110-RICR-60-00-2

TITLE 110 - ATTORNEY GENERAL

CHAPTER 60 - PUBLIC RECORDS

SUBCHAPTER 00 - N/A

PART 2 - Rules and Regulations Regarding Training under the Access to Public Records Act

2.1 Purpose ~~Access to Public Records Act Training Requirements~~

These Rules and Regulations (the "Rules") are promulgated to set forth the training and certification requirements mandated by the Access to Public Records Act ("APRA"), as set forth in R.I. Gen. Laws § 38-2-3.16.

2.2 Authority

These Rules are promulgated pursuant to R.I. Gen. Laws § 38-2-3.16 and have been adopted in accordance with the requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

2.3 Severability

If any provision of these Rules, or by the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules shall not be affected thereby.

2.4 Access to Public Records Act Training & Certification

2.4.1 Definitions

For the purposes of these Rules, the following definitions shall apply:

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A. "Access to Public Records Act" or "APRA" means R.I. Gen. Laws Chapter 38-2.

B. "Authorized person" means persons who have been authorized by a public body to grant or deny Access to Public Records Act ("APRA") requests.

C. "Calendar year" means the period from January 1 to December 31.

D. "Chief Administrative Officer" means the highest authority of the public body, pursuant to R.I. Gen. Laws § 38-2-2(2).

E. "Public body" has the same meaning as set forth in R.I. Gen. Laws § 38-2-2(1)

2.4.2 Training and Certification Requirements

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A. The Chief Administrative Officer~~, as defined by the Access to Public Records Act,~~ of each public body must certify annually, as provided in R.I. Gen. Laws § 38-2-3.16 ~~("compliance by agencies and public bodies")~~, that all persons who have the authority to grant or deny Access to Public Records Act ("APRA") requests have ~~received~~ completed training for the upcoming calendar year. ~~Individuals must be certified each calendar year.~~

B. Each authorized person must complete APRA training each year and submit a certification each year. Training qualifying for certification must be conducted by the Office of the Attorney General.

C. The Office of the Attorney General offers APRA training programs throughout each calendar year at various locations throughout the State, including the annual Open Government Summit. Public bodies seeking to schedule training sessions may contact the Office of the Attorney General. The Office of the Attorney General reserves sole discretion as to whether and when training sessions are scheduled.

D. For the purposes of these Rules, the APRA training may be satisfied by:

1. attending an in-person general APRA training conducted by the Office of the Attorney General; or

2. viewing a video of an APRA presentation conducted by the Office of the Attorney General within the past two years, including the APRA portion of the annual Open Government Summit, available on the Office of the Attorney General's website.

Any authorized person satisfying the APRA training requirement must certify that they attended the entire live, in-person APRA training or viewed the entire APRA video presentation. The Chief Administrative Officer shall also certify that the authorized person has satisfied the training requirement. All such certifications shall be forwarded to the Office of the Attorney General.

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E.~~B.~~ Any person who has not completed APRA training prior to the start of the calendar year, but who during ~~received training prior to the beginning of~~ the calendar year becomes authorized to grant or deny requests under the APRA~~, but who during the calendar year becomes authorized to grant or deny Access to Public Records Act requests~~, shall ~~receive~~ complete the required training ~~as required under the Access to Public Records Act~~and certification. The authorized person's certification, together with the certification of the Chief Administrative Officer confirming that the authorized person has completed the training, shall be submitted to the Office of the Attorney General ~~as soon as practicable, but not less than one (1) month after~~before the person ~~being~~ becomes authorized ~~to grant or deny Access to Public Records Act requests~~.

~~Such time~~This deadline may be extended at the discretion of the Office ~~Department~~ of the Attorney General for "good cause." ~~The Chief Administrative Officer must certify to the Attorney General that training has been received when training has been completed.~~ For staff who become authorized persons and receive training during the calendar year, if training is completed and the certification is submitted after August 1, it will also satisfy the training and certification requirements for the following calendar year. For instance, if someone becomes an authorized person in October 2026 and attends an APRA training and submits a certification in October 2026, that certification will also constitute certification for 2027, but the authorized person would need to attend another training and submit another certification in 2027 (or by January 1, 2028), in order to be certified for 2028.

The Chief Administrative Officer is encouraged to attend an APRA training but is not required to submit a certification on their own behalf unless they are the only authorized person for the public body.

~~C. Authorized training must be conducted by the Department of Attorney General. The Department of Attorney General will offer various training programs throughout each calendar year and such training programs will be conducted at various locations throughout the State. Public bodies or governmental entities wishing to schedule training sessions may contact the Department of Attorney General. Public entities wishing to schedule Access to Public Records Act training should make every effort to schedule training sessions to as large a group as practicable. The Department of Attorney General reserves the sole discretion to determine whether and when to schedule a training session.~~

~~D. For purposes of these Rules and Regulations the requirement for training may be satisfied by attending an Attorney General training in person or by viewing a recent video of an Access to Public Records Act presentation given by the Department of Attorney General. Any person satisfying the Access to Public Records Act training requirement must certify to the Chief Administrative Officer that he or she viewed the entire Access to Public Records Act presentation, or attended the live training program, and such certification shall be forwarded by the Chief Administrative Officer to the Department of Attorney General.~~

2.4.3 Certification Form

A. Certifications signed by the Chief Administrative Officer must be submitted to the Office of the Attorney General no later than January 1 of the calendar year for which certification is sought. For example, individuals seeking certification for the calendar year 2027 must complete training and submit their certification during calendar year 2026, or no later than January 1, 2027.

B. The certification form shall specify the year for which the authorized person seeks certification. For example, if a person attends an APRA training in 2026 for

purposes of being certified in 2027, the certification should specify on the appropriate line that it is being submitted for 2027.

If an authorized person fails to timely complete training and certification, a late certification submitted after January 1 counts only for that specific calendar year. It does not also qualify as certification for the following calendar year. For example, if a person submits a late certification for 2027 after January 1, 2027, that certification does not also qualify as certification for 2028, unless the exception set forth in 2.4.2(E) applies.

C. Certification must be made using a form created by the Office of the Attorney General. Certification forms are available on the Office of the Attorney General's website and may be modified from time to time at the discretion of the Office of Attorney General.

D~~E~~. Certification forms may be submitted by e-mail~~ed~~ to agsummit@riag.ri.gov, or by mail~~ed~~ to:

~~t~~The ~~Department~~ Office of the Attorney General

~~,~~Attn: Public Records Unit

~~,~~150 South Main Street

~~,~~Providence, Rhode Island 02903~~. Certification forms are available on the Department of Attorney General Website.~~

~~F. The Attorney General may annually prepare and post a list of all certifications received by the office by public bodies.~~

2.4.4 Fees

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~~G.~~ The ~~Department~~ Office of the Attorney General may assess a reasonable charge for the training and certification required by R.I. Gen. Laws § 38-2-3.16~~, is~~ to defray the cost of such training and related materials.

2.4.5 Penalties

Failure to comply with R.I. Gen. Laws § 38-2-3.16 or these Rules constitutes a violation of the APRA and may result in enforcement proceedings against the public body, including the assessment of civil penalties as provided in R.I. Gen. Laws § 38-2-9(d).

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~~2.2 Access to Public Records Act Training Certification~~

~~State of Rhode Island Department of the Attorney General~~

~~CERTIFICATE OF COMPLIANCE~~

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ACCESS TO PUBLIC RECORDS ACT SECTION 38-2-3.16

COMPLIANCE BY AGENCIES AND PUBLIC BODIES

SECTION A – TO BE COMPLETED BY CHIEF ADMINISTRATOR

This certifies that _____ of _____, has completed the Access to Public Records training on the _____ day of _____, 20____, and is in compliance with R.I. Gen. Laws § 38-2-3.16. The above has completed training by means of:

_____ Live Presentation _____ Video Presentation

Chief Administrator _____

Department/Entity _____

Dated _____

SECTION B – TO BE COMPLETED BY CERTIFIED PERSONNEL

I certify that I have viewed the video presentation and/or a live presentation and am in compliance with § 38-2-3.16 of the Access to Public Records Act. In addition, I certify that the information I have provided on this statement is true and correct.

Date of Training: _____

Signed: _____

Email Address: _____

Email address will be used only to provide notice of future Open Government seminars