

**State of Rhode Island and Providence Plantations
DEPARTMENT OF ADMINISTRATION
Division of Purchases
ONE CAPITOL HILL
PROVIDENCE, RHODE ISLAND 02908**

**POLICIES AND PROCEDURES REGARDING ACCESS TO PUBLIC RECORDS
MAINTAINED BY THE DIVISION OF PURCHASES
(revised September 16, 2014)**

Section 1 **Authority**

- A. R.I. Gen. Laws § 38-2-3 (d), as amended in June 2012, states in part that each public body shall establish written procedures regarding access to public records and that a copy of these procedures shall be posted on the public body's website. The above requirements took effect on September 1, 2012.

- B. Although the Department of Administration in August 2012 posted revised procedures on the Department of Administration's website and these procedures referred to the Division of Purchases, the Division of Purchases wishes to post similar procedures on the Division of Purchases website in order to assist requestors to seek Division of Purchases records.

Section 2 **Purposes**

- A. To establish public records procedures for the Division of Purchases that are consistent with requirements of R.I. Gen. Law § 38-2-1, *et seq.* as amended.

- B. To establish procedures that are consistent with public records procedures adopted by the Department of Administration on August 2012.

Section 3 **Policy**

- A. The Division of Purchases recognizes both the public's right to access public records and the individual's right to dignity and privacy. It is the Division of Purchases' policy to facilitate public access to all public records that may be disclosed in accordance with R.I. Gen. Laws § 38-2-1, *et seq.* It is also the policy of the Division of Purchases to make all public records in the Division's possession available for public inspection and copying, consistent with applicable state or federal law, unless otherwise prohibited by a court of competent jurisdiction.

Section 4 **Procedures for Requesting Documents or Records Maintained by the Division of Purchases**

A. As stated in R.I. Gen. Laws § 38-2-3 (a), a written request for public information need not be submitted for records available pursuant to R.I. Gen. Laws § 42-35-2 or for those documents that are prepared for or readily available to the public. Documents readily available for distribution or inspection may be reviewed at the Division of Purchases offices on weekdays between the hours of 8:30 AM and 3:30 PM. If a person has any questions about the availability of these documents, the person should contact the Division. For contact information, go to the Division of Purchases' website at <http://www.purchasing.ri.gov>

B. For records that are maintained by the Division of Purchases, the requestor may utilize the form attached as Appendix A. A request for procurement records shall be directed to:

DOA-Division of Purchases
Attn: Record Request
One Capitol Hill, 2nd Fl.
Providence, Rhode Island 02908

The fax number is 401-574-8387 and the telephone number is 401-574-8100. Individuals or entities making a request for procurement records, may want to check the Division of Purchases' website at www.purchasing.ri.gov to check the status of a solicitation, because certain procurement records (i.e. proposals, etc.) may not be available until the specific solicitation is awarded through the issuance of a Purchase Order or Purchase Agreement.

C. The Access to Public Records Act allows a public body ten (10) business days to respond to a records request. If a public body is unable to respond to the request within ten (10) business days of receipt, the public body may have up to an additional twenty (20) business days to respond, if it demonstrates pursuant to R.I. Gen. Laws § 38-2-3, as amended, that additional time is necessary.

D. Depending on the volume of records requested, the Division of Purchases may send a letter to requestor with estimated costs and fees, including, but not limited to, copying and search and retrieval costs, in accordance with R.I. Gen. Laws § 38-2-4, and may require a reasonable prepayment or a deposit before completing the request. The Division of Purchases reserves the right to require a prepayment or deposit if the amount is estimated at \$50.00 or more. If the requestor fails to provide prepayment payment, the request will not be processed and the records will not be provided. Otherwise, the Division will notify the requestor that the records are available upon receipt of any applicable costs.

- E. The Division of Purchases' personnel of the Division of Purchases or, where applicable an outside copy service, will make copies of the available requested records. The Division of Purchases does not have a copy machine available for use by the public to make copies.
- F. In responding to a request for records, the Division of Purchases may utilize the form attached hereto as Appendix B ("Response to Request to Inspect and/or Copy Public Records") to respond to a request, but is not required to do so. In some instances it may be appropriate for the Division of Purchases to respond by letter to the requester, setting forth such additional information as deemed appropriate under the circumstances.
- G. The Division of Purchases shall review the requested records and determine whether some or all of the records are public in accordance with R.I. Gen. Laws § 38-2-2; nothing herein shall waive any exemption stated in the Access to Public Records Act. Any appeal of a determination that a record is exempt for disclosure may brought in accordance with R.I. Gen. Laws § 38-2-8. Appeals to the Chief Administrative Officer for the Division of Purchases may be addressed as follows: Director of Administration, One Capitol Hill, 4th Floor, Providence, RI 02908.
- H. As stated in R.I. Gen. Laws § 38-2-3(h), the Division of Purchases is not required to reorganize, consolidate, or compile data not maintained by the Division of Purchases in the form requested at the time of request, unless the records are kept in an electronic format and the Division would not be unduly burdened by providing such data in the form requested.

Section 5 **Hours of Inspections**

- A. In the event that a requestor wishes to inspect the Division of Purchases records and does not wish to be provided with copies, the Division of Purchases will send instructions to set up an appointment for a time to inspect at the Division of Purchases requested records that are not otherwise exempt from public disclosure according to state law in accordance with R.I. Gen. Laws 38-2-3(f), as amended, if a public record is in active use or in storage and, therefore not available at the time the individual or entity requests access. The Division of Purchases will inform the requestor and make an appointment to examine such records as expeditiously as they may be made available. After the person is advised that the records are available, he/she can make an appointment to inspect the records at the Division of Purchases between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday by calling (401) 574-8100.
- B. The time period within which the Division of Purchases shall respond to requests to inspect public records is the same as the time period applicable to responding to requests for copies of public records, as set forth above in Section 4C above.

Section 6 **Fees**

- A. Official publications, which the Division of Purchases prepares in the discharge of its duties to inform the public on matters of public interest, will be furnished free of charge when available. Rules and Regulations of the Division of Purchases are also available online from the Secretary of State's website as well as the Division of Purchases website www.purchasing.ri.gov.

- B. Consistent with applicable state law, the Division of Purchases charges a fee for copying and/or search and retrieval of requested documents. The Division of Purchases charges \$0.15 per copied page; provided however, if the response to the request consists of twenty (20) or fewer copied pages, no copying fee will be charged. If the response to the request consists of more than twenty (20) copied pages, there will be a charge of \$0.15 for each page. The per page copy charge of \$.15 shall also apply in the event the Division of Purchases is required to print out an electronic version to: 1) provide a paper copy; or 2) for the purpose of redacting. Moreover, the Division shall charge an additional \$.15 per page for scanning hardcopies in order to provide the electronic copy, if copies are requested in that format.

The Division of Purchases will charge \$15.00 per hour for the search and retrieval time required to respond to a request, whether the request seeks copies of records or seeks to inspect records; provided however, there is no charge for the first hour of search and retrieval time. The time to review and redact records in accordance with the Access to Public Records Act may be included in the calculation of the search and retrieval costs. Additionally, the Division of Purchases will charge for the actual costs for providing electronic records. Multiple requests from the same person or entity within thirty (30) days shall be treated as a single request for the purposes of calculating both the copying and/or search and retrieval costs. The person requesting delivery shall be responsible for the actual cost of delivery (i.e. postage).

- C. Upon request, the Division of Purchases shall provide the requester with an estimate of the copying costs and search and retrieval costs prior to responding to the request. Further, in accordance with Section 4D above, the Division of Purchases may send an estimate and require a prepayment in order to process a voluminous request defined as a request estimated to be more than \$50.00. After completion, the Division of Purchases, however, will charge the actual fees for the number of copies and/or the actual cost for search and retrieval if more or less than estimated; the Division of Purchases will issue an invoice or a refund as appropriate.

- D. The cost of copying and search and retrieval as provided in this Section shall be paid in advance in order to complete the request and receive access to the requested records.

Section 7 **Supervision of Inspections**

- A. No records shall be removed from the location of inspection by the requestor. The inspection of public records must be accomplished in a manner which will provide for general supervision by authorized Division of Purchases' staff. This is necessary to prevent the misplacement or unauthorized removal of records or any other action which may impair the integrity of public records.

- B. Personnel in charge of the Division of Purchases having possession of the public record requested shall have overall responsibility for the security of the public record. However, the individual in charge of the Division of Purchases may designate a staff member(s) to assist in the search, retrieval, and copying of public records.