

**American Civil Liberties Union of Rhode Island  
128 Dorrance St, Suite 400  
Providence RI 02903**

**COMMENTS ON PROPOSED RI DIVISION OF MUNICIPAL FINANCE  
REGULATIONS GOVERNING ACCESS TO PUBLIC RECORDS  
June 20, 2018**

The ACLU of Rhode Island wishes to offer brief comments on these proposed regulations addressing public access to the agency's records. Our comments relate to one section in particular, that dealing with "fees."

Section 3.8(c) provides that the Department "charges a fee" for copying and retrieval costs in accordance with APRA, unless 20 or fewer pages are released. In order to better promote transparency and recognize the public interest in many APRA requests, we urge the addition of a sentence that tracks the language in APRA relating to *court* determinations of fee waivers or reductions, by specifying that the agency may reduce or waive copy, search and retrieval costs if the requested information 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. See R.I.G.L. §38-2-4(d).

Section 3.8(D) requires that all costs be paid "in advance of or at the time of delivery" of the record. We believe the Department should be able to exercise discretion in this regard; otherwise, such a requirement can unnecessarily delay a person's timely access to records when the fee is small or there is no reason to believe it will not be paid.

If the suggestions we have made are not adopted, we request that, pursuant to R.I.G.L. §42-35-2.6, you provide us with a statement of the reasons for not accepting these arguments. Thank you for considering our views.

Submitted by: Steven Brown, Executive Director