

RULES OF THE
RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION
RELATING TO
ACCESS TO ITS PUBLIC RECORDS

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BUILDING CORPORATION RELATING TO
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I. INTRODUCTION

The purpose of the Rules is

- A. To establish Rules to comply with Chapter 35 of Title 42 and Chapter 2 of Title 38 of the Rhode Island General Laws regarding, access to Public Records held by the Corporation;
- B. To identify records which are exempt from disclosure; and
- C. To establish procedures for obtaining Public Records held by the corporation.

II. DISCLOSURE OF RECORDS.

All Public Records maintained or held by the Corporation shall be subject to inspection and reproduction by members of the Public in accordance with the Rules enunciated herein, unless exempt or prohibited from disclosure by state or federal law or by order of a court of competent jurisdiction.

III. EXEMPTIONS AUTHORIZED BY THE ACCESS TO PUBLIC RECORDS
LAW

The following categories of records or information in such records are exempt from disclosure:

- A. All records which are identifiable to persons who are clients, patients, students, employees or individual applicants for benefits; including, but not limited to, personnel records, medical treatment records, welfare records, employment security records, pupil records and all records relating to a client-attorney relationship or to a doctor-patient relationship.
- B. Trade secrets and commercial or financial information obtained from a person, firm or corporation which is of a privileged or confidential nature, including but not limited information contained in reports of credit reporting agencies in accordance with 15 U.S.C. §1681 et seq.
- C. Any records which would not be available by law or rule of court to an opposing party in litigation.

- D. Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.
- E. 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.
- F. The minutes of a meeting closed to the Members of Public in accordance with the Open Meetings Law regarding:
 - 1. Any discussions of the job performance, character, physical or mental health of a person or persons, provided that such person or persons affected may require that such discussion be held at an open meeting.
 - 2. Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to the same.
 - 3. Discussions regarding the matter of security including, but not limited to, the deployment of security personnel or security devices.
 - 4. Any investigative proceedings regarding allegations of either civil or criminal misconduct.
 - 5. Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property when advance public information would be detrimental to the interest of the public.
 - 6. Any discussions related to or concerning a prospective business or industry locating in the State when an open meeting would have a detrimental effect on the interest of the public.
 - 7. A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto.
- G. Preliminary drafts, notes, impressions, memoranda, working papers, and work products.
- H. Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations; provided, however, a Member of

the Public shall have the right to review the results of his own examination.

- I. Correspondence of or to elected officials with or relating to those they represent, and Correspondence of or to elected officials in their official capacities.
- J. The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the Corporation 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; provided, however, the law of eminent domain shall not be affected by this provision.
- K. All tax returns.
- L. All investigatory records of public bodies pertaining to possible violations of statute, rule or regulation. All records of final actions taken are Public Records but none of these records shall be deemed to be Public Records subject to disclosure prior to formal notification of violations or noncompliance.
- M. Records of individual test scores on professional certification and licensing examinations.
- N. Records, reports, opinions, information and statements required to be kept confidential or exempt from disclosure by federal or state law, rule, rule of court, or regulation or by state statute.
- O. Any records containing information on child custody, adoption records, illegitimate births, and records of juvenile proceedings before the Family Court, including records of juvenile delinquency proceedings declared confidential under 18 U.S.C.A. § 5038.
- P. All records maintained by law Enforcement agencies for criminal law enforcement. Provided, however, that any records reflecting the initial arrest of an adult and any complaint against an adult filed in court by a law enforcement agency shall be a Public Record.
- Q. Requests for advisory opinions until such time as the public body issues its opinion.
- R. 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.

- S. Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to a public body whenever public anonymity has been requested of the public body with respect to said contribution by the contributor.
- T. 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.
- U. Printouts from telecommunication devices for the deaf or hearing and speech impaired.

IV. DELETION OF NONDISCLOSABLE INFORMATION

The Executive Director of the Corporation shall determine if information contained in a document which is the basis for its nondisclosure can be deleted. If so, the document shall be made available to the Member of the Public once the necessary deletions have been completed if disclosure of the non-deleted portions does not violate the intent of Chapter 2 of Title 38 of the Rhode Island General Laws regarding access to Public Records.

V. PROCEDURES FOR OBTAINING ACCESS

- A. A Request to Inspect and/or Copy Public Records of the Corporation (the "Request") shall be presented in writing to the Executive Director at the Office of the corporation during Business Hours of the Corporation.
- B. All such Requests shall be made on the form attached hereto as Exhibit "A" and must contain a description of the Public Record sought sufficient to enable identification and location of the Public Record by personnel of the Corporation. Persons filing a Request will be notified if the description is insufficient. Notwithstanding the foregoing or the other provisions of this Section V, if the Executive Director determines that any such Request may be easily and quickly complied with without the need for a written Request, then such written Request will not be necessary.
- C. The Corporation will respond to such Requests as quickly as possible, and in any event within ten (10) business days of receipt of the Request..
- D. If a record is in active use or storage and, therefore, not available at the time of Such a Request, the Executive Director or his or her designee shall so inform the person making the Request, and shall further offer an appointment to such individual to examine such records as expeditiously as they may be made available.

- E. Printouts of properly identified disclosable data maintained by the Corporation in a computer storage system shall be available to persons following the above stated procedures.
- F. The Corporation is not required to reorganize, consolidate, or compile data which is not maintained by the Corporation in the form requested at the time the request to inspect such Public Records was made.
- G. The Executive Director may restrict access to Public Records to specified times and days, consistent with these Rules, if it is determined that this is necessary or appropriate to prevent unnecessary disruption of the Corporation's work.

PROHIBITION OF COMMERCIAL USE OF PUBLIC RECORDS

No Member of the Public shall use information obtained from Public Records to solicit for commercial purposes or to obtain a commercial advantage over the party furnishing that information to the Corporation.

DENIAL OF ACCESS

- A. The Officer of Public Information shall notify the person requesting access to a Public Record in writing of a denial of access and the specific reasons for the denial within ten (10) business days of the filing of the Request, on the form substantially similar to the one attached hereto as Exhibit "C" (the "Denial").
- B. If the Corporation fails to reply to a Request within ten (10) business days, such failure shall be deemed a denial. If the Corporation shall reasonably require more than ten (10) business days to locate the requested Public Record, the Corporation shall notify the person requesting the information stating the reason for the additional time required to provide the records sought, whereupon the Corporation shall proceed expeditiously to locate the Public Record; provided, however, that if the Public Record has not been made available or access denied on or before the thirtieth (30th) business day following the Request, such Request shall be deemed denied.

ADMINISTRATIVE APPEALS

- A. Once denied access to a Public Record of the Corporation, any person may petition the Executive Director of the Corporation for a review of the Denial by filing a Petition For Review of Denial of Access to Public Records of the Rhode Island Health and Educational Building Corporation (the "Petition") with the Office of the Corporation.

- B. Petitions shall be in the form attached hereto as Exhibit "D" and may be obtained from the Executive Director.
- C. The Executive Director shall make a final determination on the status of the Public Record within ten (10) business days after submission of the Petition.
- D. If the Executive Director approves disclosure of the Public Record, the Executive Director will arrange an appointment for inspection.
- E. If the Executive Director denies disclosure of the Public Record, the person seeking disclosure may file a complaint with the Attorney General or may retain private counsel for the purpose of instituting proceedings for injunctive or declaratory relief in the Superior Court of the County where the Public Record is maintained.

IX. RETRIEVAL AND/OR REPRODUCTION FEES

- A. The Corporation shall charge a fee of fifteen cents (\$.15) per page for copies made and an hourly fee for the actual cost of an employee's time spent searching for and/or copying a Public Record; provided, however, that such hourly charge shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first ten minutes of search or retrieval.
- B. All fees due shall be paid in advance of delivery in the form of cash, money order, corporation business check, or cashier's or treasurer's check payable to the Rhode Island Health and Educational Building Corporation, unless the Corporation shall have agreed otherwise.
- C. The Corporation shall inform the person making the Request upon receipt and granting of the Request, that a fee will be charged and provide the person with an estimate of the total cost.

EXHIBIT "A"

REQUEST

REQUEST TO INSPECT AND/OR COPY PUBLIC RECORDS OF
THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING
CORPORATION

NAME OF PERSON MAKING REQUEST _____

ADDRESS OF PERSON MAKING REQUEST: _____

TELEPHONE NO. OF PERSON MAKING REQUEST: _____

TITLE AND/OR DESCRIPTION OF DOCUMENT(S) REQUESTED TO BE
INSPECTED _____ AND/OR COPIED _____:

NAME AND TITLE OF PERSON IN DEPARTMENT HAVING CUSTODY OF
DOCUMENT(S), IF KNOWN:

Copies of any document(s) are fifteen (\$.15) cents per page or the actual reproduction cost of paper larger than 8 1/2" x 14", plus an hourly charge of fifteen (\$15.00) dollars per hour for searching and copying, unless otherwise provided by Corporation Regulations.

Materials requested ARE _____ ARE NOT _____ sought for the purpose of pending litigation involving Rhode Island Department of Business Regulation or the State of Rhode Island.

Date

Signature of Person Making Request
Print Name:

EXHIBIT "B"

NOTICE OF ACCESS TO PUBLIC RECORD(S)
OF RHODE ISLAND HEALTH AND
EDUCATIONAL BUILDING CORPORATION

Date: _____

Dear _____

Your Request to Inspect and/or Copy Public Records of the Rhode Island Health and Educational Building Corporation dated _____ and received by the Rhode Island Health and Educational Building Corporation on _____ has been granted.

The record(s) is/are available for inspection between the hours of _____ a.m. and through _____ at _____, upon receipt by the Executive Director of payment in the amount of \$ _____ reflecting a search charge of hours at per hour.

A copy of each record will be provided to you upon receipt by the Executive Director of payment in the amount of fifteen cents (\$.15) per page. All charges assessed by the corporation are made pursuant to the "Rules of the Rhode Island Health and Educational Building Corporation Relating to Access to its Public Records," a copy of which is available to you at no charge.

RHODE ISLAND HEALTH AND
EDUCATIONAL BUILDING
CORPORATION

Executive Director

Checks should be made payable to the Rhode Island Health and Educational Building Corporation and should be presented to:

Executive Director
Rhode Island Health and Educational
Building Corporation
400 Westminster Street.
Providence, Rhode Island 02903

EXHIBIT "C"

Denial No.

DENIAL OF ACCESS TO PUBLIC RECORD(S)
OF
RHODE ISLAND HEALTH AND
EDUCATIONAL BUILDING CORPORATION

Date: _____

Dear _____

Your Request to Inspect and/or Copy Public Records of the Rhode Island Health and Educational Building Corporation dated _____ and received by the Rhode Island Health and Educational Building Corporation on _____ has been denied in whole or in part as indicated herein. The record(s) requested is/are exempt from disclosure for the reasons stated below.

RECORD REQUESTED

REASON FOR DENIAL

_____	1. _____ _____ _____
2. _____	2. _____ _____ _____
3. _____	3. _____ _____ _____
4. _____	4. _____ _____ _____

5. _____

5. _____

You may request a review of this decision by the Executive Director of Rhode Island Health and Educational Building Corporation by submitting a Petition for Review Form to the Rhode Island Health and Educational Building Corporation, 400 Westminster Street, Providence, Rhode Island 02903. A copy of the form of the Petition for Review is enclosed for your convenience.

**RHODE ISLAND HEALTH AND
EDUCATIONAL BUILDING CORPORATION**

Executive Director

EXHIBIT "D"

PETITION FOR REVIEW
OF
DENIAL OF ACCESS TO PUBLIC RECORD(S)
OF THE
RHODE ISLAND HEALTH AND
EDUCATIONAL BUILDING CORPORATION

A. DIRECTIONS

- 1 Please complete the following.
2. Please forward the completed form to:

Rhode Island Health and Educational
Building Corporation
400 Westminster Street
Second Floor
Providence, Rhode Island 02903

B. IDENTIFICATION OF PERSON MAKING REQUEST

- 1 NAME:
2. BUSINESS:
3. OFFICE OR TITLE:
4. ADDRESS: TELEPHONE NUMBER:

C. IDENTIFICATION OF DOCUMENT(S) DENIED ACCESS TO

TITLE(S) OF DOCUMENT(S):

D. IDENTIFICATION OF DENIAL NOTICE

1. DENIAL NO.: _____

(Contained in upper right corner of denial)

2. DATE OF DENIAL: _____

I received the Denial of Access to Public Records of the Rhode Island Health and Educational Building Corporation indicated above in response to my Request to Inspect and/or Copy Public Records of the Rhode Island Health and Educational Building corporation and hereby request a review of that Denial by the Executive Director of the Rhode Island Health and Educational Building Corporation.

Date: _____

Signature

Title (if applicable)

FOR USE BY RHODE ISLAND HEALTH
AND EDUCATIONAL BUILDING
CORPORATION ONLY

DATE RECEIVED: _____