

Do I have to show identification when I request a public record?

No.

How long do I have to wait to receive a public record?

Agencies are required to grant access to public records within ten (10) business days. However, for “good cause,” an agency may take up to thirty (30) business days to respond to a request. Any denial of records must include the specific reasons for the denial and indicate the procedures for appealing the decision. An agency’s failure to respond to a request within ten (10) business days is considered a denial.

How can I appeal a decision of an agency denying all or part of my request for records?

Upon denial, there are a number of ways for you to gain access to public records. You can (1) file an appeal with the chief administrative officer of the agency with whom you made the request; (2) file a complaint with the Attorney General's office; or (3) file a civil complaint in superior court.

What penalties are there for an agency that has violated the law?

A court can impose a fine of up to \$1,000 for “knowing and willful” violations of the law. A successful plaintiff is also entitled to recover his or her reasonable attorneys’ fees and costs for bringing the case. The agency must also turn over the disputed records at no cost.

What can the ACLU do to help me?

If you believe you have been wrongfully denied access to public records, you can send to the ACLU of RI, at the address below, a copy of your request and the agency’s response, along with a cover letter explaining what happened. The ACLU will then consider whether it can pursue any action on your behalf.

TIPS FOR REQUESTING PUBLIC RECORDS:

- ◆ Know which agency or department maintains the public information you are requesting;
- ◆ Be clear and concise when requesting a public record or records;
- ◆ Include specific information, such as dates, to assist the public agency in locating the public record or records requested;
- ◆ Indicate that you expect to receive the requested documents within 10 business days; and
- ◆ Know your rights.



American Civil Liberties Union
Foundation of Rhode Island
128 Dorrance Street, Suite 220
Providence, RI 02903
(401) 831-7171
(401) 831-7175 (fax)
www.riaclu.org

Know Your Rights

Open Records in Rhode Island

*Frequently Asked Questions on the
“Access to Public Records Act” (APRA)
R.I. Gen. Laws § 38-2*

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ACLU

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**AMERICAN CIVIL LIBERTIES UNION
of RHODE ISLAND**



What records are exempt from the public records law?

There are numerous exemptions to what records are accessible to the public. Generally, any documents containing medical, personnel, or any personal information specific to an individual are exempt. Material related to an investigation may also be exempt from public access. However, an entire document generally cannot be withheld if only part of it contains information that is exempted from disclosure. In those instances, the documents should be provided with only the confidential information deleted.

If personnel records are exempt from the law, can I obtain any information about local or state government employees?

APRA allows access to certain limited information about state and local employees, including their salary, overtime, cost of paid fringe benefits and other payments, as well as their job title and description, and dates of employment.

What about police records?

Many internal records of police agencies are exempt from disclosure, but only to the extent they meet any of six criteria spelled out in APRA (such as whether their release is likely to involve an unwarranted invasion of privacy, disclose a confidential source, or interfere with investigations of criminal activity). See R.I.G.L. §38-2-2(4)(D). On the other hand, records relating to the management of law enforcement agencies are explicitly deemed public, as are reports reflecting the initial arrest of an adult.

How do I request a public record?

Each agency is required to set up procedures for granting access to public records, and so the process may vary from agency to agency. Generally, you can request a public record either verbally or in writing, but a public body cannot require written requests for documents that are prepared for, or readily available to, the public.

Is there a form available to use when drafting a written request for a public record or records?

There is no one statewide form you must use to request a public record. However, some agencies may have their own form that you can use to help them in processing requests.

Will I be charged for copies of a public record?

An agency may charge up to fifteen cents a page for copying records. The agency can also charge up to \$15.00 per hour for the search or retrieval of documents, but the first hour of such costs is free. For electronic records, no more than the “reasonable actual cost” of providing them can be charged.

Can an agency require me to explain why I want the records I am seeking or what I plan to do with them?

No. APRA specifically bars an agency from withholding records based on the purpose for which the records are sought.

What is APRA?

The Access to Public Records Act, or APRA, is the Rhode Island state law that gives individuals the right to see and obtain public records. The law provides guidelines for obtaining access to these records, and also defines which records are subject to public inspection and which are exempt.

Who is subject to APRA?

All state and local governmental agencies are public entities and are subject to APRA. This means that every public body or entity is responsible for maintaining records and documents for public review, inspection and copying.

What are considered public records?

A “public record” is broadly defined to include all materials generated or collected by public entities in connection with the conduct of official business. That includes written documents, photographs, tape recordings, and other records in electronic format, including emails.