

**445-RICR-00-00-2**

## **TITLE 445 – ENERGY FACILITY SITING BOARD**

### **CHAPTER 00 – N/A**

#### **SUBCHAPTER 00 – N/A**

##### **PART 2 – Access to Public Records**

### **2.1 Authority**

This Regulation is promulgated pursuant to R.I. Gen. Laws §§ 38-2-1 *et seq.* (“Access to Public Records”) and 42-35-2(a).

### **2.2 Purposes**

A. The Purposes of this Regulation are:

1. To establish a Regulation to implement R.I. Gen Laws §§ 38-2-1, *et seq.* and 42-35-2(a) relating to access to public records maintained by the Board.
2. To identify and delineate categories of records exempt from disclosure; and
3. To provide the public and Board personnel with a Regulation which sets forth the rules and procedures applicable to access to public records maintained by the Board.

### **2.3 Policy**

The Board recognizes both the public’s right to access public records and the individual’s right to dignity and privacy. It is the Board’s policy to facilitate public access to all public records that may be disclosed in accordance with the R.I. Gen. Laws § 38-2-10 *et seq.* It is also the policy of the Board to make all public records in the Board’s possession be available for public inspection and copying consistent with applicable state or federal law, unless otherwise prohibited by a court of competent jurisdiction.

### **2.4 Procedure for Requesting Public Records**

A. Except as provided in § 2.4(D) of this Part, a written request to inspect or copy public records should be sent to the Board Coordinator who maintains the records requested or, in the alternative, to the Board Counsel at 89 Jefferson Boulevard, Warwick, R.I. 02888. Written requests may be mailed, hand delivered, e-mailed or sent via facsimile. Hand delivered requests may be made

during the Board's regular business hours. In order to assure that the Board is able to respond to the request as efficiently and as completely as possible, the request should identify and describe the records being requested with as much specificity as possible. A written record of all requests will be maintained by the Board Coordinator.

- B. If the description of records being requested is not sufficient to allow the Board to identify and locate the requested records, the Board will notify the person requesting such records that additional information is needed in order to properly respond to the request.
- C. If the inspection or copying is not permitted within ten (10) business days the Board shall forthwith explain in writing the need for additional time to comply with the request. Any such explanation shall be particularized to the specific request made. In such cases, the Board may have up to an additional twenty (20) business days to comply with the request if it can demonstrate that the voluminous nature of the request, the number of requests for records pending, or 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 Board.
- D. A written request is not required to be submitted when the request is for any of the following:
  - 1. documents prepared for or readily available to the public;
  - 2. rules and written statements of policy or interpretations formulated, adopted or used by the agency; or
  - 3. final orders, decisions, and opinions.

## **2.5 Hours of Inspections**

When a request is made to inspect public records (as opposed to obtain copies), the requester will be advised when the records are available and he/she can then make an appointment to inspect those documents at the Board between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday. The time frame for the Board to respond to requests to inspect public records is the same as the time frame applicable to responding to requests for copies of public records as set forth above in § 2.4(C) of this Part.

## **2.6 Fees**

- A. Official publications which the Board prepares in the discharge of its duties to inform the public on matters of public interest will be furnished free of charge when available.

- B. The Board will supply one (1) copy of any of its Rules and Regulations to an individual requesting them free of charge. Rules and Regulations of the Board are 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 board are also available online from the Secretary of State's website as well as the Board's website at <http://www.ripuc.org/efsb/index/html>.
- C. The Board charges a fee for copying and/or search of retrieval of requested documents consistent with applicable state law. The Board charges \$0.15 per copied page; provided however, if the response to the request consists of twenty (20) or fewer copied pages, no fee will be charged. If the response to the request consists of more than twenty (20) copied pages, there will be a charge of \$0.15 for each page. The Board will charge \$15.00 per hour for the search and retrieval time required to respond to a request, whether the request seeks copies of records or the right to inspect records; provided however, there will be no charge for the first hour of search and retrieval time. The Board will provide the requester with an estimate of the copying costs and search and retrieval costs prior to responding to the request. The Board however, will charge the actual fees for the number of copies and the actual cost for search and retrieval time if those are more or less than estimated. The Board reserves the right to require a deposit of the estimated costs if the estimated cost is \$50.00 or more.
- D. The cost of copying and search and retrieval as provided in § 2.6(C) of this Part must be paid in advance of or at the time of delivery or inspection of the requested documents.
- E. Board personnel or, where applicable an outside copy service, will make copies of requested records. The Board does not have a copy machine available for use by the public to make copies.

## **2.7 Supervision of Inspections**

The inspection of public records must be accomplished in a manner which will provide for general supervision by authorized Board staff. This is necessary to prevent the misplacement or unauthorized removal of records or any other action which may impair the integrity of the public record.

## **2.8 Severability**

If any provision of this Regulation or the application thereof to any individual or circumstances is held invalid, such invalidity shall not affect the provisions or application of the remaining portions of the regulation which can be given effect. The provisions of these rules and regulations are declared to be severable.

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**PART 2 - ACCESS TO PUBLIC RECORDS REGULATION**

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**Department of State**

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Regulation Effective Date

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