

2024 -- H 7763

LC004957

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS

Introduced By: Representatives Newberry, Chippendale, Nardone, Quattrocchi, Rea, Place, and Roberts

Date Introduced: February 28, 2024

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 38-2-3 of the General Laws in Chapter 38-2 entitled "Access to Public
2 Records" is hereby amended to read as follows:

3 **38-2-3. Right to inspect and copy records — Duty to maintain minutes of meetings —**
4 **Procedures for access.**

5 (a) Except as provided in § 38-2-2(4), all records maintained or kept on file by any public
6 body, whether or not those records are required by any law or by any rule or regulation, shall be
7 public records and every person or entity shall have the right to inspect and/or copy those records
8 at such reasonable time as may be determined by the custodian thereof.

9 (b) Any reasonably segregable portion of a public record excluded by § 38-2-2(4) shall be
10 available for public inspection after the deletion of the information which is the basis of the
11 exclusion. If an entire document or record is deemed non-public, the public body shall state in
12 writing that no portion of the document or record contains reasonable segregable information that
13 is releasable.

14 (c) Each public body shall make, keep, and maintain written or recorded minutes of all
15 meetings.

16 (d) Each public body shall establish written procedures regarding access to public records
17 but shall not require written requests for public information available pursuant to § 42-35-2 or for
18 other documents prepared for or readily available to the public.

19 These procedures must include, but need not be limited to, the identification of a designated

1 public records officer or unit, how to make a public records request, and where a public record
2 request should be made, and a copy of these procedures shall be posted on the public body's website
3 if such a website is maintained and be made otherwise readily available to the public. The
4 unavailability of a designated public records officer shall not be deemed good cause for failure to
5 timely comply with a request to inspect and/or copy public records pursuant to subsection (e). A
6 written request for public records need not be made on a form established by a public body if the
7 request is otherwise readily identifiable as a request for public records.

8 (e) A public body receiving a request shall permit the inspection or copying within ten (10)
9 business days after receiving a request. If the inspection or copying is not permitted within ten (10)
10 business days, the public body shall forthwith explain in writing the need for additional time to
11 comply with the request. Any such explanation must be particularized to the specific request made.
12 In such cases the public body may have up to an additional twenty (20) business days to comply
13 with the request if it can demonstrate that the voluminous nature of the request, the number of
14 requests for records pending, or the difficulty in searching for and retrieving or copying the
15 requested records, is such that additional time is necessary to avoid imposing an undue burden on
16 the public body.

17 (f) If a public record is in active use or in storage and, therefore, not available at the time a
18 person or entity requests access, the custodian shall so inform the person or entity and make an
19 appointment for the person or entity to examine such records as expeditiously as they may be made
20 available.

21 (g) Any person or entity requesting copies of public records may elect to obtain them in
22 any and all media in which the public agency is capable of providing them. Any public body which
23 maintains its records in a computer storage system shall provide any data properly identified in a
24 printout or other reasonable format, as requested.

25 (h) Nothing in this section shall be construed as requiring a public body to reorganize,
26 consolidate, or compile data not maintained by the public body in the form requested at the time
27 the request to inspect the public records was made except to the extent that such records are in an
28 electronic format and the public body would not be unduly burdened in providing such data.

29 (i) Nothing in this section is intended to affect the public record status of information
30 merely because it is stored in a computer.

31 (j) No public records shall be withheld based on the purpose for which the records are
32 sought, nor shall a public body require, as a condition of fulfilling a public records request, that a
33 person or entity provide a reason for the request or provide personally identifiable information
34 about him/herself.

1 (k) At the election of the person or entity requesting the public records, the public body
2 shall provide copies of the public records electronically, by facsimile, or by mail in accordance
3 with the requesting person or entity's choice, unless complying with that preference would be
4 unduly burdensome due to the volume of records requested or the costs that would be incurred. The
5 person requesting delivery shall be responsible for the actual cost of delivery, if any.

6 (l) All records required to be maintained by any public body pursuant to this section shall,
7 within thirty (30) days of receipt by the public body, be forwarded to the department of
8 administration to be entered into a centralized online database to be maintained under the control
9 of the department of administration pursuant to § 38-2-17.

10 SECTION 2. Chapter 38-2 of the General Laws entitled "Access to Public Records" is
11 hereby amended by adding thereto the following section:

12 **38-2-17. Public records request management -- Online database.**

13 (a) All records requests pursuant to this chapter, including any handling and management,
14 compliance, training, and agency education, for agencies which report to the governor and all quasi-
15 public agencies, shall be centralized within the department of administration.

16 (b) The department of administration shall post public records under this chapter online, in
17 a searchable database and/or website, at no cost.

18 (c) Pursuant to this section all records that are not emails, text messages, police reports, or
19 police body worn camera footage, shall be provided to the records requester unless the department
20 of administration determines a cost is required to fulfill the request; the requester may appeal the
21 cost estimate to the attorney general's office, and this appeal shall follow the appeal procedures
22 pursuant to § 38-2-8. There is a presumption that any request cost in excess of five hundred dollars
23 (\$500) shall be deemed excessive unless the agency can demonstrate an actual cost of that amount.

24 (d) The department of administration shall utilize resources available to it in existing
25 budgetary authority, including public information officers and other communications personnel at
26 state agencies, in order to fulfill records requests at no additional cost to requesters.

27 (e) Notwithstanding any general or public law to the contrary, the department of
28 administration shall provide a uniform set of fees to be applied across all state agencies and quasi-
29 public agencies for fulfilling requests under chapter 2 of title 38 ("access to public records").

30 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would implement additional management strategies for public records requests,
2 including to have the department of administration manage all requests, create an online database
3 to look-up requests, provide all requests in digital format and at no cost to the requestor, and provide
4 a uniform set of fees when applicable.

5 This act would take effect upon passage.

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