





**RULES AND REGULATIONS**  
**FOR**  
**PUBLIC ACCESS TO FILES AND RECORDS**

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1. **Policy**

It is the policy of the Narragansett Bay Commission (NBC) that its files and records shall be available for inspection by the public to the fullest possible extent consistent with the NBC's ability to pursue effectively its activities, with the rights of individuals to privacy, with the rights of persons to necessary confidentiality of proprietary information, and with the need for frank policy deliberations.

2. **Statutory, Judicial or Regulatory Exemption**

All files and records of the NBC are available for public inspection unless they are specifically exempted by rules of the Commission or unless their disclosure is prohibited by state or federal law or by order of a court of competent jurisdiction.

### **3. Specific Exemptions**

The following categories of files and records, or information in such files and records of the NBC shall not be available for inspection:

3.1 Individual personnel files: Access to these files shall be limited to the individual concerned, members of the NBC, appropriate staff and clerical personnel employed by the NBC who are responsible for preparation and maintenance of personnel records and files.

3.2 Trade secrets and other proprietary information shown by their provider to the satisfaction of the NBC, to be of such character that the confidentiality should be maintained in order to preserve the providers competitive position in industry, or that their disclosure would detrimentally affect the provider's business. If the NBC and the provider fail to agree as to the applicability of this exemption to certain materials, those materials, along with any application to which they might be appended, shall not be accepted by the NBC. No such material shall subsequently be brought before the NBC or its committees as the basis for appeal or reconsideration of any action taken.

3.3 Notes and records relating to negotiations relative to contractual arrangements until a contract is executed.

3.4 Survey data disclosing information about individuals, organizations or firms, the disclosure of which would be contrary to assurance given to the provider of which would constitute an invasion of personal privacy.

3.5 Memoranda of conversations with legal counsel, memoranda exchanged with legal counsel, files and work product of legal counsel to the NBC and general policy memoranda of legal counsel.

### **4. Segregated Information**

If a record contains both disclosable and nondisclosable information, the disclosable portion will be disclosed unless that portion cannot reasonably be segregated from the rest of such record.

### **5. Request for Inspection**

A request for inspection of records shall reasonably describe the records sought in a way that will permit their identification and location by the NBC; such request need not be in any particular form. The Secretary of the records shall require the request to be documented in writing. If the description of records sought in the request is not sufficient to allow the identification and location of the requested records, the Secretary will notify the requester that additional information is needed. The Secretary will make every reasonable effort to assist in the identification and description of records sought and to assist the requester in formulating his request. Inspection of records shall be during regular business hours, at the NBC Corporate Office Building, unless other arrangements are made with the Secretary.

## **6. Appeal Procedure**

The Secretary, in the event of denial of a request for the inspection of records, shall so notify the requester in writing within ten (10) business days of the receipt of the request with specific reasons for denial. Any person denied the right to inspect said record may petition the Chairperson of the NBC for review of the determinations made by the Secretary. The Chairperson shall notify the entire Commission of the petition. Said request for review shall be in writing and shall be filed with the Chairperson no later than the twentieth (20th) business day after the date of the response of the Secretary. The Chairperson shall make a final determination whether or not to allow public inspection within ten (10) days after the submission of the review petition.

For the purposes for the Section, the Chief Administrative Officer, as defined and set forth in Title 38, Chapter 2 of the General Laws of the State of Rhode Island, shall be the Chairperson.

## **7. Copies**

If copies of records are provided, fees for reproduction shall be charged at the rate per page not to exceed the then prevailing commercial rates as determined by the Secretary. The Secretary may waive said fees if same are, in his opinion, for the good of the public interest.