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**TESTIMONY IN SUPPORT OF 16-H 7973 –
RELATING TO ACCESS TO PUBLIC RECORDS
April 6, 2016**

Four years ago, the General Assembly passed important legislation updating and strengthening the state's Access to Public Records Act. It enacted a "balancing test" so that individually identifiable records were no longer automatically exempt from disclosure under the law. It increased penalties for violations of the law, established new procedures for access to police arrest logs, and gave requesters the ability to determine the format in which they would receive records.

As important as those revisions were, it has become clear that much more needs to be done. A report by ACCESS/RI examining how state and municipal agencies were implementing the 2012 amendments revealed deep areas of non-compliance. In addition, Attorney General advisory opinions interpreting the statute in the past few years in ways unfriendly to requesters – ruling, for example, that agencies could charge requesters for the time to write a letter denying access to documents, or allowing agencies to ignore APRA requests if they happen to be directed to the wrong personnel – cry out for correction. In addition, other loopholes have made themselves known since then, and revisions that were suggested in the original 2012 bill but ultimately jettisoned deserve reconsideration.

For all these reasons, the ACLU of Rhode Island supports H-7973, the latest effort to make our open records law stronger and more useful to members of the public. Attached to this testimony is a brief summary of each of the bill's provisions. The proposed changes cover a number of important issues: slightly tightening up the exemptions for so-called "investigatory" records and police incident reports; requiring an agency's procedures for handling APRA requests to be more easily available; calling for greater explanation when records are withheld; and making Attorney General advisory opinions interpreting the statute more easily accessible on the web.

Promoting transparency and the public's right to know is critical to any democratic society. In the spirit of encouraging that transparency, we urge the committee to review this bill carefully and to adopt its recommendations.