

Title 38

Public Records

Chapter 2

Access to Public Records

§ 38-2-1. Purpose.

The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of this chapter is to facilitate public access to public records. It is also the intent of this chapter to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

§ 38-2-2. Definitions.

As used in this chapter:

- (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or administrative body of the state, or any political subdivision thereof; including, but not limited to: any department, division, agency, commission, board, office, bureau, authority; any school, fire, or water district, or other agency of Rhode Island state or local government that exercises governmental functions; any authority as defined in § 42-35-1(b); or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of any public agency.
- (2) "Chief administrative officer" means the highest authority of the public body.
- (3) "Public business" means any matter over which the public body has supervision, control, jurisdiction, or advisory power.
- (4) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities), or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. For the purposes of this chapter, the following records shall not be deemed public:

(A) (I) (a) All records relating to a client/attorney relationship and to a doctor/patient relationship, including all medical information relating to an individual in any files.

(b) Personnel and other personal individually identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.; provided, however, with respect to employees, and employees of contractors and subcontractors working on public works projects that are required to be listed as certified payrolls, the name, gross salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other remuneration in addition to salary, job title, job description, dates of employment and positions held with the state, municipality, or public works contractor or subcontractor on public works projects, employment contract, work location, and/or project, business telephone number, the city or town of residence, and date of termination shall be public. For the purposes of this section "remuneration" shall include any payments received by an employee as a result of termination, or otherwise leaving employment, including, but not limited to, payments for accrued sick and/or vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision. For purposes of this section, the city or town residence shall not be deemed public for peace officers, as defined in § 12-7-21, and shall not be released.

(II) Notwithstanding the provisions of this section, or any other provision of the general laws to the contrary, the pension records of all persons who are either current or retired members of any public retirement systems, as well as all persons who become members of those retirement systems after June 17, 1991, shall be open for public inspection. "Pension records" as used in this section, shall include all records containing information concerning pension and retirement benefits of current and retired members of the retirement systems and future members of said systems, including all records concerning retirement credits purchased and the ability of any member of the retirement system to purchase retirement credits, but excluding all information regarding the medical condition of any person and all information identifying the member's designated beneficiary or beneficiaries unless and until the member's designated beneficiary or beneficiaries have received or are receiving pension and/or retirement benefits through the retirement system.

(B) Trade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature.

(C) Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court.

(D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information (a) Could reasonably be expected to interfere with investigations of

criminal activity or with enforcement proceedings; (b) Would deprive a person of a right to a fair trial or an impartial adjudication; (c) Could reasonably be expected to constitute an unwarranted invasion of personal privacy; (d) Could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution that furnished information on a confidential basis, or the information furnished by a confidential source; (e) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or (f) Could reasonably be expected to endanger the life or physical safety of any individual. Records relating to management and direction of a law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be public.

(E) Any records that would not be available by law or rule of court to an opposing party in litigation.

(F) Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.

(G) Any records that disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to the contribution by the contributor.

(H) Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.

(I) Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.

(J) Any minutes of a meeting of a public body that are not required to be disclosed pursuant to chapter 46 of title 42.

(K) Preliminary drafts, notes, impressions, memoranda, working papers, and work products, including those involving research at state institutions of higher education on commercial, scientific, artistic, technical, or scholarly issues, whether in electronic or other format; provided, however, any documents submitted at a public meeting of a public body shall be deemed public.

(L) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations; provided, however, that a person shall have the right to review the results of his or her examination.

(M) Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.

(N) The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned; provided the law of eminent domain shall not be affected by this provision.

(O) All tax returns.

(P) All investigatory records of public bodies, with the exception of law enforcement agencies, pertaining to possible violations of statute, rule, or regulation other than records of final actions taken, provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public.

(Q) Records of individual test scores on professional certification and licensing examinations; provided, however, that a person shall have the right to review the results of his or her examination.

(R) Requests for advisory opinions until such time as the public body issues its opinion.

(S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law or rule of court.

(T) Judicial bodies are included in the definition only in respect to their administrative function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt from the operation of this chapter.

(U) Library records that, by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.

(V) Printouts from TELE — TEXT devices used by people who are deaf or hard of hearing or speech impaired.

(W) All records received by the insurance division of the department of business regulation from other states, either directly or through the National Association of Insurance Commissioners, if those records are accorded confidential treatment in that state. Nothing contained in this title or any other provision of law shall prevent or be construed as prohibiting the commissioner of insurance from disclosing otherwise confidential information to the insurance department of this or any other state or country, at any time, so long as the agency or office receiving the records agrees in writing to hold it confidential in a manner consistent with the laws of this state.

(X) Credit card account numbers in the possession of state or local government are confidential and shall not be deemed public records.

(Y) Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena issued under § 9-1.1-6.

(Z) Any individually identifiable evaluations of public school employees made pursuant to state or federal law or regulation.

(AA) All documents prepared by school districts intended to be used by school districts in protecting the safety of their students from potential and actual threats.

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

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

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

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

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

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

(e) A public body receiving a request shall permit the inspection or copying within ten (10) business days after receiving a request. If the inspection or copying is not permitted within ten (10) business days, the public body shall forthwith explain in writing the need for additional time to comply with the request. Any such explanation must be particularized to the specific request made. In such cases the public body may have up to an additional twenty (20) business days to comply with the request if it can demonstrate that the voluminous nature of the request, the

number of requests for records pending, or the difficulty in searching for and retrieving or copying the requested records, is such that additional time is necessary to avoid imposing an undue burden on the public body.

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

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

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

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

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

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

§ 38-2-3.1. Records required.

All records required to be maintained pursuant to this chapter shall not be replaced or supplemented with the product of a "real-time translation reporter".

§ 38-2-3.2. Arrest logs.

(a) Notwithstanding the provisions of § 38-2-3(e), the following information reflecting an initial arrest of an adult and charge or charges shall be made available within forty-eight (48) hours after receipt of a request unless a request is made on a weekend or holiday, in which event the information shall be made available within seventy-two (72) hours, to the extent such

information is known by the public body:

- (1) Full name of the arrested adult;
 - (2) Home address of the arrested adult, unless doing so would identify a crime victim;
 - (3) Year of birth of the arrested adult;
 - (4) Charge or charges;
 - (5) Date of the arrest;
 - (6) Time of the arrest;
 - (7) Gender of the arrested adult;
 - (8) Race of the arrested adult; and
 - (9) Name of the arresting officer, unless doing so would identify an undercover officer.
- (b) The provisions of this section shall apply to arrests made within five (5) days prior to the request.

§ 38-2-3.16. Compliance by agencies and public bodies.

Not later than January 1, 2013, and annually thereafter, the chief administrator of each agency and each public body shall state in writing to the attorney general that all officers and employees who have the authority to grant or deny persons or entities access to records under this chapter have been provided orientation and training regarding this chapter. The attorney general may, in accordance with the provisions of chapter 35 of title 42, promulgate rules and regulations necessary to implement the requirements of this section.

§ 38-2-4. Cost.

- (a) Subject to the provisions of § 38-2-3, a public body must allow copies to be made or provide copies of public records. The cost per copied page of written documents provided to the public shall not exceed fifteen cents (\$.15) per page for documents copyable on common business or legal size paper. A public body may not charge more than the reasonable actual cost for providing electronic records or retrieving records from storage where the public body is assessed a retrieval fee.
- (b) A reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first hour of a search or retrieval. For the purposes of this subsection, multiple

requests from any person or entity to the same public body within a thirty (30) day time period shall be considered one request.

(c) Copies of documents shall be provided and the search and retrieval of documents accomplished within a reasonable time after a request. A public body upon request, shall provide an estimate of the costs of a request for documents prior to providing copies.

(d) Upon request, the public body shall provide a detailed itemization of the costs charged for search and retrieval.

(e) A court may reduce or waive the fees for costs charged for search or retrieval if it determines that the information requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

§ 38-2-5. Effect of chapter on broader agency publication — Existing rights — Judicial records and proceedings.

Nothing in this chapter shall be:

(1) Construed as preventing any public body from opening its records concerning the administration of the body to public inspection;

(2) Construed as limiting the right of access as it existed prior to July 1, 1979, of an individual who is the subject of a record to the information contained herein; or

(3) Deemed in any manner to affect the status of judicial records as they existed prior to July 1, 1979, nor to affect the rights of litigants in either criminal or civil proceedings, including parties to administrative proceedings, under the laws of discovery of this state.

§ 38-2-6. Repealed.

§ 38-2-7. Denial of access.

(a) Any denial of the right to inspect or copy records, in whole or in part provided for under this chapter shall be made to the person or entity requesting the right in writing giving the specific reasons for the denial within ten (10) business days of the request and indicating the procedures for appealing the denial. Except for good cause shown, any reason not specifically set forth in the denial shall be deemed waived by the public body.

(b) Failure to comply with a request to inspect or copy the public record within the ten (10) business day period shall be deemed to be a denial. Except that for good cause, this limit may be extended in accordance with the provisions of § 38-2-3(e). All copying and search and retrieval fees shall be waived if a public body fails to produce requested records in a timely manner;

provided, however, that the production of records shall not be deemed untimely if the public body is awaiting receipt of payment for costs properly charged under § 38-2-4.

(c) A public body that receives a request to inspect or copy records that do not exist or are not within its custody or control shall, in responding to the request in accordance with this chapter, state that it does not have or maintain the requested records.

§ 38-2-8. Administrative appeals.

(a) Any person or entity denied the right to inspect a record of a public body may petition the chief administrative officer of that public body for a review of the determinations made by his or her subordinate. The chief administrative officer shall make a final determination whether or not to allow public inspection within ten (10) business days after the submission of the review petition.

(b) If the custodian of the records or the chief administrative officer determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general shall determine that the allegations of the complaint are meritorious, he or she may institute proceedings for injunctive or declaratory relief on behalf of the complainant in the superior court of the county where the record is maintained. Nothing within this section shall prohibit any individual or entity from retaining private counsel for the purpose of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained.

(c) The attorney general shall consider all complaints filed under this chapter to have also been filed pursuant to the provisions of § 42-46-8(a), if applicable.

(d) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.

§ 38-2-9. Jurisdiction of superior court.

(a) Jurisdiction to hear and determine civil actions brought under this chapter is hereby vested in the superior court.

(b) The court may examine any record which is the subject of a suit in camera to determine whether the record or any part thereof may be withheld from public inspection under the terms of this chapter.

(c) Actions brought under this chapter may be advanced on the calendar upon motion of any party, or sua sponte by the court made in accordance with the rules of civil procedure of the superior court.

(d) The court shall impose a civil fine not exceeding two thousand dollars (\$2,000) against a public body or official found to have committed a knowing and willful violation of this chapter, and a civil fine not to exceed one thousand dollars (\$1,000) against a public body found to have recklessly violated this chapter and shall award reasonable attorney fees and costs to the prevailing plaintiff. The court shall further order a public body found to have wrongfully denied access to public records to provide the records at no cost to the prevailing party; provided, further, that in the event that the court, having found in favor of the defendant, finds further that the plaintiff's case lacked a grounding in fact or in existing law or in good faith argument for the extension, modification, or reversal of existing law, the court may award attorney's fees and costs to the prevailing defendant. A judgment in the plaintiff's favor shall not be a prerequisite to obtaining an award of attorney's fees and/or costs if the court determines that the defendant's case lacked grounding in fact or in existing law or a good faith argument for extension, modification or reversal of existing law.

§ 38-2-10. Burden of proof.

In all actions brought under this chapter, the burden shall be on the public body to demonstrate that the record in dispute can be properly withheld from public inspection under the terms of this chapter.

§ 38-2-11. Right supplemental.

The right of the public to inspect public records created by this chapter shall be in addition to any other right to inspect records maintained by public bodies.

§ 38-2-12. Severability.

If any provision of this chapter is held unconstitutional, the decision shall not affect the validity of the remainder of this chapter. If the application of this chapter to a particular record is held invalid, the decision shall not affect other applications of this chapter.

§ 38-2-13. Records access continuing.

All records initially deemed to be public records which any person may inspect and/or copy under the provisions of this chapter, shall continue to be so deemed whether or not subsequent court action or investigations are held pertaining to the matters contained in the records.

§ 38-2-14. Information relating to settlement of legal claims.

Settlement agreements of any legal claims against a governmental entity shall be deemed public records.

§ 38-2-15. Reported violations.

Every year the attorney general shall prepare a report summarizing all the complaints received

pursuant to this chapter, which shall be submitted to the legislature and which shall include information as to how many complaints were found to be meritorious and the action taken by the attorney general in response to those complaints.

§ 38-2-16. 38 Studios, LLC investigation.

Notwithstanding any other provision of this chapter or state law, any investigatory records generated or obtained by the Rhode Island state police or the Rhode Island attorney general in conducting an investigation surrounding the funding of 38 Studios, LLC by the Rhode Island economic development corporation shall be made available to the public; provided, however:

(1) With respect to such records, birthdates, social security numbers, home addresses, financial account number(s) or similarly sensitive personally identifiable information, but not the names of the individuals themselves, shall be redacted from those records prior to any release. The provisions of § 12-11.1-5.1 shall not apply to information disclosed pursuant to this section.

810-RICR-00-00-2

TITLE 810 - PUBLIC UTILITIES COMMISSION

CHAPTER 00 - GENERAL ADMINISTRATION

SUBCHAPTER 00 - N/A

PART 2 - Access to Public Records Regulation

2.1 Authority

This Regulation is promulgated pursuant to R.I. Gen. Laws §§ 38-2-1, *et seq.* ("Access to Public Records") and 42-35-2(a).

2.2 Purposes

A. The Purposes of this Regulation are:

1. To establish a Regulation to implement R.I. Gen. Laws §§ 38-2-1, *et seq.* and 42-35-2(a) relating to access to public records maintained by the Commission.
2. To identify and delineate categories of records exempt from disclosure; and
3. To provide the public and Commission personnel with a Regulation which sets forth the rules and procedures applicable to access to public records maintained by the Commission.

2.3 Policy

The Commission recognizes both the public's right to access public records and the individual's right to dignity and privacy. It is the Commission'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 Commission to make all public records in the Commission's possession be available for public inspection and copying consistent with applicable state or federal law, unless otherwise prohibited by a court of competent jurisdiction.

2.4 Procedure for Requesting Public Records

- A. Except as provided in § 2.5 of this Part, a written request to inspect or copy public records should be sent to the Commission Clerk who maintains the records requested or, in the alternative, to the Commission Counsel at 89 Jefferson Boulevard, Warwick, RI 02888. Written requests may be mailed, hand

delivered, e-mailed or sent via facsimile. Hand delivered requests may be made during the Commission's regular business hours. It is suggested, but not required, that requests be submitted on the form provided by the Commission, a copy of which is attached hereto as Exhibit A in § 2.9 of this Part and titled "Request to Inspect and/or Copy Public Records". In order to assure that the Commission is able to respond to the request as efficiently and as completely as possible, the request should identify and describe the records being requested with as much specificity as possible. A written record of all requests will be maintained by the Commission Clerk.

- B. If the description of records being requested is not sufficient to allow the Commission to identify and locate the requested records, the Commission will notify the person requesting such records that additional information is needed in order to properly respond to the request.
- C. Upon receipt of a request for records, the Commission Clerk or Commission Counsel will mark on the face of a written request the date the request was received. The Commission will make every reasonable effort to honor the request within ten (10) business days of receipt of the written request.
- D. If it appears that the request cannot be honored within ten (10) business days of receipt, the Commission will provide the requester of the status of the request within ten (10) business days. However, in the event a requestor does not provide identifying or contact information, the Commission will use its best efforts to notify the requestor of the status of the request within ten (10) days. For good cause, the time to respond to the request may be extended for a period not to exceed thirty (30) business days, inclusive of the original ten (10) business days.
- E. A written request is not required to be submitted when the request is for any of the following:
 - 1. documents prepared for or readily available to the public;
 - 2. rules and written statements of policy or interpretations formulated, adopted, or used by the agency; or
 - 3. final orders, decisions, and opinions.

2.5 Hours of Inspections

When a request is made to inspect public records (as opposed to obtain copies), the requester will be advised when the records are available and he/she can then make an appointment to inspect those documents at the Commission between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday. The time-frame for the Commission to respond to requests to inspect public records is the same as the time frame applicable to responding to requests for copies of public records as set forth above in § 2.4 of this Part.

2.6 Fees

- A. Official publications which the Commission prepares in the discharge of its duties to inform the public on matters of public interest will be furnished free of charge when available.
- B. The Commission 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 Commission 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 Commission are also available online from the Secretary of State's website as well as the Commission's website.
- C. The Commission charges a fee for copying and/or search and retrieval of requested documents consistent with applicable state law. The Commission charges \$0.15 per copied page; provided however, if the response to the request consists of twenty (20) or fewer copied pages, no fee will be charged. If the response to the request consists of more than twenty (20) copied pages, there will be a charge of \$0.15 for each page. The Commission 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 the right to inspect records; provided however, there will be no charge for the first hour of search and retrieval time. The Commission will provide the requester with an estimate of the copying costs and search and retrieval costs prior to responding to the request. The Commission 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 Commission 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 in § 2.3 of this Part must be paid in advance of or at the time of delivery or inspection of the requested documents.
- E. Commission personnel or, where applicable an outside copy service, will make copies of requested records. The Commission does not have a copy machine available for use by the public to make copies.
- F. The Commission may utilize the form attached hereto as Exhibit B in § 2.10 of this Part ("*Response to Request to Inspect and/or Copy Public Records*") to respond to a request; provided however, in some instances it may be appropriate for the Commission to write a letter addressed to the requester setting forth such additional information as deemed appropriate under the circumstances.

2.7 Supervision of Inspections

- A. The inspection of public records must be accomplished in a manner which will provide for general supervision by authorized Commission staff. This is necessary to prevent the misplacement or unauthorized removal of records or any other action which may impair the integrity of the public record.
- B. The Commission Clerk, or Staff Member having possession of the public record requested shall have overall responsibility for the security of the public record. However, the individual in charge may designate a staff member(s) to coordinate the functions and responsibilities related to the copying and inspection of public records.
- C. All personnel responsible for responding to requests for access to public records shall be made aware by their supervisors, of the provisions of this regulation and the procedures to be followed when an access to public records request is made. Commission personnel having any questions regarding the procedures to be followed should direct inquiries to:
 - 1. The Commission Clerk who is 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 Commission, the request should be directed to the Commission Counsel which will serve as a resource in matters relating to the public's access to public records.

2.8 Severability

If any provision of this Regulation or the application thereof to any individual or circumstances is held invalid, such invalidity shall not affect the provisions or application of the remaining portions of the regulation which can be given effect. The provisions of these rules and regulations are declared to be severable.

2.9 Exhibit A

EXHIBIT A

**REQUEST TO INSPECT AND/OR COPY PUBLIC RECORDS
OF THE PUBLIC UTILITIES COMMISSION
PURSUANT TO R.I. Gen. Laws § 38-2-1 *et seq.***

Complete this form, sign and return to:
Rhode Island Public Utilities Commission
89 Jefferson Boulevard, Warwick, R.I. 02888
telephone number: 941-4500
facsimile number: 941-1691

NAME OF REQUESTER (OPTIONAL): _____

ADDRESS OF REQUESTER (OPTIONAL): _____

TELEPHONE NO. OF REQUESTER (OPTIONAL): _____

EMAIL: _____ FAX NO.: _____
(OPTIONAL) (OPTIONAL)

(While not required, please provide one method of written contact for response/delivery/disclosure of fees)

TITLE AND/OR DESCRIPTION OF DOCUMENT(S) REQUESTED TO BE
INSPECTED _____ OR COPIED _____:

Please be as specific and descriptive as possible to assure that the Commission will be able to respond to your request as efficiently and as completely as possible.

FORMAT REQUESTED:

PAPER: _____ FAX: _____ EMAIL (if available) _____

NAME AND TITLE OF PERSON WITHIN THE COMMISSION HAVING
POSSESSION OF DOCUMENT(S), IF KNOWN:

Copies of any document(s) are fifteen (\$.15) cents per page (or the actual reproduction cost of paper larger than 8 1/2" x 14"), plus an hourly charge of fifteen (\$15.00) dollars per hour for search retrieval. There is no charge if the total number of pages is twenty (20) pages or fewer. There is no charge for the first hour of search and retrieval.

Date _____

Signature of Person Making Request (optional) _____

2.10 Exhibit B

EXHIBIT B

RESPONSE TO REQUEST TO INSPECT AND/OR COPY
PUBLIC RECORDS OF THE PUBLIC UTILITIES COMMISSION
PURSUANT TO R.I. Gen. Laws § 38-2-1 et seq.

Dear _____:

On _____ the Commission 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: _____

☐

NO SUCH DOCUMENT(S) EXIST IN THE COMMISSION'S 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 Commission's normal business hours) upon the Commission'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 twenty (20) or fewer pages and there were no search and/or retrieval fees there was no fees associated with the Commission's response to your request.)

☐

The requested records are available for inspection at the _____ Commission 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 Commission Counsel. If your appeal is denied, you have the right to appeal to the Attorney General or the Superior Court.

DATED: _____

SIGNATURE: _____

810-RICR-00-00-2

TITLE 810 - PUBLIC UTILITIES COMMISSION

CHAPTER 00 - GENERAL ADMINISTRATION

SUBCHAPTER 00 - N/A

PART 2 - ACCESS TO PUBLIC RECORDS REGULATION (810-RICR-00-00-2)

Type of Filing: Refile Capabilities

Department of State

01/04/2022

N/A

Regulation Effective Date

Original Signing Date

E-SIGNED by Department of State
on 2021-12-15 14:57:56 EST

December 15, 2021

Department of State Initials

Department of State Date