

100-RICR-10-00-1

TITLE 100 – DEPARTMENT OF STATE

CHAPTER 10 – ADMINISTRATION

SUBCHAPTER 00 – N/A

PART 1 – Access to Public Records

1.1 Authority and Purpose

This Part is promulgated pursuant to the authority set forth in R.I. Gen. Laws § [42-35-2](#) and R.I. Gen. Laws Chapters [38-2](#), [42-8](#), [42-8.1](#) and [38-3](#) for the purpose of establishing procedures for obtaining access to public records held by the Department of State.

1.2 Definitions

“Act” means R.I. Gen. Laws Chapter [38-2](#) entitled “Access to Public Records”.

“Business hours” means 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding State and Federal holidays.

“Department” means the Department of State.

“Public record” means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, and which are made or received by any agency pursuant to law or relating to the transaction of public business as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government or because of the value of the official government data contained therein.

1.3 Access to Public Records Policy

- A. All Public Records maintained or held by the Department shall be made available for inspection and copying by members of the public in accordance with the Act and this Part.
- B. The Department may elect not to make Public Records which are deemed exempt or prohibited from disclosure by state or federal law or by order of a court of competent jurisdiction available for inspection or copying.

- C. Records in the custody of the State Archivist as part of the State Archives are subject to additional public records policies as set forth in § 1.6 of this Part.

1.3.1 Exclusions

Records which fall into the categories identified in R.I. Gen. Laws § 38-2-2(4) as exempt from disclosure will not be considered Public Records. The Department may elect not to produce those records in response to a request for access to those records.

1.3.2 Non-disclosable Information

If the Secretary of State or his/her designee can reasonably separate non-disclosable information from an otherwise disclosable Public Record, he/she will do so in accordance with R.I. Gen. Laws § 38-2-3.

1.4 Procedures for Obtaining Access

- A. A Request to Inspect and/or Copy Public Records of the Department (the "Request") shall be presented orally during Business Hours or in writing to the Secretary of State or his/her designee at the Department. Members of the public can request Public Records from the Department by filling out and submitting the Access to Public Records Request Form located on the Department's website: <http://sos.ri.gov/assets/downloads/documents/public-records-policy-and-request-form.pdf>.
- B. The Department does not require a formal request for a Public Record available pursuant to the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2, or for other documents prepared for or readily available to the public.
- C. For all other Public Records, the Department will make reasonable efforts to respond to a request within ten (10) business days of receipt of the request. If the Department cannot produce the requested records within ten (10) business days, the Department will notify the person making the request in writing, and may extend the response time up to an additional twenty (20) business days and explain the reason for the extension.
- D. If the Public Record is in digital format, the Department will honor a request to provide a printout of that record.
- E. The Secretary of State or his/her designee may restrict access to specified times and days, consistent with this Part, to prevent unnecessary disruption of the work of the Department.

1.5 Denial of Access and Administrative Appeals

- A. If the Department denies a request for access to records in accordance with the Act, the individual who requested the records may ask the Secretary of State or his/her designee either orally or in writing to review the denial. That appeal will be conducted in accordance with R.I. Gen. Laws § 38-2-8.
- B. If the Secretary of State agrees with the initial denial, the person or entity seeking the record may file a complaint with the Attorney General.

1.6 Public Records Within the State Archives Division

- A. In accordance with R.I. Gen. Laws §§ 42-8.1-1 *et seq.* and 38-3-1 *et seq.*, all records held by the State Archivist in the State Archives will be made available to the public for inspection and copying during Business Hours under the supervision of the State Archivist or her/his staff.
- B. Only staff of the State Archives may make copies or scanned images of documents contained in the State Archives.
- C. The State Archivist and/or the State Archives may restrict copying or scanning of documents due to preservation concerns.
- D. The State Archivist and/or the State Archives may photograph documents not suitable for copying or scanning.

1.7 Severability

If any provision of this Part or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this Part which can be given effect, and to this end, the provisions of this Part are declared to be severable.

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Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.