and the fax number is 401-222-8244.

- D. The Access to Public Records Act allows a public body ten (10) business days to respond to a records request. If a public body is unable to respond to the request within ten (10) business days of receipt, the public body may have up to an additional twenty (20) business days to respond, if it demonstrates pursuant to RIGL subsection 38-2-3 as amended that additional time is necessary.

- E. Depending on the volume of records requested, the Department or Division of Purchases may send a letter to Requestor with estimated costs and fees in accordance with RIGL 38-2-4 and require prepayment or a deposit before completing the request. If the Requestor fails to provide payment, the Records will not be provided. Otherwise, the Department or Division will notify the Requestor that the records are available upon receipt of any applicable costs.
- F. Department personnel or, where applicable an outside copy service, will make copies of the available requested records. The Department does not have a copy machine available for use by the public to make copies.
- G. In responding to a request for records, the Department or the Division of Purchases may utilize the form attached hereto as Appendix C (“Response to Request to Inspect and/or Copy Public Records”) to respond to a request, but is not required to do so. In some instances it may be appropriate for the Department or the Division of Purchases to respond by letter to the requester, setting forth such additional information as deemed appropriate under the circumstances.

Section 5 **Hours of Inspections**

In the event that a Requestor wishes to inspect Department or Division of Purchases records and does not wish to be provided with copies, the Department or Division will send instructions to set up an appointment for a time to inspect at the Department or the Division’s requested records that are not otherwise exempt from public disclosure.

In accordance with RIGL 38-2-3(f), as amended, if a public record is in active use or in storage and, therefore not available at the time the individual or entity requests access, the Department or Division of Purchases will inform the Requestor and make an appointment to examine such records as expeditiously as they may be made available. After the person is advised that the records are available, he/she can make an appointment to inspect the records at the Department or the Division between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday by calling 401-222-8880 for the Department, or by calling (401) 574-8100 for the Division of Purchases.

The time period within which for the Department shall respond to requests to inspect public records is the same as the time period applicable to responding to requests for copies of public records, as set forth above in Section (4D) above.

Section 6 **Fees**

- A. Official publications which the Department prepares in the discharge of its duties to inform the public on matters of public interest will be furnished free of charge when available. The Department will supply one (1) copy of any of its Rules and Regulations to an individual requesting them free of charge. Rules and Regulations of the Department are on file at the Office of the Secretary of State and certified copies thereof may be obtained from that office. Rules and Regulations of the Department are also available online from the Secretary of State's website as well as the Department's website.
- B. Consistent with applicable state law, the Department charges a fee for copying and/or search and retrieval of requested documents. The Department charges \$0.15 per copied page; provided however, if the response to the request consists of ten (10) or fewer copied pages, no fee will be charged. If the response to the request consists of more than ten (10) copied pages, there will be a charge of \$0.15 for each page. The Department will charge \$15.00 per hour for the search and retrieval time required to respond to a request, whether the request seeks copies of records or seeks to inspect records; provided however, there is no charge for the first hour of search and retrieval time. Additionally, the Department will charge for the actual costs for providing electronic records.
- C. Upon request, the Department will provide the requester with an estimate of the copying costs and search and retrieval costs prior to responding to the request. The Department however, will charge the actual fees for the number of copies and the actual cost for search and retrieval time if those are more or less than estimated. The Department reserves the right to require a deposit of the estimated costs if the estimated costs are \$50.00 or more.
- D. The cost of copying and search and retrieval as provided in subsection (4E) above must be paid in advance in order to complete the request.

Section 7 **Supervision of Inspections**

- A. No records shall be removed from the location of inspection by the Requestor. The inspection of public records must be accomplished in a manner which will provide for general supervision by authorized Department staff. This is necessary to prevent the misplacement or unauthorized removal of records or any other action which may impair the integrity of public records.

- B. Personnel in charge of the Division having possession of the public record requested shall have overall responsibility for the security of the public record. However, the individual in charge of that Division may designate a staff member(s) to assist in the search, retrieval, and copying of public records.

- C. Department personnel having any questions regarding the procedures to be followed should direct inquiries to:
 - 1. The person in charge of the Division or unit within the Department responsible for the activity/function to which the public record being requested relates; or
 - 2. In the event that the public record cannot be readily categorized as falling under the responsibility of a specific Division or unit within the Department, the request should be directed to the Department's Public Records Officer.

Appendix A

Request to Inspect and/or Copy Public Records **Access to Public Records**

State of Rhode Island, Department of Administration
Division of Purchases
One Capitol Hill, Providence Rhode Island, 02908
www.purchasing.ri.gov
Tel: (401) 574-8100
Fax: (401) 574-8387

Pursuant to Chapter 38-2 entitled "Access to Public Records"

A request for public records need not be made on this form and may be made verbally, as long as the request is otherwise readily identifiable as a request for public records. In making a records request, a person is not required to provide personally identifiable information about him/herself. Copies of this form may be obtained at Division of Purchases or at www.purchasing.ri.gov.

Request to inspect: _____ Request to Obtain Copies: _____

REQUESTOR'S INFORMATION:

REQUESTOR: _____
NAME OF BUSINESS: _____
STREET ADDRESS: _____
CITY, STATE & ZIP CODE: _____
TELEPHONE NO: _____
FAX NO: _____
E-MAIL ADDRESS: _____

RECORDS REQUESTED:

Title/Document ID # (Insert Bid/RFP Number, Purchase Order Number, etc.):

Description of records requested. If you need more space, attach a separate sheet to this form.

FORMAT REQUESTED: _____ Paper _____ Fax _____ Electronic _____

SIGNATURE OF REQUESTOR: _____

PRINTED NAME: _____

DATE: _____

Appendix B



Request to Inspect and/or Copy Public Records Pursuant to Chapter 38-2 entitled "Access to Public Records"

Department of Administration, One Capitol Hill, Providence, Rhode
Island 02908

Tel: (401) 222-8880

Fax: (401) 222-8244

A request for public records need not be made on this form and may be made verbally, as long as the request is otherwise readily identifiable as a request for public records. In making a records request, a person is not required to provide personally identifiable information about him/herself.

Request to Inspect Records: _____ Request to Obtain Copies: _____

REQUESTOR'S INFORMATION

NAME OF REQUESTOR: _____

NAME OF BUSINESS (if applicable): _____

STREET ADDRESS: _____

CITY, STATE & ZIP CODE: _____

TELEPHONE NO: _____

FAX NO: _____

E-MAIL ADDRESS: _____

RECORDS REQUESTED:

Title and Identification Number of record(s) requested (if known)

If above information not known, provide a description of the records requested. If more space is needed, please attach a separate sheet to this form.

Please state the name and title of person within the Department having possession of records, if known.

(Note: The Department reserves its right to claim that records are exempt from disclosure, as stated in the Access to Public Records Act. If the Department so claims, you will be notified in writing.)

FORMAT REQUESTED: _____ Paper _____ Fax _____ Electronic attachment

SIGNATURE OF REQUESTOR: _____

PRINTED NAME: _____

DATE: _____

Appendix C

RESPONSE TO REQUEST TO INSPECT AND/OR COPY PUBLIC RECORDS OF THE DEPARTMENT OF ADMINISTRATION "Department" PURSUANT TO R.I. Gen. Laws § 38-2-1 *et seq.*

Dear _____:

On _____ the Department/Division received your Request to Inspect and/or Copy Public Records Pursuant to R.I. Gen. Laws § 38-2-1 *et seq.* A copy of your request is attached.

A. RESPONSE TO REQUEST:

GRANTED

DENIED/DENIED IN PART because the following record(s) which were requested are exempt from disclosure pursuant to the following provisions of law: _____

This Department does not have or maintain the requested records.

B. PROCEDURE TO INSPECT/OBTAIN COPIES OF PUBLIC RECORDS BEING RELEASED PURSUANT TO SECTION A ABOVE:

A copy of the requested records will be mailed to you (or you may call to make an appointment to pick up the records during the Department's normal business hours) upon the Department's receipt of payment of \$ _____ representing the copying costs i.e. \$ _____ and/or search and retrieval fees i.e. \$ _____ pursuant to R.I. Gen. Laws § 38-2-4. Please forward payment to the address listed below.

A copy of the requested records is enclosed. (Because the number of copied pages was ten (10) or fewer pages and there were no search and/or retrieval fees, there were no fees associated with the Department's/Division's response to your request.)

The requested records are available for inspection in the _____ Division of the Department between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday, at the address specified below. Please call to arrange an appointment. The search and retrieval costs associated with the request to inspect is \$ _____. That amount is payable at the time of the appointment to inspect the records.

Not Applicable.

C. If your request, or any part thereof, is denied, you have the right to appeal to the Department's chief administrative officer. If your appeal is denied, you have the right to appeal to the Attorney General or the Superior Court.

DATED: _____ SIGNATURE: _____

Checks should be made out to "General Treasurer, State of Rhode Island". Mail or hand deliver Checks to:

Department of Administration
_____ Division
One Capitol Hill
Providence, Rhode Island 02908