



Rhode Island Executive Office of Health and Human Services
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April 22, 2025

The Honorable Evan P. Shanley, Chairman
House Committee on State Government and Elections
Room 135, State House
Providence, Rhode Island 02903

RE: H 5877 – Relating to Public Records – Access to Public Records

Dear Chairman Shanley:

I am writing on behalf of the Executive Office of Health and Human Services (EOHHS) regarding House Bill 5877 and its effect upon the process to respond to public records requests governed by the Access to Public Records Act, R.I. Gen. Laws § 38-2-1 *et seq.* ("APRA"). While EOHHS strongly supports the principles of transparency and accountability that APRA embodies, waiving fees outright could have unintended consequences that negatively impact the efficiency and fairness of the APRA process. For this reason we are opposed to the legislation as written.

While EOHHS does not charge for copies under R.I. Gen. Laws § 38-2-4 (a) when the requester seeks records *delivered* electronically, waiver of *all* fees, including search or retrieval fees under R.I. Gen. Laws § 38-2-4 (b) (allowing for "[a] reasonable charge . . . for the search or retrieval of documents . . . not [to] exceed fifteen dollars (\$15.00) per hour") bares a risk of overwhelming public agencies with excessive or unreasonable demands, leading to delays in fulfilling legitimate requests and straining limited resources. Indeed, the RI Supreme Court has determined that not only are search or retrieval fees permissible, but other costs not expressly mentioned within the APRA may be assessed, specifically, the "costs of redaction should be borne by the requesting party because it is part of the process of retrieving and producing the requested documents." Sec DARE v. Gannon, 819 A.2d 651, 661 (R.I. 2003).

When an estimate of search or retrieval fees is provided to the requestor from the agency, a dialogue ensues between the parties to condense and further define the scope of the request.

Further, waiving all fees for all requestors may inadvertently disadvantage individuals or organizations with legitimate, resource-intensive queries by creating longer wait times and congested processing pipelines. This undermines the equitable access to information that APRA aims to achieve.

Thank you for considering EOHHS' perspective on this important matter.

Sincerely,

Richard Charest R.Ph., MBA
Secretary
Executive Office of Health and Human Services

CC: Honorable Members of the House Committee on State Government and Elections
Honorable Stephen M. Casey
Nicole McCarty, Esq., Chief Legal Counsel
Lynne Urbani, Director of House Policy