



Rhode Island Department of Revenue Office of the Director

April 22, 2025

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

**Re: 2025 H-5877-AN ACT RELATING TO PUBLIC RECORDS
- ACCESS TO PUBLIC RECORDS**

Dear Chair Shanley:

I am writing on behalf of the Department of Revenue and its six divisions (collectively “DOR”) in opposition to House Bill 5877 because it may adversely affect how the DOR responds to public records requests governed by the Access to Public Records Act, R.I. Gen. Laws § 38-2-1 *et seq.* (“APRA”). When responding to APRA requests the DOR adheres to all requirements of the APRA and ensures that all responses fulfill the APRA’s dual purposes of facilitating public access to public records and protecting from disclosure information about particular individuals when disclosure would constitute an unwarranted invasion of personal privacy.

As you know, this bill amends R.I. Gen. Laws § 38-2-3(g) to provide that “electronically stored public records in a computer storage system [] shall upon request be provided at no charge . . . [n]otwithstanding the provisions of [R.I. Gen. Laws] § 38-2-4.” Section 38-2-4 allows public bodies, including the DOR, to charge APRA requestors: (i) \$15.00 per hour for the search and retrieval of documents, with the first hour provided at no charge; (ii) \$.15 per copied page of written documents provided; and (iii) the reasonable actual cost for providing electronic records or retrieving records from storage where the public body is assessed a retrieval fee.

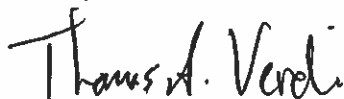
The bill’s prohibition on allowing public bodies to assess any of these charges when providing electronic records could have a detrimental effect on the DOR’s future APRA responses. The effort required of DOR personnel to search for and retrieve electronic records contained in various formats, including emails, electronic files, and databases, is no less arduous than the effort required to search for paper records, which can be stored in a public body’s office file cabinet or offsite at a records retention center. In either format, DOR personnel are reviewing the same potentially responsive documents containing the same information. Once documents responsive to an APRA request are identified, DOR personnel must thoroughly review them to ensure they do not contain information that is prohibited by law from disclosure and/or would not constitute an unwarranted invasion of personal privacy if disclosed. This review and redaction process is an integral part of fulfilling the purposes of the APRA. Prohibiting the DOR and other public bodies from charging for it, even at the current rate of \$15.00 per hour that is far below the hourly rate of the employees performing these functions, could lead to public body personnel conducting a less careful review causing the disclosure of information that should not be disclosed, and which cannot be undisclosed following an inadvertent disclosure.

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While the DOR already does not charge APRA requestors a per page fee or any additional cost when providing electronic records, it seeks to continue responding to APRA requests in a manner that fulfills the APRA's dual purposes. Allowing the DOR to continue to charge for its search and retrieval of public records regardless of the format in which they are maintained will help to achieve this goal.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Thomas A. Verdi". The signature is written in a cursive style with a large, stylized "T" and "V".

Thomas A. Verdi
Director

Cc: The Honorable Members of the House Committee on State Government and Elections
The Honorable Stephen M. Casey
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker