



RHODE ISLAND

## **Executive Office of Commerce**

317 Iron Horse Way, Suite 203, Providence, RI 02908

### **Executive Office of Commerce Procedures for Requests for Access to Public Records (APRA)**

The Rhode Island Executive Office of Commerce (“EOC” or the “Agency”) adheres to the Access to Public Records Act, R.I. Gen. Laws §§ 38-2-1, *et. seq.*, (“APRA” or the “Act”) and has instituted the following policies and procedures for the public to obtain public records maintained or held by the EOC.

#### **Disclosure of Records**

1. It is the EOC’s policy that all records it maintains or holds are to be made available for public inspection and/or copying unless exempted by state or federal law, regulation, rule of court, or unless otherwise ordered by a court of competent jurisdiction.
2. Pursuant to R.I.G.L. § 38-2-13, all records initially deemed to be public records which any person may inspect and/or copy will continue to be considered public records whether or not subsequent court action or investigations are held pertaining to the matters contained in the records.
3. The EOC is not required to reorganize, consolidate, or compile data not maintained by the Agency in the form requested at the time of the request, except to the extent that such records are in electronic format and the EOC would not be unduly burdened by providing such data.
4. The EOC is not obligated to interpret or otherwise describe or comment on the information provided.
5. In the event the EOC determines that the requested records are exempt from disclosure for a reason set forth in the Act, the Agency shall provide to the requesting party the reasons for the denial of the request as well as the procedure for appealing the denial.
6. If the EOC receives a request for records that do not exist or are not within its custody or control, the Agency will in responding to the request state that it does not have the requested records.

## **Procedures for Requesting Public Records**

1. A request can be made in person with the Communications Department at EOC's offices at 317 Iron Horse Way, Suite 203, Providence RI 02908, or by letter or email using the [Public Records Request Form](#).
2. The requesting party is not required to provide identification or the reason for the request, and the right to access public records will not depend upon providing such identification or the purpose for the request. However, in the event that the EOC is not provided with appropriate contact information, such as telephone number, mailing address or email address, any response to a request shall be made available at the front desk of the Agency during normal business hours in accordance with the timing requirements under applicable law.
3. The EOC's regular business hours are Monday through Friday, 8:30 a.m. – 4:30 p.m., excepting state and federal holidays. Any request received after regular business hours, shall be deemed to have been received on the next following business day.
4. To reach the EOC by telephone with any questions about how to make a request for public records, please call [401] 222-8288 and ask to be connected to the EOC's APRA Coordinator.
5. A request for public records must reasonably describe the records sought in a way that will permit their identification and location by the EOC personnel.
6. If the description of the records sought in a request is not sufficient to allow the EOC to identify and locate the requested records, the Agency will notify the requesting party that additional information is needed to fulfill the request.
7. The EOC may discuss with the requesting party the extent to which the scope of the request can be narrowed as the courts have ruled that it is the requesting party's responsibility to frame requests with sufficient particularity to ensure that searches are not unreasonably burdensome and to enable the Agency to determine precisely which records are being requested.

8. The EOC will make every reasonable effort to honor the request within ten (10) business days after receiving the request. Should it appear that the request cannot be honored within ten (10) business days, the Agency will explain in writing the reasons needed for up to an additional twenty (20) business day period to comply with the request.

### **Delivery of Records**

1. At the option of the requesting party, the EOC will provide copies of public records electronically, by facsimile, or by mail, unless complying with that preference would be unduly burdensome due to the volume of records requested or the costs that would be incurred.
2. The requesting party will be responsible for the actual cost of delivery, if any.

### **Cost**

1. The EOC will charge a reasonable fee consistent with the Act for any request that it receives that is estimated to take more than one (1) hour to fulfill, inclusive of estimated time for retrieval, review, and redaction of documents. Consistent with the Act, no costs will be charged for the first hour of a search or retrieval. If the EOC charges a fee pursuant to this paragraph, it will require that the requesting party pre-pay the estimated cost of the request prior to engaging in the search and retrieval of records. As permitted by the Act, the time for the EOC to produce the records will be tolled until payment of the charge is received by the EOC.
2. The cost per copied page of written public documents will be \$0.15 per page. The hourly cost for the search, retrieval, and redaction of documents is fifteen dollars (\$15), with no charge for the first hour.
3. The EOC may charge no more than the reasonable actual cost for providing electronic records or retrieving records from storage where the EOC is assessed a retrieval fee. This may include third-party costs affiliated with the retrieval of electronic documents that may be achieved or not immediately accessible.
4. For the purposes of calculating cost, multiple requests from a requesting party to the EOC within a thirty (30) day period will be considered one request.
5. Upon request, the Agency will provide an estimate of the costs of a request for documents prior to providing copies.
6. The Rhode Island Supreme Court has determined that the requesting party that seeks the production of public records is responsible for the cost of redacting the documents.
7. All payments are to be made in the form of a money order, certified bank check, company check, or personal check. The EOC reserves the right to refuse payment by check in the

event the check is returned for insufficient funds or for any other reason. Any fees incurred by the EOC for returned checks will be assessed to the requestor.

Checks may be made payable to the Executive Office of Commerce, c/o: APRA Coordinator, 317 Iron Horse Way, Suite 203, Providence, RI 02908. Payments must be accompanied by sufficient written information referencing the public records request to ensure proper crediting of funds.