REGULATION
OF THE RHODE ISLAND SECRETARY OF STATE
RELATING TO ACCESS TO ITS PUBLIC RECORDS

I. AUTHORITY

The authority to promulgate this Regulation is set forth in Rhode Island General Laws Title 42, Chapter 35, Section 2, Title 38, Chapter 2, Title 42, Chapter 8, Title 42, Chapter 8.1 and Title 38, Chapter 3 .

II. INTRODUCTION/PURPOSE

This Regulation:

A. To establish Rules to fully comply with Chapter 35 of Title 42, Chapter 2 of Title 38, Chapter 8 of Title 42, Chapter 8.1 of Title 42 and Chapter 3 of Title 38 of the Rhode Island General Laws concerning access to Public Records held by The Office of the Rhode Island Secretary of State;

B. Establish procedures for obtaining Public Records held by The Office of the Rhode Island Secretary of State.

C. To provide personnel of the Office of the Secretary of State and the public with established procedures for public record access.

II. DISCLOSURE OF RECORDS

All Public Records(as defined in R.I.G.L. § 38-2-2, ,(excluding the records in the custody of the State Archivist as part of the State Archives), maintained or held by The Office of the Rhode Island Secretary of State shall be subject to inspection and reproduction by Members of the Public in accordance with the Rules enunciated herein and the provisions of Chapter 2 of Title 38 of the Rhode Island General Laws, unless exempt or prohibited from disclosure by state or federal law or by order of a court of competent jurisdiction. For records in the custody of the State Archivist as part of the State Archives, refer to Section VII below.

III. DELETION OF NONDISCLOSABLE INFORMATION

The Secretary of State, or his/her designee, 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 the Member of the Public once the necessary deletions have been completed.

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IV. PROCEDURES FOR OBTAINING ACCESS

A. A Request to Inspect and/or Copy Public Records of The Office of the Rhode Island Secretary of State (the "Request") shall be presented orally or in writing to the Secretary of State or his/her designee at The Office of the Rhode Island Secretary of State during Business Hours.

B. The Office of the Rhode Island Secretary of State does not require a written request for a public record available pursuant to R.I.G.L. § 42-35-2 or for other documents prepared for or readily available to the public.

C. With regard to documents which R.I.G.L. § 42-35-2 does not apply or that are not readily available to the public, The Office of the Rhode Island Secretary of State will exert reasonable efforts to honor a written Request within ten (10) business days of receipt of the Request. If said request can't be honored within ten (10) days, The Office of the Secretary of State will so notify the person making the request, in writing, and may extend the response time up to thirty (30) business days and will set forth the good cause for such an extension in the written notice to the Requestor.

D. The Office of the Rhode Island Secretary of State shall not be obligated to produce for inspection or copying records that are not in the possession of The Office of the Rhode Island Secretary of State.

E. The Office of the Rhode Island Secretary of State shall use reasonable efforts to notify the person making the request, within ten (10) days of the submission of the request, if the Public Record is in active use or in storage and is therefore not available for inspection within ten (10) days of the request.

F. If the request of the person seeking access to the Public Record is granted, he/she shall be notified by letter when the Public Record is available and shall be provided with an appointment to examine or pick up the Public Record or shall be forwarded the record by mail within said ten (10) business days.

G. Printouts of properly identified disclosable data maintained by The Office of the Rhode Island Secretary of State in a computer storage system shall be available to persons following the above-stated procedures.

H. The Office of the Rhode Island Secretary of State is not required to reorganize, consolidate, or compile data that is not maintained by The Office of the Rhode Island Secretary of State in the form requested.

I. The Secretary of State, or his/her designee, may restrict access 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 work of The

Office of the Rhode Island Secretary of State.

V. COSTS OF COPIES

A. Subject to the provisions of R.I.G.L. § 38-2-3, The Office of the Rhode Island Secretary of State will allow copies to be made or provide copies of Public Records. The cost per copied page of written documents provided to the person making the request, if charged by the Secretary of State, will not exceed fifteen cents ($.15) per page for documents copied on common business or legal size paper. The Office of the Rhode Island Secretary of State will only charge the reasonable actual cost for providing electronic records.

B. The Office of the Rhode Island Secretary of State may impose a reasonable charge for the search or retrieval of documents. Hourly costs for a search and retrieval will not exceed fifteen dollars ($15.00) per hour and no costs will be charged for the first hour of a search or retrieval.

VI. DENIAL OF ACCESS AND ADMINISTRATIVE APPEALS

A. The Office of the Rhode Island Secretary of State shall deny access to records requested only in accordance with the provisions of the Access to Public Records Act ("Act"). Once denied access to a record of The Office of the Rhode Island Secretary of State, any person may Petition the Secretary of State for a review of the denial by contacting the Secretary of State or his/her designee either orally or in writing at The Office of the Rhode Island Secretary of State to request a review of his/her subordinates actions. Such administrative appeals of denial of access will be conducted in accordance with the provisions of the Access to Public Records Act.

B. If the Secretary of State determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Department of the Rhode Island Attorney General or exercise any and all other rights said Requestor may have pursuant to R.I.G.L. § 38-2-8.

VII. PUBLIC RECORDS WITHIN THE STATE ARCHIVES DIVISION

A. All records in the possession of the State Archivist in the State Archives , pursuant to either R.I.G.L. Section 42-8.1-1.et seq or R.I.G.L. Section 38-3-1, et seq, shall be subject to examination, inspection and copying at reasonable times and under the supervision of the State Archivist or her/his staff, but subject to any special terms or conditions restricting their use placed on the document(s) at the time of filing with the State Archives.

B. "Photocopying of documents contained within the State Archives shall be done by staff of the State Archives only.

C. The State Archivist and/or the State Archives reserves the right to restrict photocopying of documents due to preservation concerns.

VIII. **SEVERABILITY**

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

CERTIFICATION

I hereby attest that the within Regulation relating to Access to Public Records of the Office of the Secretary of State has been adopted by the Office of the Secretary of State and is a true copy.

June 11, 2010.
Date

A. Ralph Mollis, Secretary of State

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ADMINISTRATIVE RECORDS

A. RALPH MOLLIS, RHODE ISLAND SECRETARY OF STATE
OFFICE OF THE SECRETARY OF STATE
REQUEST FORM FOR RECORDS
UNDER THE ACCESS TO PUBLIC RECORDS ACT

DATE:_______________ Request Number:______________

Name (Optional): ____

Address(Optional):______________________________________
____

Telephone(Optional): _________________________________

Requested Records: ____
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OFFICE USE ONLY:

Request Taken By: ___________ Request Number:________________
Date:_____________ Time:___________
Records to be available on:____________ Mail:_____________ Pick Up:________
Records Provided:________________
Costs:__________ copies__________ search and retrieval

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OFFICE OF THE SECRETARY OF STATE-ACCESS TO PUBLIC RECORDS REQUEST RECEIPT

If you desire to pick up the records they will be ready on ___________ at the front desk of the office that you filed your request, subject to the Office exercising its right to extend said time under Rhode Island law. If, after review of your request, the Secretary of State's Office determines that the requested records are exempt from disclosure for a reasons et forth in R.I. General laws Section 38-2-2(4)(i)(A) through (Y), the Office reserves its right to claim such exemption.

Note: If you chose to pick up the records, but did not include identifying information on this form (name, etc.) please inform the receptionist at the front desk of the date you made the request, records requested and request number.

Thank you.