

TOWN OF SCITUATE  
POLICIES AND PROCEDURES FOR THE REQUEST OF RECORDS  
PURSUANT TO R.I.G.L. § 38-2-1 ET SEQ.

The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of these policies is to facilitate public access to public records. It is also the intent of Town Council, as the governing body of the Town of Scituate ("Town") to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

The request to inspect or copy records of public bodies is governed by the provisions of the Rhode Island General Laws § 38-2-1 *et seq.*, entitled "Access to Public Records" Act ("APRA"). There are several pertinent and applicable sections of the APRA that citizens should be aware of: R.I.G.L. §§ 38-2-2 ("Definitions"), 38-2-3 (Procedures for access"), 38-2-4 ("Cost") and 38-2-7 ("Denial of access"). For further reference, the APRA is contained in Volume 6A of the General Laws of Rhode Island and is available for review at public libraries or on-line at: <http://www.rilin.state.ri.us/Statutes/TITLE38/38-2/INDEX.HTM>

It is the policy of the Town that a member of the Town Clerk's Office shall be the designated Public Records Officer for requests made to Town Departments, except for the Scituate Police Department and the Scituate School Department, which shall have separate procedures and Public Records Officers. All requests pursuant to the APRA shall be made to the Public Record Officer on the *Public Records Request Form*, which shall be available on line at the Town's website [[www.scituateri.org](http://www.scituateri.org)] or at Town Hall, 195 Danielson Pike, North Scituate, RI 02857 between the hours of 8:30 am – 4:00 pm, Monday – Friday. If the request is readily identifiable as a public records request, the Town Clerk shall not require that the requestor use a *Public Records Request Form*.

All Town Departments (except the Police and School Departments) shall direct and defer all APRA requests to the attention of the Public Record Officer.

Upon receipt of an APRA request, the Public Record Officer shall document the receipt of said request (i.e. date-stamped receipt), maintaining the original request in a file. A copy shall be given to the requestor and a copy shall be scanned and communicated via hand-delivery to the Department (with signature/initial confirmation from said Department) having the information responsive to the request. An e-mail copy of the request will also be sent to the Town Clerk, the Council President and the Town Solicitor upon request. This shall be done for any request where the information is not otherwise available to the Clerk or in the Official Town records, including the Town Land Evidence Record. If the information is readily available, the Town Clerk shall provide the records (at no charge<sup>1</sup>) and note how the request was handled on the *Public Records Request Form*.

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<sup>1</sup> Land Evidence Records are "readily available" in the Vault and via access online at [www.scituateri.org](http://www.scituateri.org); however, there are standard charges for these records, payable to the Town and to the State, set by statute, which charge(s) are not waived by virtue of the request being made under or pursuant to the APRA.

At the option of the requestor, the Public Record Officer shall provide copies of public records electronically, by facsimile, or by email, unless doing so would be unduly burdensome due to how the records are maintained, the volume of records requested or the costs that would be incurred. The requestor shall be responsible for the actual cost of delivery, if any. It should be noted APRA does not require the Town to reorganize, consolidate, or compile data not maintained in the format requested.

If the requested information is not readily available to the Public Record Officer, then the Department responding to the request, shall prepare the necessary response and return it to the Public Record Officer. If the Department determines that the request is such that it will require more than two (2) hours of retrieval time, or that the amount of documents requested is voluminous, the Department shall notify the Public Record Officer and provide estimated charges for retrieval time and copying costs (not to exceed the statutory limit of \$0.15 per page and \$15.00 per hour, with no charge for the first hour). Additionally, upon request, the Public Record Officer shall provide an estimate of costs. If the cost of production of the information is estimated to exceed ten dollars (\$10.00), the Town Clerk shall request that payment be due at the time the request is made, or before the information is compiled, so as to reduce unnecessary administrative expenses associated with gathering documents and information that is requested but not picked up. As provided in R.I.G.L. § 38-2-4 (b), multiple requests from any person or entity to the same public body within a thirty (30) day time period shall be considered one request. In the occurrence that multiple requests from the same Requestor are in fact received within a thirty (30) day time period, a cost will be assessed. The Requestor will be charged \$15.00/hour for every hour past the first free hour, in said thirty (30) day period.

Pursuant to § 38-2-4(a), the following fee schedule will be assessed for all Public Record Requests:

- Over 100 pages of copying:
  - Letter sized - \$0.15/page
  - Legal sized – \$0.15/page
  - 11” x 17” sized - \$1.00/page
  - 24” x 36” sized - \$5.00/page

After first hour of search and retrieval time (which is free, pursuant to RIGL § 38-2-4 (b) , a fee of \$15.00/hr will be assessed. As clarified above, multiple requests from any person or entity to the same public body within a thirty (30) day time period shall be considered one request, and therefore will be charged \$15.00/hr.

The Public Record Officer shall contact the requestor to inform him/her that the request is ready; all necessary fees shall be collected by and paid to the Town Clerk’s Office. The records search will be suspended until a payment is received for the estimate.

As set forth in the APRA, R.I.G.L. § 38-2-3 (d), a written request for public information need not be submitted for records available pursuant to R.I.G.L. § 42-35-2 or for those documents that are prepared for or readily available to the public. Such records that are maintained by the Town are available for inspection and may be reviewed at Town Hall on weekdays between the hours of 8:30

AM and 4:00 PM. If you have any questions about the availability of these records, you should contact the Town Clerk to ascertain if the requested documents are maintained by the Clerk. For a copy of documents that are readily available to the public, there is no charge (except as noted in Footnote No. 1, above.)

For those records that have not been prepared for or are not readily available to the public, the requestor should submit a written request as set forth above.

Any reasonably segregable portion of a public record that is exempt shall be available after the deletion of information which is the basis of any exclusion and does not violate the intent of APRA. If there is a question as to whether the requested records are indeed classified as “public records”, or if the request seeks information which is exempt from public disclosure, confidential, protected, or otherwise subject to privilege, the Public Record Officer shall obtain an opinion and recommendation from the Town Solicitor’s Office.

The Public Record Officer shall respond to the Requester in writing regarding their request in accordance with APRA. All such responses shall note that if the Requester is aggrieved by the Public Record Officer’s response to the Request, then the Requester may appeal the decision(s) of the Public Record Officer to the Town Clerk, as the Chief Administrative Officer for APRA. The Chief Administrative Officer shall make a final determination regarding the Request(s) utilizing this policy within ten (10) business days after the submission of the review petition in accordance with APRA.

After the requested payment for any copying or retrieval charge(s) has been received by the Town Clerk’s Office, copies of records that may be properly released shall be sent to requestor according to the delivery preference. US Mail, postage pre-paid shall be the delivery option if no alternate request is made.

In the event that a Requestor wishes to inspect these public records, the Town Clerk shall coordinate with the Department responsible for maintenance of public records, and will contact the requestor to arrange a time for inspection of the records at Town Hall.

In order to provide access to issues that may be of interest to the general public, the Town may store documents on its website and/or internet link. The Town may refer records requests to the website and/or internet link for any documents already publicly posted and responsive to the request. Completed requests for public records and the responses may also be publicly posted.

Revised May 2021

Ratified by the Scituate Town Council at the May 13, 2021 Council meeting