

Town of East Greenwich

ACCESS TO PUBLIC RECORDS ACT PROCEDURE

R.I. General Laws Section 38-2-2 et seq.

The Town is committed to providing the public with access to public records from all Town departments¹ under R.I. General Laws Section 38-2-2. The Town's various departments and staff provides numerous documents to the public, media, and attorneys every day in the ordinary course of business. Any person who wishes to request a public record should complete a "Request for Records ~~u~~Under the Access to Public Records Act" form, which is available online at www.eastgreenwichri.com, at the Police Department for police records, or the Town Clerk's office for all other requests. All requests for School Department records should be directed to the East Greenwich School Department. Completion of this form is not mandatory but is used to facilitate the request. In the event a requestor does not wish to complete the form, an email or a verbal request may be made to the custodian of the records. The custodian of Town records is the Town Clerk. The custodian of Police Department records is the Chief of Police.

Pursuant to R.I. General Laws Section 38-2-3(d), the East Greenwich Town Council has established the following procedure regarding access to public records:

1. Please inform the designated official that you wish to make a request for public records. Requests can be made through the Police Department (886-8640 or sbrown@eastgreenwichri.com), or for all other non-School Department municipal records, the Town Clerk's office (886-8604 or lcarney@eastgreenwichri.com) from 8:30 a.m. to 4:00 p.m. Monday through Friday. In the absence of the Town Clerk, the ~~Town Manager's Confidential Assistant~~ Deputy Town Clerk (886-~~8690~~-8607 or khenrikson@eastgreenwichri.com~~dpotter@eastgreenwichri.com~~) will act as the custodian of Town records.
2. The designated official may provide you with a form to complete, which permits us to know the precise public documents you seek and assists us in processing your request in an expeditious manner.
3. The Access to Public Records Act, R.I. General Laws Section 38-2-3(e), grants a public body ten (10) business days to respond to a public records request. The Act further provides that for good cause, a public body may submit a written request for an extension of up to twenty (20) business days to process the request. We appreciate your understanding and patience.

¹ The Housing Authority and the School Department are not within the authority of the Town Council or Town Manager and have their own procedures for access to public records.

4. **Costs.** The Access to Public Records Act provides the requestor the opportunity to view and/or copy public records. Should a copy be requested, the Town of East Greenwich may charge a fee of fifteen cents (\$0.15) per copied page of written public documents, in accordance with RIGL §38-2-4 for documents copied on common business size (letter or legal) paper. Under state law, copies of some documents, such as those recorded in the land evidence records cost \$1.50 per page. ~~You may elect to obtain public records in any and all media in which we are capable of providing them.~~ The Act permits a reasonable charge for search and retrieval of documents. The hourly costs for a search and retrieval shall be fifteen dollars (\$15.00) per hour, with no charge for the first hour. Upon receipt of a request, the Town will provide an estimate of the cost(s) for search and retrieval, as well as copying (if requested) and the Town shall provide the estimate to the requestor in advance of completion. Upon completion of the request, a detailed itemization of the costs charged for search and retrieval will be provided upon completion. Pre-payment may be required for any request that requires search and retrieval and/or copying costs in excess of \$45.00 or for voluminous requests.
5. **Public Records.** A “public record” is defined as “documents, papers, . . . 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 any agency.” R.I. General Laws Section 38-2-2(4). If, after review of your request, the Town determines that the requested documents are exempt from disclosure for a reason set forth in the Act, the Town reserves the right to claim any such exemption.
6. **Redaction.** Although a document may constitute a public record, there may be some information contained therein that may be redacted/deleted as it may be exempt from disclosure under R. I. General Laws Section 38-2-2.
7. **Production of Public Records.** The Town is not obligated to produce for inspection or copying records that are not in the possession of the Town. Moreover, the Town is not required under the Act to reorganize, consolidate, or compile data that is not maintained by the Town in the form requested.
8. **Appeal of Denial.** Any person or entity denied the right to inspect a record of a public body may petition the Town Manager for review of the decision denying the request. Any petition from a denial should be addressed to the Town Manager, Town of East Greenwich, 125 Main Street, East Greenwich, RI, 02818. A final determination of whether to allow public inspection will be made within ten (10) business days after the submission of the petition, as set forth in R.I. General Laws Section 38-2-8.
9. **Complaint to the Attorney General.** If the Town Manager determines the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Attorney General, 150 Main Street, Providence, RI 02903; Telephone: (401) 274-4400 or may retain private counsel for the purposes of instituting proceedings for injunctive or declaratory relief in the Superior Court of Kent County.

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Adopted 12/10/12
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Amended 06/27/16
Amended 02/12/18
| Amended 08/27/18
Amended 02/04/19

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