

Town of South Kingstown

ACCESS TO PUBLIC RECORDS ACT PROCEDURE

R.I. General Laws Section 38-2-2 et seq.

The Town is committed to providing the public with access to public records from all Town departments¹ under R.I. General Laws Section 38-2-2. The Town's various departments and staff provides numerous documents to the public, media, and attorneys every day in the ordinary course of business. Any person who wishes to request a public record should complete a "Request for Records Under the Access to Public Records Act" form, which is available at the Police Department for police records, the Town Clerk's office for all Town Council related requests, or the Town Manager's office for all other requests. Completion of this form is not mandatory but is used to facilitate the request. In the event a requestor does not wish to complete the form, a verbal request may be made of the custodian of the records.

Pursuant to R.I. General Laws Section 38-2-3(d), the South Kingstown Town Council has established the following procedure regarding access to public records:

1. Please inform the designated official that you wish to make a request for public records. Requests can be made through the Police Department, Town Clerk, and Town Manager's offices from 8:30 a.m. to 4:00 p.m. Monday through Friday.
2. The designated official will provide you with a form to complete, which permits us to know the precise public documents you seek and assists us in processing your request in an expeditious manner.
4. The Access to Public Records Act, R.I. General Laws Section 38-2-3(e), grants a public body ten (10) business days to respond to a public records request. The Act further provides that for good cause, a public body may submit a written request for an extension of up to twenty (20) business days to process the request.
5. **Costs.** The Access to Public Records Act provides the requestor the opportunity to view and/or copy public records. Should a copy be requested, the cost per copied page of written public documents is fifteen cents (\$0.15) in accordance with RIGL §38-2-4 for documents copied on common business size (letter or legal) paper. You may elect to obtain public records in any and all media in which we are capable of providing them. The Act permits a reasonable charge for search and retrieval of documents. The hourly costs for a search and retrieval shall be fifteen dollars (\$15.00) per hour, with no charge for the first hour. Upon receipt of a request, the Town will provide an estimate and should the estimate be agreeable to the requestor, a detailed itemization of the costs charged for search and retrieval will be provided upon completion.

¹ The volunteer Fire Departments (Union Fire District and Kingston Fire District), South Kingstown Housing Authority, and the School Department are not within the authority of the Town Council or Town Manager and have their own procedures for access to public records.

6. **Public Records.** A “public record” is defined as “documents, papers, . . . 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.” R.I. General Laws Section 38-2-2(4).
7. **Redaction.** Although a document may constitute a public record, there may be some information contained therein that may be redacted/deleted as it may be exempt from disclosure under R. I. General Laws Section 38-2-2.
8. **Exemptions.** The Access to Public Records Act exempts a variety of records from public disclosure, as set forth in R.I. General Laws Section 38-2-2(4).
9. **Appeal of Denial.** Any person or entity denied the right to inspect a record of a public body may petition the Town Manager for review of the decision denying the request. Any petition from a denial should be addressed to the Town Manager, Town of South Kingstown, 180 High Street, Wakefield, RI 02879. A final determination of whether to allow public inspection will be made within ten (10) business days after the submission of the petition, as set forth in R.I. General Laws Section 38-2-8.
10. **Complaint to the Attorney General.** If the Town Manager determines the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Attorney General, 150 Main Street, Providence, RI 02903; Telephone: (401) 274-4400 or may retain private counsel for the purposes of instituting proceedings for injunctive or declaratory relief in the Superior Court of Washington County.