

*Submitted via email*

March 31, 2026

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

**RE: H. 7305 — AN ACT RELATING TO PUBLIC RECORDS - ACCESS TO PUBLIC RECORDS**

Dear Chair Shanley and Members of the Committee,

I write on behalf of Rhode Island Commerce (“Commerce”) to express concerns with House Bill 7305, which will 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”).

In part, this bill amends APRA by (1) deeming all documents reviewed, considered, or submitted at open meetings of public bodies as public documents; and (2) voiding all contractual agreements between public bodies and third parties seeking to keep certain records confidential that would otherwise be public documents. These amendments would prohibit public bodies from delegating to private parties the ability to decide what portions of documents are exempt from disclosure under APRA.

As a public entity that supports businesses considering relocating to or expanding within Rhode Island, we receive confidential business information, such as financial documents and legal agreements related to future business plans and real estate development investments. It is important that this information is taken into consideration when determining whether to support a business that has applied to a Commerce program, and we must be able to maintain a level of confidentiality throughout this process of considering the business’s application. The amendments would disadvantage businesses that choose to seek support through one of our programs by requiring them to disclose confidential business information. The amendments could also discourage applicants from applying to our programs or relocating to or expanding in our state because they fear their confidential information and/or trade secrets will be disclosed to their detriment.

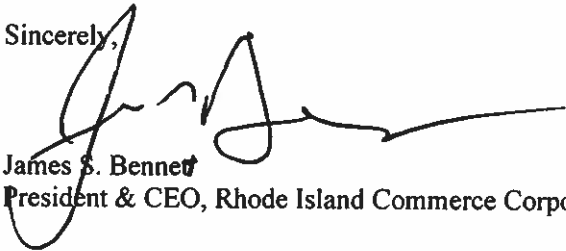
Further, we are concerned that deeming all documents reviewed, considered, or submitted at public meetings of public bodies as public documents will result in the release of confidential and proprietary business information obtained from applicants to Commerce’s programs. Additionally, nullifying all contractual agreements between public bodies and private parties seeking to keep certain records confidential that would otherwise be public documents may reduce the number of program applications it receives, as many applicants will not apply for program benefits without assurances that their confidential and proprietary business information will not be shared with the public.

Lastly, we are concerned that prohibiting public bodies from leaving to private parties the ability to decide what is exempt from disclosure under APRA will make it more difficult for Commerce to determine what specific business information in its possession is confidential or proprietary, as such a determination is not always readily apparent. Collaboration with private parties is sometimes required by Commerce to ensure that confidential and proprietary information in its possession is not mistakenly shared with the public.

APRA provides both a transparent process for citizens seeking access to public records and predictability in the agency's response to the public. We support the inspection and retrieval of public documents in the spirit of government transparency while respectfully cautioning against the aforementioned amendments as they will likely have a detrimental effect on the businesses seeking support through Commerce's programs and will make it more difficult for Commerce to respond to APRA requests.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'James S. Bennett', with a long horizontal flourish extending to the right.

James S. Bennett  
President & CEO, Rhode Island Commerce Corporation

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