

RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY



# Access to Public Records Regulation

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**DEPARTMENT OF PUBLIC SAFETY  
ACCESS TO PUBLIC RECORDS REGULATIONS**

**Table of Contents:**

Section I: Authority  
Section II: Purposes  
Section III: Policy  
Section IV: Scope  
Section V: Procedure for Requesting Public Records  
Section VI: Guidelines for Requests for Public Records  
Section VII: Hours of Inspection  
Section VIII: Fees  
Section IX: Severability

**Section I: Authority**

- A. These regulations are promulgated pursuant to R.I. Gen. Laws § 38-2-1, *et seq.* (“*Access to Public Records*”), § 42-35-2 (a), and § 42-7.3-9.

**Section II: Purpose**

- A. To establish regulations to implement R.I. General Laws § 38-2-1, *et seq.* (“*Access to Public Records*”) relating to access to public records maintained by the Department of Public Safety and its agencies, and to comply with R.I. General Laws § 42-35-2(a) and § 42-7.3-9.
- B. To identify and delineate categories of records exempt from disclosure.
- C. To provide the public and the Department of Public Safety personnel with regulations that set forth the rules and procedures applicable to access public records maintained by the Department.

**Section III: Policy**

- A. The Department of Public Safety recognizes both the public’s right to access public records and the individual’s right to dignity and privacy. It is the Department of Public Safety’s policy to facilitate public access to all public records that may be disclosed in accordance with R.I. Gen. Laws § 38-2-1, *et seq.* It is also the policy of the Department of Public Safety to make all public records in the Department’s possession available for

public inspection and copying consistent with applicable state or federal law, unless otherwise prohibited by a court of competent jurisdiction.

#### **Section IV: Scope**

- A. The Department of Public Safety is responsible for the management and administration of the services provided by various divisions and agencies with the Executive Branch of state government, pursuant to R.I. General Laws § 42-7.3-3. The divisions and agencies include the Rhode Island State Police, Rhode Island Capitol Police, Division of the Rhode Island State Fire Marshal, E 9-1-1 Uniform Emergency Telephone System, Rhode Island Municipal Police Training Academy, and Rhode Island Division of Sheriffs.
- B. Members of the public may access public records maintained by the Department of Public Safety through the Access to Public Records Act, R.I. General Laws § 38-2-1 *et seq.*, by making a request consistent with the Department of Public Safety's access to public records guidelines.

#### **Section V: Procedure for Requesting Public Records**

- A. The Department of Public Safety adheres to the Access to Public Records Act, R.I. Gen. Laws § 38-2-1 *et seq.*, and has instituted the following procedures for members of the public to obtain public records.
  - 1. A written request is not required for records available pursuant to the Administrative Procedures Act or other documents prepared for or readily available to the public.
  - 2. Members of the public can request public records from the Department of Public Safety by contacting the Rhode Island State Police Headquarters and Public Safety Complex, the Rhode Island State Police Barracks, or any of the Department of Public Safety agencies.
  - 3. Written requests to inspect or copy public records should be sent to the Department that describes the records being requested. It is suggested, but not required, that requests be submitted on the forms provided by the Department (APPENDIX A-C). Records request forms are available on the Department's website, [www.dps.ri.gov](http://www.dps.ri.gov), at Rhode Island State Police Headquarters and Public Safety Complex, at all Rhode Island State Police barracks, and at all Department of Public Safety agencies.
  - 4. Written requests may be mailed, hand-delivered, e-mailed or sent via facsimile. Requests by mail should be sent to Department of Public Safety, Legal Department, 311 Danielson Pike, North Scituate, RI 02857. Hand-delivered requests may be made during the Department's regular business hours, Monday through Friday, 8:00 a.m.-

4:30 p.m.; however, requests may be delivered to Rhode Island State Police barracks at all times they are open.

5. In order to ensure that the Department is able to respond to the request as efficiently as possible, the request should identify the documents or information being requested with as much specificity as possible. If the description of records being requested is not sufficient to allow the Department to identify and locate the requested records, the Department will notify the person requesting such records that additional information is needed in order to properly respond to the request.
6. Statewide Uniform Crash Reports for Motor Vehicle Accidents can be purchased for a fee, pursuant to R.I. Gen. Laws § 42-28-37, either on-line from the website [www.GetCrashReports.com](http://www.GetCrashReports.com), or by mail through the Rhode Island State Police Accident Bureau, 311 Danielson Pike, North Scituate, RI 02857.
  - i. Requests for Statewide Uniform Crash Reports that have not been placed on the above mentioned website for the public shall be reviewed by Legal Counsel to determine whether the an investigation is on-going and whether criminal charges are pending. Non-public information will be redacted prior to release.
    - a. Statewide Uniform Crash Reports shall be provided to individuals involved in the accident or their legal representative regardless of the status of the investigation, pursuant to R.I. Gen. Laws § 42-28-37.
7. You are not required to provide identification or the reason you seek the information. Your right to access public records will not depend upon providing identification or reasons.
  - i. However, any parent, guardian, or attorney requesting records on a juvenile they represent will be required to provide identification prior to receiving the requested record.
8. The Access to Public Records Act allows a public body ten (10) business days to respond to a request for records, which can be extended an additional twenty (20) days for good cause.
9. Any denial of access to records will be provided through a written response to the requestor indicating the reasons for the denial of access to records or for the denial of certain information contained in a record that is otherwise public pursuant to R.I. Gen. Laws § 38-2-2. The written response will also include the process for appeals outlined in R.I. Gen. Laws § 38-2-8.
10. Any individual who receives a denial for copies of requested records or the ability to inspect records may petition the Commissioner of the Department of Public Safety for

a review of the determinations. The Commissioner shall make a final determination whether or not to allow public inspection within ten (10) business days. If the denial is confirmed, the individual may file a complaint with the Office of the Attorney General, who will then investigate and make a determination. The individual may also file a lawsuit in Superior Court.

## Section VI: Guidelines for Requests for Public Records

A. R.I. Gen. Laws § 38-2-2, (“*Access to Public Records*”) specifies records which, for the purposes of that chapter, **are public**.

1. **Public record(s) means all:**

- i. Documents
- ii. Papers
- iii. Letters
- iv. Maps
- v. Tapes
- vi. Photographs
- vii. Films
- viii. Sound recordings
- ix. Magnetic or other tapes
- x. Electronic data processing records
- xi. 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)
- xii. 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.

2. The Access to Public Records Act requires public bodies apply a case-by-case balancing test to non-exempt records to determine whether the privacy interests of individuals outweigh the public’s interest in disclosure. That balancing requires a public body to consider both “the public’s right to access to public records and the individual’s right to dignity and privacy...” R.I. Gen. Laws § 38-2-1.

B. R.I. Gen. Laws § 38-2-2, (“*Access to Public Records*”) specifies records which, for the purposes of that chapter, **are not public**.

1. Records that **are not deemed public** are:

- i. All records that are identifiable to an individual:
  - a. Applicant for benefits
  - b. Client

- c. Patient
  - d. Student
  - e. Employee
  - f. Such records include, but are not limited to:
    - (1) Personnel
    - (2) Medical treatment
    - (3) Welfare
    - (4) Employment security
    - (5) Pupil records
    - (6) Records relating to a client/attorney relationship
    - (7) Records relating to a doctor/patient relationship
    - (8) All personal or medical information relating to an individual in any files, including information relating to:
      - (i) Medical or psychological facts
      - (ii) Personal finances
      - (iii) Welfare
      - (iv) Employment security
      - (v) Student performance
      - (vi) Information in personnel files maintained to hire, evaluate, promote, or discipline any employee of the Department
        - (a.) Employee records, however, that **are deemed public** include:
          - (1) Name
          - (2) Gross salary
          - (3) Salary range for position
          - (4) Total cost of paid fringe benefits
          - (5) Gross amount received in overtime and other remuneration in addition to salary
          - (6) Job title
          - (7) Job description
          - (8) Dates of employment
          - (9) Positions held with the state or municipality
          - (10) Work location
          - (11) Business telephone number
          - (12) City or town of residence
          - (13) Date of termination
- ii. Any information in pension records regarding the medical condition of any person and all information identifying the member's designated beneficiary or beneficiaries.
- iii. Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.

- iv. Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court.
- v. All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual compiled in the course of a criminal investigation by any law enforcement agency.
  - a. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information:
    - (1) Could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings;
    - (2) Would deprive a person of a right to a fair trial or an impartial adjudication;
    - (3) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;
    - (4) Could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority, or any private institution which furnished information on a confidential basis or the information furnished by a confidential source;
    - (5) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions;
    - (6) Could reasonably be expected to endanger the life or physical safety of any individual.
  - b. However, law enforcement records relating to management and direction of a law enforcement agency, and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult **are deemed public.**
- vi. Any records which would not be available by law or rule of court to an opposing party in litigation.
- vii. Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.
- viii. Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to the contribution by the contributor.

- ix. Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.
- x. Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.
- xi. Any minutes of a meeting of a public body which are not required to be disclosed pursuant to chapter 26 of title 42.
- xii. Preliminary drafts, notes, impressions, memoranda, working papers, and work products.
  - a. Provided, however, any documents submitted at a public meeting of a public body shall be deemed public.
- xiii. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations.
  - a. Provided, however, that a person shall have the right to review the results of his or her examination.
- xiv. Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.
- xv. The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned.
  - a. Provided the law of eminent domain shall not be affected by this provision.
- xvi. All tax returns
- xvii. All investigatory records of public bodies, with the exception of law enforcement agencies, pertaining to possible violations of statute, rule, or regulation other than records of final actions taken provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public.

- xviii. Records of individual test scores on professional certification and licensing examinations.
  - a. Provided, however, that a person shall have the right to review the results of his or her examination.
- xix. Requests for advisory opinions until such time as the public body issues its opinion.
- xx. Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law, or rule of court.
- xxi. Judicial bodies are included in the definition only in respect to their administrative function provided that records kept pursuant to the provisions of chapter 18 of title 8 are exempt from the operation of this chapter.
- xxii. Library records which by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.
- xxiii. Printouts from TELE-TEXT devices used by people who are deaf or hard of hearing or speech impaired.
- xxiv. All records received by the insurance division of the department of business regulation from other states, either directly or through the National Association of Insurance Commissioners, if those records are accorded confidential treatment in that state
- xxv. Credit card account numbers in the possession of state or local government.
- xxvi. Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena issued under Rhode Island General Law § 9-1.1-6.

C. Any records regarding a juvenile, arrest or other:

1. However, a parent, guardian, or attorney of a juvenile may inspect and copy a police report relating to the arrest or detention of that juvenile
2. After disposition of an offense, a parent, guardian, or attorney of the juvenile involved may inspect a copy records relating to the arrest, detention, apprehension, and disposition, as provided for in R.I.G.L. § 14-1-64.
3. The identity of a juvenile waived to be tried as an adult under R.I.G.L. § 14-1-7.1, or certified and convicted pursuant to R.I.G.L. § 14-1-7.2, is public record

- D. The Department is not required to reorganize, consolidate, or compile data not maintained in the form requested, except the extent that such records are in an electronic format and the Department would not be unduly burdened in providing such data.
- E. All records initially deemed to be public records which any person may inspect and/or copy shall continue to be public records whether or not subsequent court action or investigations are held pertaining to the matters contained in the records.

**Section VII: Hours and Supervision of Inspections**

- A. Individuals who request to inspect records, as opposed to obtain copies, deemed to be public pursuant to R.I. Gen. Laws § 38-2-3, will be advised of when the records will be available for inspection, or an appointment will be made for them to inspect the requested records.
- B. The time frame for the Department to respond to requests to inspect public records is the same time frame applicable to responding to requests for copies of public records as set forth in Section (V) above.
- C. The inspection of public records must be accomplished in a manner which will provide for general supervision by authorized Departmental staff. This is necessary to prevent the misplacement or unauthorized removal of records or any other action that may impair the integrity of the public record.

**Section VIII: Fees**

- A. The cost for documents that are able to be copied on common business or legal size paper is fifteen cents (15¢) per page. The fee for electronic records is not more than the reasonable actual cost of those records.
- B. The cost for a Statewide Uniform Crash Report requested through the Department is fifteen dollars (\$15.00), pursuant to R.I.G.L. § 42-28-37.
- C. There is no fee for the first hour of search and retrieval of documents by the Department. There will be a fee of fifteen dollars (\$15.00) per hour for each additional hour spent for search and retrieval.
- D. The Department will provide an estimate of the cost of a request for documents prior to providing copies. Upon request, a detailed itemization of the costs charged for search and retrieval will be provided.
- E. If a court determines the information requested is in the public interest, it may reduce or waive fees for search and retrieval costs.

- F. Department personnel will make copies of requested records. The Department does not have a copy machine available for use by the public to make copies.
- G. Official publications prepared by the Department in the discharge of their duties to inform the public on matters of public interest will be furnished free of charge when available.
- H. The Department will supply one (1) copy of any of its rules and regulations to an individual free of charge. All promulgated rules and regulations for the Department and its agencies are on file at the Office of the Secretary of State, and certified copies, thereof may be obtained through that office. They are also available on-line at the following websites:
  - 1. [www.sos.ri.gov](http://www.sos.ri.gov)
  - 2. [www.dps.ri.gov](http://www.dps.ri.gov)

**Section IX: Severability**

- A. If any provision of this regulation or the application thereof to any individual or circumstances, is held invalid, such invalidity shall not affect the provisions or application of the remaining portions of the regulation which can be given effect. The provisions of these rules and regulations are declared to be severable

# **APPENDIX**

**APPENDIX A: Department of Public Safety Public Records Request Form**

**APPENDIX B: Rhode Island State Police Public Records Request Form**

**APPENDIX C: Rhode Island Capitol Police Public Records Request Form**

**APPENDIX D: Rhode Island Division of the State Fire Marshal Public Records Request Form**



# DEPARTMENT OF PUBLIC SAFETY PUBLIC RECORDS REQUEST FORM

Date: \_\_\_\_\_ Request Number: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Name (optional): \_\_\_\_\_  
 Address (optional): \_\_\_\_\_  
 City/Town, State, Zip Code (optional): \_\_\_\_\_  
 Telephone Number (optional): (Home): \_\_\_\_\_ (Work): \_\_\_\_\_

Requested Records:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If these records are not readily available at the time of your request, please advise whether you would like to:  
 \_\_\_\_\_ Pick up the records \_\_\_\_\_ Records to be sent regular mail  
 \_\_\_\_\_ Records to be faxed to Fax Number: ( \_\_\_\_\_ )

### For Office Use Only

Request Taken By: \_\_\_\_\_ Request Number: \_\_\_\_\_  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_ Records Available On: \_\_\_\_\_  
 Records Provided: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ In Part  
 Date response provided if any exemptions are claimed: \_\_\_\_\_  
 Costs for Records: Copies \$ \_\_\_\_\_ Search and Retrieval \$ \_\_\_\_\_

### Department of Public Safety – Access to Public Records Request Receipt

If you desire to pick up the records, they are expected to be available on \_\_\_\_\_ at the Department of Public Safety, Rhode Island State Police Headquarters, at the front desk in the main lobby. If, after review of your request, it is determined that the requested records are exempt from disclosure for a reason set forth in R.I.G.L. § 38-2-2(4) (i) (A) through (Y), the department reserves its right to claim such exemptions.

Note: If you choose to pick up the records but did not include identifying information on this form (name, etc.), please inform the officer at the front desk of the date you made the request, records requested and request number. Any parent, guardian, or attorney of an involved juvenile requesting records must show identification in order to obtain the records, pursuant to R.I.G.L § 14-1-64.



# RHODE ISLAND STATE POLICE PUBLIC RECORDS REQUEST FORM

Date: \_\_\_\_\_ Request Number: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Name (optional): \_\_\_\_\_  
 Address (optional): \_\_\_\_\_  
 City/Town, State, Zip Code (optional): \_\_\_\_\_  
 Telephone Number (optional): (Home): \_\_\_\_\_ (Work): \_\_\_\_\_

Requested Records:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If these records are not readily available at the time of your request, please advise whether you would like to:  
 \_\_\_\_\_ Pick up the records \_\_\_\_\_ Records to be sent regular mail  
 \_\_\_\_\_ Records to be faxed to Fax Number: ( \_\_\_\_\_ )

### For Office Use Only

Request Taken By: \_\_\_\_\_ Request Number: \_\_\_\_\_  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_ Records Available On: \_\_\_\_\_  
 Records Provided: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ In Part  
 Date response provided if any exemptions are claimed: \_\_\_\_\_  
 Costs for Records: Copies \$ \_\_\_\_\_ Search and Retrieval \$ \_\_\_\_\_

### Department of Public Safety – Access to Public Records Request Receipt

If you desire to pick up the records, they are expected to be available on \_\_\_\_\_ at the Department of Public Safety, Rhode Island State Police Headquarters, at the front desk in the main lobby. If, after review of your request, it is determined that the requested records are exempt from disclosure for a reason set forth in R.I.G.L. § 38-2-2(4) (i) (A) through (Y), the department reserves its right to claim such exemptions.

Note: If you choose to pick up the records but did not include identifying information on this form (name, etc.), please inform the officer at the front desk of the date you made the request, records requested and request number. Any parent, guardian, or attorney of an involved juvenile requesting records must show identification in order to obtain the records, pursuant to R.I.G.L § 14-1-64.



# RHODE ISLAND CAPITOL POLICE PUBLIC RECORDS REQUEST FORM

Date: \_\_\_\_\_ Request Number: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Name (optional): \_\_\_\_\_  
 Address (optional): \_\_\_\_\_  
 City/Town, State, Zip Code (optional): \_\_\_\_\_  
 Telephone Number (optional): (Home): \_\_\_\_\_ (Work): \_\_\_\_\_

Requested Records:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If these records are not readily available at the time of your request, please advise whether you would like to:

\_\_\_\_\_ Pick up the records \_\_\_\_\_ Records to be sent regular mail  
 \_\_\_\_\_ Records to be faxed to Fax Number: ( ) \_\_\_\_\_

### For Office Use Only

Request Taken By: \_\_\_\_\_ Request Number: \_\_\_\_\_  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_ Records Available On: \_\_\_\_\_  
 Records Provided: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ In Part  
 Date response provided if any exemptions are claimed: \_\_\_\_\_  
 Costs for Records: Copies \$ \_\_\_\_\_ Search and Retrieval \$ \_\_\_\_\_

### Department of Public Safety – Access to Public Records Request Receipt

If you desire to pick up the records, they are expected to be available on \_\_\_\_\_ at the Department of Public Safety, Rhode Island State Police Headquarters, at the front desk in the main lobby, or at the Capitol Police desk at the Rhode Island State House. If, after review of your request, it is determined that the requested records are exempt from disclosure for a reason set forth in R.I.G.L. § 38-2-2(4) (i) (A) through (Y), the department reserves its right to claim such exemptions.

Note: If you choose to pick up the records but did not include identifying information on this form (name, etc.), please inform the officer at the front desk of the date you made the request, records requested and request number. Any parent, guardian, or attorney of an involved juvenile requesting records must show identification in order to obtain the records, pursuant to R.I.G.L. § 14-1-64



RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY
State Fire Marshal

118 Parade Street, Providence RI 02909
Telephone: (401) 462-4200 — Fax: (401) 462-4250

Colonel Steven G. O'Donnell
Commissioner, Department of Public Safety
Superintendent, Rhode Island State Police

John E. Chartier, EFO, CFI
State Fire Marshal
Division of the State Fire Marshal

Request Form for Records under the Access to Public Records Act

Date Request Number

Name (optional)

Address (optional)

Telephone (optional)

E-mail address (optional, if provided report returned via e-mail)

Requested Records

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

Forward this document to the Investigations Division of the Division of State Fire Marshal

Division of State Fire Marshal – Access to Public Records Request Receipt

If you desire to pick up the records, they will be available on at the front desk. If, after review of your request, the Department determines that the requested records are exempt from disclosure for a reason set forth in RI Gen Laws § 38-2-2(4)(i)(A) through (Y), the Department 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.