

**State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
233 Richmond Street
Providence, RI 02903**

CENTRAL MANAGEMENT REGULATION 1

ACCESS TO PUBLIC RECORDS

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Section 1 Authority

- (1) R.I. Gen. Laws §§ 38-2-1 *et seq.* entitled "Access to Public Records."
- (2) R.I. Gen. Laws § 42-14-1 entitled "Department of Business Regulation Establishment; Powers of the Director."

Section 2 Purposes

- (1) To establish Regulations to implement R.I. Gen. Laws §§ 38-2-1 *et seq.* concerning access to public records held by the Department of Business Regulation.
- (2) To identify and safeguard categories of records exempt from disclosure; and
- (3) To provide Department of Business Regulation personnel and the public with Regulations and procedures for public record access.

Section 3 Policy

It is the policy of the Department that all files and records of the Department are available for public inspection and copying unless disclosure is prohibited by state or federal law, or unless otherwise ordered by a court of competent jurisdiction.

Section 4 Procedure for Requesting Public Records

(1) A request for inspection or copying of public records shall be presented in writing to the Office of Legal Counsel, Department of Business Regulation, 233 Richmond Street, Providence, Rhode Island 02903 during the ordinary business hours of the Department on forms provided by the Department and must reasonably describe the records sought in a way that will permit their identification and location by Department personnel. At the discretion of the Director, his/her Assistants/Associate/Deputy Director, and the Department Legal Counsel, the requirements of a formal request may be waived. A written record of all requests shall be maintained within each division.

(2) If the description of records sought in the request is not sufficient to allow the Department to identify and locate the requested records, the Department will notify the person requesting such records that additional information is needed.

(3) The Department will make every reasonable effort to honor the request within ten (10) business days of receipt of the form as specified herein.

(4) The Department will make its best efforts to notify the inquirer of the status of the request within ten (10) days, should it appear that the request cannot be honored within the ten (10) days. For good cause, the time to respond may be extended to thirty (30) days.

Section 5 Hours of Inspections

All records made available pursuant to these procedures may be inspected between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday.

Section 6 Fees

(1) Official publications which the Department prepares in the discharge of its duty to inform the public on matters of public interest shall be furnished free of charge when available.

(2) The Department will supply one copy of any of its Rules and Regulations to an individual requesting same free of charge. Rules and Regulations of the Department are also 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 Department's website.

(3) The Department shall charge a fee for copying and/or search and retrieval of requested documents consistent with applicable state law.

(4) All payments for copies of records shall be paid in advance of delivery, or, at the option of the Department, at such later time as the Department may specify. All checks shall be payable to the General Treasurer, State of Rhode Island.

(5) The Department will inform the person requesting the record of the approximate cost which will be incurred.

Section 7 Supervision of Inspections

(1) Without regard for the location(s) selected for the public's inspection of records, the inspection will be accomplished in a manner which will provide for general supervision by authorized staff. This is necessary to prevent the unauthorized removal of records or other actions which would destroy the integrity of the record.

(2) The section head in charge of the activity related to the public record shall have overall responsibility for the security of the public record. However, the section head may designate a staff member to coordinate the functions and responsibilities for the public's inspection of records.

(3) All personnel dealing with the public are to be made aware, by their section heads, of the procedures established for public inspection of records and shall direct inquiries to:

(a) The section head of the activity/function to which the public record requested relates to or

(b) In the event that the public record cannot be categorized as falling under a specific section head's responsibility, the inquirer will be directed to the Office of Legal Counsel which will serve as a resource in matters relating to the public's inspection of records.

Section 8 Severability

If any provision of these Rules and Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of these rules and regulations are declared to be severable.

EFFECTIVE DATE: July 1, 1985

AMENDED: January 25, 1999

January 2, 2000

April 8, 2003

REFILED: December 27, 2001

**REQUEST TO INSPECT AND/OR COPY PUBLIC RECORDS
OF THE DEPARTMENT OF BUSINESS REGULATION
(FORM 7.0)**

PURSUANT TO R.I. Gen. Laws § 38-2-1 et seq.

This form must be completed, signed and returned to:

**Office of Legal Counsel
Rhode Island Department of Business Regulation
233 Richmond Street, Suite 235
Providence, RI 02903-4235
(401) 222-5400**

NAME OF PERSON MAKING REQUEST _____

ADDRESS OF PERSON MAKING REQUEST: _____

TELEPHONE NO. OF PERSON MAKING
REQUEST: _____

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

NAME AND TITLE OF PERSON IN DEPARTMENT HAVING CUSTODY 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 searching and copying, unless otherwise provided by Department Regulations. There is no charge for the first hour of search and retrieval.

Materials requested ARE _____ ARE NOT _____ sought for the purpose of pending litigation involving Rhode Island Department of Business Regulation or the State of Rhode Island.

Date

Signature of Person Making Request

**RESPONSE TO REQUEST TO INSPECT AND/OR COPY PUBLIC RECORDS
OF THE DEPARTMENT OF BUSINESS REGULATION (FORM 7.0)
PURSUANT TO R.I. Gen. Laws § 38-2-1 *et seq.***

Dear _____:

On _____ the Rhode Island Department of Business Regulation (“Department”) 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 record(s) requested are exempt from disclosure pursuant to the following provisions of law:

☐

NO SUCH DOCUMENT(S) EXIST IN THE DEPARTMENT’S RECORDS

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

☐

A copy of the records will be mailed to you upon our receipt of payment in the amount of \$ _____ for copying and document search fees pursuant to R.I. Gen. Laws § 38-2-4.

☐

A copy of the records is enclosed. Please forward payment in the amount of \$ _____ for copying and document search fees pursuant to R.I. Gen. Laws § 38-2-4 to the address below.

☐

The record is available for inspection in the _____ Division of the Department of Business Regulation 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.

☐

Not Applicable.

C. If your request 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 the General Treasurer, State of Rhode Island
Mail Checks to: Department of Business Regulation,
_____ Division
233 Richmond Street
Providence, RI 02903-4235
(401) 222-2246