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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 25-H 5457, RELATING TO PUBLIC RECORDS – ACCESS TO PUBLIC RECORDS April 22, 2025

The ACLU of Rhode Island opposes these amendments to the Access to Public Records Act (APRA), which would increase from \$15 to \$25 the hourly costs that could be charged by public bodies for searching for records, and would also require a person to pay any outstanding balance owed for prior records requests before the agency would have to comply with additional requests.

Rather than increasing the costs for access to what are the taxpaying public's own records, we believe that efforts should be made to reduce the costs for obtaining those documents. In that regard, we continue to support APRA reform legislation which follows the lead of the federal Freedom of Information Act and provides for the reduction or waiver of costs in providing records when release of the information is in the public interest because it is likely to "contribute significantly to public understanding of the operations or activities of the government."

In our view, too many public bodies view compliance with APRA as a burden when it instead should be considered a fundamental aspect of serving the public. Taxpayers are responsible for the generation of the records that are part of any request, and for paying the salaries of the individuals who are responsible for implementing APRA. Any additional costs for obtaining the records should be minimal, especially in light of APRA's goal of shedding light on government activity.

The bill's second proposed amendment seems unnecessary to us, as we have found that public bodies routinely seek pre-payment of extensive APRA requests. In addition, this provision would impose a substantial barrier for requesters who are in the midst of challenging the legitimacy of the fees charged for a pending or prior open records request with the public body.

For all these reasons, the ACLU opposes this legislation. Thank you for considering our views.