

**820-RICR-00-00-2**

## **TITLE 820 – HEALTH AND EDUCATIONAL BUILDING CORPORATION**

### **CHAPTER 00 – N/A**

### **SUBCHAPTER 00 – N/A**

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

### **2.1 Introduction**

A. The purpose of the Rules is:

1. To establish Rules to comply with R.I. Gen. Laws Chapters 42-35 and 38-2 regarding access to Public Records held by the Corporation;
2. To identify records which are exempt from disclosure; and
3. To establish procedures for obtaining Public Records held by the Corporation.

### **2.2 Disclosure of Records**

All Public Records maintained or held by the Corporation shall be subject to inspection and reproduction by members of the public in accordance with the Rules enunciated herein, unless exempt or prohibited from disclosure by state or federal law or by order of a court of competent jurisdiction.

### **2.3 Exemptions Authorized by the Access to Public Records Law**

The categories of records or information in such records as described in R.I. Gen. Laws § 38-2-2(4) may be exempt from disclosure.

### **2.4 Deletion of Nondisclosable Information**

The Executive Director of the Corporation shall determine if information contained in a document which is the basis for its nondisclosure can be deleted. If so, the document shall be made available to members of the public once the necessary deletions have been completed if disclosure of the non-deleted portions does not violate the intent of R.I. Gen. Laws Chapter 38-2 regarding access to Public Records.

### **2.5 Procedures for Obtaining Access**

A. A Request to Inspect and/or Copy Public Records of the Corporation (the "Request") shall be presented in writing to the Executive Director at the Office of

the Corporation located at 55 Dorrance Street, Suite 300, Providence, Rhode Island 02903 during regular business hours of the Corporation.

- B. All such Requests must contain a description of the Public Record sought sufficient to enable identification and location of the Public Record by personnel of the Corporation. Persons filing a Request will be notified if the description is insufficient. Notwithstanding the foregoing or the other provisions of § 2.5 of this Part, if the Executive Director determines that any such Request may be easily and quickly complied with without the need for a written Request, then such written Request will not be necessary.
- C. The Corporation will respond to such Requests as quickly as possible, and in any event within ten (10) business days of the receipt of the Request.
- D. If a record is in active use or storage and, therefore, not available at the time of such a Request, the Executive Director or his or her designee shall so inform the person making the Request, and shall further offer an appointment to such individual to examine such records as expeditiously as they may be made available.
- E. Printouts of properly identified disclosable data maintained by the Corporation in a computer storage system shall be available to persons following the above stated procedures.
- F. The Corporation is not required to reorganize, consolidate, or compile data which is not maintained by the Corporation in the form requested at the time of the request to inspect such Public Records was made.
- G. The Executive Director may restrict access to Public Records to specified times and days, consistent with these Rules, if it is determined that this is necessary or appropriate to prevent unnecessary disruption of the Corporation's work.

## **2.6 Prohibition of Commercial Use of Public Records**

No member of the public shall use information obtained from Public Records to solicit for commercial purposes or to obtain a commercial advantage over the party furnishing that information to the Corporation.

## **2.7 Denial of Access**

- A. The Executive Director shall notify the person requesting access to a Public Record in writing of a denial of access and the specific reasons for the denial within ten (10) business days of the filing of the Request.
- B. If the Executive Director shall reasonably require more than ten (10) business days to locate the requested Public Record, the Executive Director shall notify the person requesting the information stating the reason for the additional time

required to provide the records sought, whereupon the Executive Director shall proceed expeditiously to locate the Public Record.

## **2.8 Administrative Appeals**

- A. Once denied access to a Public Record of the Corporation, any person may petition the Board of Directors of the Corporation for a review of the Denial in accordance with R.I. Gen. Laws § 38-2-8.
- B. A petition form may be obtained from the Executive Director.
- C. The Board of Directors shall make a final determination on the status of the Public Record within ten (10) business days after submission of the Petition.
- D. If the Board of Directors approves disclosure of the Public Record, the Executive Director will arrange an appointment for inspection.
- E. If the Board of Directors denies disclosure of the Public Record, the person seeking disclosure may file a complaint with the attorney general or may retain private counsel for the purpose of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the Public Record is maintained.

## **2.9 Retrieval and/or Reproduction Fees**

- A. The Corporation shall charge a fee of fifteen cents (\$.15) per page for copies made and an hourly fee for the actual cost of an employee's time spent searching for and/or copying a Public Record; provided, however, that such hourly charge shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first hour search or retrieval.
- B. All fees due shall be paid in advance of delivery in the form of cash, money order, corporation business check, or cashier's or treasurer's check payable to the Rhode Island Health and Educational Building Corporation, unless the Corporation shall have agreed otherwise.
- C. Pursuant to R.I. Gen. Laws § 38-2-4, upon request, the Corporation will provide the Requester with an estimate of the copying, search and retrieval costs prior to responding to the Request.

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Type of Filing: Refile Capabilities

**Department of State**

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Regulation Effective Date

Original Signing Date

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Department of State Initials

Department of State Date