

TITLE 290 - DEPARTMENT OF TRANSPORTATION

CHAPTER 30 - BUSINESS, PROPERTY OWNERS, AND THE PUBLIC

SUBCHAPTER 00 - N/A

PART 6 - Access to the Public Records of the Rhode Island Department of Transportation

6.1 Authority

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 38-2-3(d).

6.2 Purpose

- A. The purpose of this regulation is to set forth procedures applicable to the Access to Public Records, R.I. Gen. Laws Chapter 38-2, maintained by the Department of Transportation.
- B. To facilitate open and transparent government at the Department, while balancing privacy rights of the public, employees and vendors of the State.
- C. To recognize the public's right to access public records while balancing an individual's right to dignity and privacy.

6.3 Definitions

- A. For the purposes of these Rules and Regulations, the following terms shall have the following meaning:
 - 1. "APRA" means the Rhode Island Access to Public Records Act, R.I. Gen. Laws § 38-2-1 *et. seq.*
 - 2. "Department" means the Rhode Island Department of Transportation
 - 3. "Chief administrative officer" means the Director of the Department of Transportation
 - 4. "Public record" or "Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings 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 the Department of Transportation, subject to the exemptions listed in § 6.5 of this Part.

5. "Request" means a submission asking for specific Records to be provided in accordance with the provisions and process stated herein.
6. "Requestor" means a person or entity making a Request for Records to the Department.

6.4 Procedure for Requesting Public Records

- A. A request for inspection or copying of public records must reasonably describe the records sought in a way that will permit their identification and location by Department personnel. It is suggested that a request be submitted through one (1) of the following means:
 1. Electronically through the Access to Public Records Page of the State of Rhode Island's Transparency Portal
 2. Mailed to: Office of Legal Counsel, Department of Transportation, 2 Capitol Hill – Room 218, Providence, Rhode Island 02903
 3. Emailed to: apra@dot.ri.gov
 4. Faxed to: (401) 222-4226
 5. Phone: (401) 222-6510
- B. 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 requester that additional information is needed.
- C. A requestor can choose the format in which to receive records provided that the Department can provide them.
- D. A requestor is not required to offer personally identifiable information nor an explanation for a request.
- E. The Department will make every reasonable effort to honor the request within ten (10) business days of receipt by providing the Records.
- F. Nothing herein shall be construed as requiring the Department to reorganize, consolidate, or compile data not otherwise maintained by the Department in the form requested.
- G. If the record is not made available for inspection, the requestor will be notified of the reason(s) for denial within ten (10) business days of such request.
- H. If the Department needs additional time to retrieve documents, the Department must explain in writing why more time is needed. In such cases, the Department

may have up to an additional twenty (20) business days to comply with the request if it can demonstrate that:

1. The request is voluminous in nature or,
 2. The number of requests for records pending or,
 3. 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.
- I. Individuals or entities making a request for Records, are encouraged to visit the RIDOT website to check whether the requested Records are available online.
- J. It is highly recommended, but not required to use RIDOT's standard request form posted on our website.

6.5 Inspection of Records

- A. If a Requestor wishes to inspect Department Records and does not wish to be provided with copies, the Department will send instructions to set up an appointment for a time to inspect the Department records that are not otherwise exempt from public disclosure or are currently in use. The Department does not have a copy machine available for use by the public to make copies.
- B. In accordance with R.I. Gen. Laws § 38-2-3(f), as amended, if a public Record is in active use or in storage and, therefore not available at the time the individual or entity requests access, the Department will inform the requestor and make an appointment to examine such Records as expeditiously as the Records may be made available. After the person is advised that the Records are available, he/she can make an appointment to inspect the Records at the Department during the business hours of 8:30 a.m. and 3:30 p.m., Monday through Friday, by calling the Office of Legal Counsel at (401) 222-6510.
- C. All the provisions stated herein shall apply equally for a Request for inspection of the original Records.
- D. The Department's Office of Legal Counsel shall supervise the Requestor's inspection of Records. No original Records shall be removed from the location of inspection by the Requestor. This procedure is necessary to prevent the misplacement or unauthorized removal of Records or any other action which may impair the integrity of Records.

6.6 Costs

- A. Consistent with APRA, the Department may charge a fee for copying and/or search and retrieval of requested Records. The Department may charge no more than \$0.15 per copied or scanned page. Multiple Requests by the same

Requestor within a 30 day time period shall be added together for calculating of cost purposes. The Department may also charge no more than \$15.00 per hour for the search and retrieval time required to respond to a Request, whether the Request seeks copies of Records or seeks to inspect original Records.

- B. There is no charge for the first hour of search and retrieval time. Search and retrieval time shall include the time to: research, compile, review and redact potential Records which contains information, in whole or in part, that may be exempt from disclosure.
- C. The Department may charge for the actual cost for providing certain medium, (e.g. a CD-ROM or flash drives for electronic records) and the cost of mailing in the event the Requestor chooses this method of delivery.
- D. The Department will provide the Requester with an estimate of the copying, search and retrieval costs prior to responding to the Request.
- E. If the request is estimated to require more than ten (10) hours of research and retrieval time, the Department may require prepayment and/or a deposit prior to proceeding with the Request. The Department shall, however, charge the actual costs for copies, search and retrieval time, which shall be paid in advance to the "RI General Treasurer" and submitted in accordance with the instructions provided by the Department for the records to be provided to the Requestor.
- F. A court may reduce or waive the fees for costs charged for search or retrieval in accordance with R.I. Gen. Laws § 38-2-4(e).

6.7 Appeals

- A. Any person or entity denied the right to inspect a Record of a public body may petition the Department's chief administrative officer for a review of the determinations made by his or her subordinate. All appeals to the Chief Administrative Officer at the Department shall be directed to:

Director of Rhode Island Department of Transportation

Department of Transportation

c/o Office of Legal Counsel

2 Capitol Hill, Rm. 220

Providence, RI 02903

- B. The chief administrative officer shall make a final determination within ten (10) business days after the submission of the appeal. In accordance with APRA, the

Requestor may then file a complaint with the Rhode Island Office of the Attorney General or by statute retain private counsel and seek relief in the Superior Court of the county where the record is maintained.

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