

STATE OF RHODE ISLAND



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March 31, 2026

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

RE: 2026 — H 7305 — An Act Relating to Public Records – Access to Public Records

Dear Chair Shanley:

Please accept this letter of opposition for H 7305, which makes changes to the access to public records act, including clarifying various provisions, increasing the sanctions for knowing and willful violations of the law, and making certain traffic accident data and preferred license plate information public.

BHDDH opposes H 7305 for numerous substantive reasons, especially for the resource intensive exercise this would place on agencies and the unintended intrusion into the privacy of BHDDH participants whose records may be in possession of the State, especially those who are subject to investigations for allegedly being abused, neglected, exploited or mistreated, which is impacted by the proposed change to paragraph (4)(P) of § 38-2-2, and which are deemed confidential by other chapters. The current statutory language in paragraph (4)(P) also is unclear as to whether the report of an initial complaint is public or only the final report if substantiated; however, in any event, initial and final investigative reports completed by BHDDH concern otherwise completely confidential matters.

BHDDH receives many subpoenas for various reasons, some of which include responding to ongoing law enforcement investigations and regulatory inspections and investigations. While the outcome of those investigations may well be worthy of release to the public, making public the fact that an investigative agency is looking into and/or sending a subpoena for BHDDH records would likely impede an ongoing investigation, either of an employee or of a consumer served by BHDDH, especially if the subject of the investigation requests any outstanding subpoenas. And if the name of the subject on the subpoena is a BHDDH consumer, their privacy interests will be invaded by such release, as would the description of the requested content in the subpoenaed records.

BHDDH receives subpoenas for medical records when a BHDDH consumer is involved in litigation as a party or witness, so almost all such subpoenas contain confidential information. It would be time-consuming and likely unproductive to BHDDH, any other investigative agency involved, and the court to have to seek quash orders every time a subpoena that is otherwise exempt is requested. This is all the more true when the underlying complaint being investigated is meritless but must be investigated in any event, which is not an uncommon occurrence.

By using the term "privilege log" as on page 6, line 32, this bill adds an enormous amount of agency staff work and time that will accomplish little when compared to the end result of the Attorney General reviewing appeals of redacted information. The term "privilege log" is also not defined to identify the descriptions and itemization of such redacted information that should be contained

within such logs. This burden will include situations in which someone asks for thousands of pages which fall within an APRA exemption; and, instead of a blanket reference to the exemption and the reasons why redaction is not possible, this amendment would, if enacted, require the creation of a log including entries for each of the thousands of pages that will simply repeat the general exemption and misuse dozens of hours, even for the requester.

For the above stated reasons, BHDDH urges the Honorable Members of this Committee to not recommend H 7305 for passage.

Sincerely,



Richard Leclerc
Director

cc: Honorable Members of the House Committee on State Government and Elections
Honorable Jason Knight
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, Director of House Policy