



**STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF COMMERCE**

Submitted via email

April 22, 2025

The Honorable Evan P. Shanley
Chair, House State Government and Elections Committee
State House
82 Smith St.
Providence, RI 02903

RE: H. 5877 — RELATING TO PUBLIC RECORDS — ACCESS TO PUBLIC RECORDS

Dear Chair Shanley and Members of the Committee,

I am writing on behalf of Rhode Island Commerce (“Commerce”) to express concerns with House Bill 5877 which may adversely affect how Commerce responds to public records requests governed by the Access to Public Records Act, R.I. Gen. Laws § 38-2-1 *et seq.* (“APRA”).

This bill amends R.I. Gen. Laws § 38-2-3(g) to provide that “[n]otwithstanding the provisions of [R.I. Gen. Laws] § 38-2-4, electronically stored public records in a computer storage system, shall upon request be provided at no charge.” Currently, R.I. Gen. Laws § 38-2-4(a)-(b) allows public bodies to charge APRA requestors: (i) not more than \$.15 per copied page of written documents provided; (ii) the reasonable actual cost for providing electronic records or retrieving records from storage where the public body is assessed a retrieval fee; and (iii) not more than \$15.00 per hour for the search and retrieval of documents, with the first hour provided at no charge.

Commerce has concerns that prohibiting public bodies from assessing these charges when providing electronic records could lead to a significant influx in frivolous requests hindering our ability to respond to requests in a timely manner and with the caution/care that the documents we maintain require considering the confidential and proprietary nature of many of those documents. The time and effort required for Commerce personnel to search for and retrieve electronic records contained in various formats, including emails, electronic files, and databases, can often be a time-consuming and arduous process that requires careful attention to detail. Moreover, once documents responsive to an APRA request are identified, records custodians must thoroughly review them to ensure that said documents do not contain information that is otherwise prohibited by law from disclosure and/or would constitute an unwarranted invasion of personal privacy if disclosed.

While Commerce dutifully abides by the provisions of APRA and fully supports the inspection and retrieval of public documents in the spirit of government transparency, it respectfully cautions against opening the flood gates to frivolous requests which could decrease the operational efficiency of personnel and records custodians.

Thank you for your consideration.

Sincerely,



Elizabeth M. Tanner, Esq.
Secretary of Commerce

CC. Honorable Members of the House State Government and Elections Committee
The Honorable Stephen M. Casey
Nicole McCarty, Esq., Chief Legal Counsel