



Rhode Island Commerce Corporation Policies and Procedures for Requests for Access to Public Records

*Effective September 1,
2012 (Amended December 27,
2013)*

The Rhode Island Commerce Corporation (“Commerce RI” or the “Agency”) adheres to the Access to Public Records Act, R.I. Gen. Laws §§ 38-2-1, *et. seq.*, (“APRA” or the “Act”) and has instituted the following policies and procedures for the public to obtain public records maintained or held by Commerce RI.

Disclosure of Records

1. Commerce RI is committed to providing the public with access to public records in an expeditious and courteous manner.
2. It is the Commerce RI’s policy that all records maintained or held by the Agency are to be made available for public inspection and/or copying unless exempted by state or federal law, regulation, rule of court, or unless otherwise ordered by a court of competent jurisdiction.
3. Pursuant to R.I.G.L. § 38-2-13, all records initially deemed to be public records which any person may inspect and/or copy will continue to be considered public records whether or not subsequent court action or investigations are held pertaining to the matters contained in the records.
4. Commerce RI is not required to reorganize, consolidate, or compile data not maintained by the Agency in the form requested at the time of the request, except to the extent that such records are in electronic format and Commerce RI would not be unduly burdened by providing such data.
5. Commerce RI is not obligated to interpret or otherwise describe or comment on the information provided.
6. In the event that Commerce RI determines that the requested records are exempt from disclosure for a reason set forth in the Act, Commerce RI shall provide to the requesting party the reasons for the denial of the request as well as the procedure for appealing the denial.
7. If Commerce RI receives a request for records that do not exist or are not within its custody or control, the Agency will in responding to the request state that it does not have the requested records.

Procedures for Requesting Public Records

1. Commerce RI has published a form that may be used to make a request for public records. The form can be obtained online at <https://commerceri.com/wp-content/uploads/2018/03/APRA-Request-Form.pdf> or at the agency's front desk at 315 Iron Horse Way, Providence, RI 02908.

2. All requests for public records should be directed to the following:

Communications Department
315 Iron Horse Way, Suite 101
Providence, RI 02908
Email: publicrecords@commerceri.com
Fax: 401-273-8270
Phone: 401-278-9100

3. The requesting party is not required to provide identification or the reason for the request, and the right to access public records will not depend upon providing such identification or the purpose for the request. However, in the event that Commerce RI is not provided with appropriate contact information, such as telephone number, mailing address or email address, any response to a request shall be made available at the front desk of Commerce RI during normal business hours in accordance with the timing requirements under applicable law.
4. Commerce RI's regular business hours are Monday through Friday, 8:30 a.m. – 4:30 p.m., excepting state and federal holidays. Any request received after regular business hours, shall be deemed to have been received on the next following business day.
5. To reach Commerce RI by telephone with any questions about how to make a request for public records, please call 401-278-9100 and ask to be connected to the Communications Department.
6. A request for public records must reasonably describe the records sought in a way that will permit their identification and location by Commerce RI personnel.
7. If the description of the records sought in a request is not sufficient to allow Commerce RI to identify and locate the requested records, Commerce RI will notify the requesting party that additional information is needed in order to fulfill the request.
8. Commerce RI may discuss with the requesting party the extent to which the scope of the request can be narrowed as the courts have ruled that it is the requesting party's responsibility to frame requests with sufficient particularity to ensure that searches are not unreasonably burdensome and to enable the Agency to determine precisely which records are being requested.

9. Commerce RI will make every reasonable effort to honor the request within ten (10) business days after receiving the request. Should it appear that the request cannot be honored within ten (10) business days, Commerce RI will explain in writing the reasons needed for up to an additional twenty (20) business day period to comply with the request.

Delivery of Records

1. At the option of the requesting party, Commerce RI will provide copies of public records electronically, by facsimile, or by mail, unless complying with that preference would be unduly burdensome due to the volume of records requested or the costs that would be incurred.
2. The requesting party will be responsible for the actual cost of delivery, if any.

Cost

1. Commerce RI may charge a fee not to exceed fifteen cents (\$0.15) per copied page for documents that can be copied on common business or legal-size paper.
2. Commerce RI may charge no more than the reasonable actual cost for providing electronic records or retrieving records from storage where Commerce RI is assessed a retrieval fee.
3. A reasonable charge may be made for the search and retrieval of documents. Hourly costs for a search and retrieval may not exceed fifteen dollars (\$15.00) per hour and no costs will be charged for the first hour of a search or retrieval.
4. For the purposes of calculating cost, multiple requests from a requesting party to Commerce RI within a thirty (30) day time period will be considered one request.
5. Upon request, Commerce RI will provide an estimate of the costs of a request for documents prior to providing copies.
6. Commerce RI may require that the requesting party pre-pay the estimated cost of the request prior to engaging in the search and retrieval of records. As permitted by the Act, the production of records will not be deemed untimely if the Agency is awaiting receipt of payment for costs properly charged under the Act.
7. Upon request, Commerce RI will provide a detailed itemization of the costs charged for search and retrieval.
8. The Rhode Island Supreme Court has determined that the requesting party that seeks the production of public records is responsible for the cost of redacting the documents.
9. All payments are to be made in the form of a money order, certified bank check, company check, or personal check. Commerce RI reserves the right to refuse payment by check in

the event that the check is returned for insufficient funds or for any other reason. Any fees incurred by Commerce RI for returned checks will be assessed to the requestor.

Checks may be made payable to the Rhode Island Commerce Corporation, c/o: Accounting Department, 315 Iron Horse Way, Suite 101, Providence, RI 02908. Payments must be accompanied by sufficient written information referencing the public records request to ensure proper crediting of funds.