

Rhode Island

Holding Power Accountable

Testimony on H 5457--An Act Relating to Public Records--Access to Public Records

Position: Oppose

Common Cause Rhode Island opposes H 5457, a bill that would make it more difficult for the public to access public records. The bill would increase the maximum per-hour charge for search and from \$15 to \$25. It will also allow a public body to withhold records if the requester owes an outstanding balance for prior records requests. Access to public records is paramount to government accountability.

As written, this legislation will allow any government body to not respond to a public records request if the requester owes any other government body an outstanding charge. In practice, if a member of the public or the media owes any public body even fifteen cents for a police report, they can be denied access to all records of all other governments in the state.

As written, the legislation is about a balance owed for a prior "request." In practice, that means if the requester is charged for a request but chooses not to pay the fee, and therefore does not receive the records, they may be considered as owing a balance and therefore ineligible to request records from any other law enforcement agency. It would require a level of coordination among governments that is almost impossible.

The legislation also increases the maximum search and retrieval fee to \$25 per hour. Too often excessive fees are used to discourage records requests. Raising the dollar amount will only exacerbate the problem.

We urge the committee to reject H 5457.