

# LOCAL GOVERNMENT RECORDKEEPING RESPONSIBILITIES

## Title 38 PUBLIC RECORDS

### Chapter 1 Custody and Protection

**38-1-10. Disposal of records.**-- No public official may mutilate, destroy, sell, loan, or otherwise dispose of any public record without the consent of the public records administration program of the secretary of state.

**38-1-11. Assistance of the public records administration program.**-- The public records administration program of the secretary of state shall have the right to examine the condition of public records and shall give advice and assistance to public officials in the solution of their problems of preserving, creating, filing, and making available the public records in their custody.

### Chapter 3 Public Records Administration

**38-3-6. Public records custody and disposal.**

(b) The offices of the attorney general and the auditor general will advise the program on the legal and fiscal values of records covered by proposed records control schedules.

(j) No public record shall be destroyed or otherwise disposed of by any agency without prior notice to the program.

**38-3-7. Agency responsibilities.**-- It shall be the duty of each agency to:

(1) Cooperate with the program in complying with the provisions of this chapter.

(2) Establish and maintain an active and continuous program for the economical and efficient management of public records.

## Title 42 STATE AFFAIRS AND GOVERNMENT

### Chapter 8.1 State Archives

**42-8.1-10. Determination of value.**-- Every public officer who has public records in his or her custody shall consult periodically with the state archivist together with the state auditor, and the attorney general, and those officers shall determine whether the records are of permanent legal or historical value. Those records unanimously determined not to be of permanent legal or historical value shall be disposed of by such method as specified by §38-3-6. A list of all records so disposed of, together with a statement certifying compliance with §38-3-6, signed by the archivist, shall be filed and preserved in the office from which the records were drawn.

**42-8.1-17. Duties of agencies.**-- It shall be the duty of each agency of the state and political subdivision thereof to:

- (1) Cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal rights of the government and of the persons directly affected by agency's activities;
- (2) Cooperate fully with the division in complying with the provisions of this chapter;
- (3) Establish and maintain an active and continuing program for the preservation of records of permanent legal or historical value and assist the division to implement the provisions of this chapter;
- (4) Establish necessary safeguards against the removal or loss of records. These safeguards shall include notification to all officials and employees of the agency that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of this chapter, §§ 38-1-10 and 38-3-6;
- (5) Designate an agency records officer who shall establish and operate an archives and records management program for the agency in cooperation with the division of state archives and the public records administration.

**42-8.1-18. Penalties.**-- Any officer or employee who violates the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment for not more than one year.

**42-8.1-20. Rhode Island Historical Records Trust established.**-- (a) There is hereby established a special fund to be known as the Rhode Island Historical Records Trust (hereinafter called Trust).

(b) There is hereby imposed an additional assessment of two dollars (\$2.00) for every instrument filed for recording pursuant to §§ 33-22-21 and 34-13-7.

(c) On the first of every month, the municipal clerk shall transmit to the State Archives one half of the additional assessment collected under subsection (b) for deposit in the Rhode Island Historical Records Trust. The remaining one half of each such additional assessment shall remain with the local government and be deposited in a local Historical Records Trust.

(d) All monies retained by a local government shall be placed in a Historical Record Trust Fund maintained by the local government. The expenditure of these monies shall be restricted solely to the preservation of public records of historical value maintained by the municipal clerk or by a municipal archives.

(e) Use of these funds by the State Archives shall be restricted solely to the development and ongoing maintenance of a full-time local government records management program component and the state archives and records program. Such program shall be responsible for providing aid, advice, and assistance to all local governments of this State concerning the proper management and preservation of the public records in their custody or care, as required by other provisions of statute. Funds shall be expended to support administrative and other costs associated with the provision of consultative and technical services including, but not limited to, educational programming, micrographics services, and ongoing storage and preservation of local government records.

(f) All monies received by the General Treasurer and other moneys appropriated or received for the purposes stated in subsection (b) shall be deposited in a restricted account which shall be administered by the State Archives.

(g) Each year the State Archives shall review and make recommendations on a proposed operational and expenditure plan for the RI Historical Records Trust.

## **Title 42 STATE AFFAIRS AND GOVERNMENT**

### **Chapter 11 Department of Administration**

**42-11-14.1. Alkaline paper required.**-- All records and publications selected by state agencies which have been determined to be of permanent value by the state archives shall be printed on alkaline paper which is in keeping with ANSI Standard Z39.48-1984. This includes, but is not limited to, the following materials: all original bills introduced into the general assembly; all annual reports of state agencies; and all minutes of public meetings. Should the costs for the purchase of alkaline paper exceed that of acidic by greater than ten percent (10%) of the cost of acidic paper, then the provisions of this section may be waived.

## DEFINITIONS

“Public record” or “public records” shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities) 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.

(§38-2-2 (4)(i))

“Agency” or “public body” shall mean any executive, legislative, judicial, regulatory, administrative body of the state or any political subdivision thereof; including, but not limited to the leadership of the general assembly, chairman in the house and senate, public officials elected or appointed and any department, division, agency, commission, board, office, bureau, authority, any school, fire, or water district, or other agency or quasi-public agency of state or local government which exercises governmental functions, any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency. (§42-8.1-2 (1))