

RHODE ISLAND STUDENT LOAN AUTHORITY
ACCESS TO PUBLIC RECORDS
GUIDANCE DOCUMENT

INTRODUCTION

This Guidance Document Pertaining to Access to Public Records of the Rhode Island Student Loan Authority is promulgated pursuant to the authority set forth in Chapter 16-62 of the General Laws of Rhode Island, as amended, and GL:RI §42-35-2.12 of the Administrative Procedures Act to establish the procedures and methods for obtaining access to public records of the Rhode Island Student Loan Authority.

DEFINITIONS

When used in these Rules, the following words and or terms, except as otherwise required by the context, shall have the following meaning:

“Act” means RIGL Chapter 38-2 entitled “Access to Public Records.”

“Authority” means the Rhode Island Student Loan Authority.

"Executive Director" means the Executive Director of the Rhode Island Student Loan Authority or her/his designee.

“Public record” or “public records” means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities) or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency

"RIGL" means the Rhode Island General Laws, as amended.

GENERAL PROVISIONS

Public Records Policy. The Authority recognizes both the public’s right to access public records and the individual’s right to dignity and privacy. It is the Authority’s policy to facilitate public access to all public records that may be disclosed in accordance with the Act. It is also the policy of the Authority to make all public records in the Authority’s possession available for public inspection and copying consistent with applicable state or federal law, unless otherwise prohibited by a court of competent jurisdiction.

Exclusions.

- (a) Categories of records specifically excluded pursuant to §38-2-2 of the Act shall not be deemed public records for the purpose of these Regulations.
- (b) Notwithstanding the provisions of subsection (a), any reasonably segregable portion of an excluded public record shall be available for public inspections after the deletion of the

information which is the basis of the exclusion, if disclosure of the segregable portion does not violate the intent of the Act and these Regulations.

Non-applicability. Records requested by subpoena or a government oversight committee are not considered requests “for access to public records.” Therefore, this Guidance Document is not applicable to such requests.

ACCESS TO PUBLIC RECORDS

Public Records. All public records of the Authority shall be open for public inspection, in accordance with provisions of §38-2-3 of the Act, and in accordance with the policy established by this Guidance Document.

Procedures for Requesting Public Records. The Authority has instituted the following procedures for members of the public to obtain public records:

1. For records which are deemed “public records” under the Act, a written request must be submitted to Noel F. Simpson, the agency’s Public Records Officer, at Rhode Island Student Loan Authority, 560 Jefferson Boulevard, Warwick, RI 02886. There is no requirement that the written request be made on a form established by the Authority. Electronic requests will be accepted if addressed to the Public Records Officer at nsimpson@risla.com.
2. Upon receipt of the request the Public Records Officer shall determine whether all or any part of the request seeks records which are not deemed public records under the Act.
3. The Public Records Officer shall respond to the written request within ten (10) business days unless he/she determines that for good cause more time is needed to respond in which event the response shall be made within twenty (20) days of receipt of the request. If the Public Records Officer determines that more than ten (10) business days is needed to respond to the request, he/she shall explain in writing to the requester the reasons for the need for additional time, for example because of the voluminous nature of the request, the number of pending requests, or the difficulty in searching /retrieving/copying the records.
4. If the Public Records Officer determines that the request seeks records which are not deemed “public records” under the Act, he/she shall notify the individual or entity requesting the records in writing that the request is being denied and the reasons for the denial. The Public Records Officer shall also notify the requester that he/she may appeal the denial to the Authority’s Executive Director in writing.
5. If the Public Records Officer determines that the records sought are public records, he/she shall, upon request of the requester, provide an estimate of the charges, including a detailed itemization of the search/retrieval costs.

6. If the records requested do not exist or are not within the Authority's custody and control, the Public Records Officer shall notify requester in writing that the agency does not have or maintain the requested records.

7. At the option of the requester, the agency shall deliver copies of the records requested electronically, by facsimile, or by mail, unless complying with the requester's method of transmittal would be unduly burdensome due to the volume of records requested or the costs incurred.

8. Persons requesting delivery of copies of public records shall be responsible for the actual costs of delivery. The following costs shall normally be charged:

- \$.15 per photocopy on common/legal size paper.
- \$15.00 per search/retrieval hour, no charge for the first hour.
- For providing electronic records, no more than the actual reasonable cost of retrieval and delivery shall be charged.

9. In the event the Public Records Officer determines that any part of a record is not a public record and must be redacted the requester shall bear the cost of redaction since that is part of the retrieval process.

10. If the requester wishes to merely inspect records, he/she specify that in his/her written request to the Public Records Officer and the Public Records Officer shall notify the requester in writing when and where such inspection may take place during normal business hours.

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 Authority staff. This is necessary to prevent the misplacement or unauthorized removal of records or any other action which may impair the integrity of the public record.

(b) Personnel in charge of the Office/Program having possession of the public record requested shall have overall responsibility for the security of the public record. However, the individual in charge of that Office/Program may designate a staff member(s) to assist in the search, retrieval, and copying of public records.

(c) Authority personnel having any questions regarding the procedures to be followed should directed to the Deputy Director.

Copy of Official Publications and Rules and Regulations.

Official publications which the Authority prepares in the discharge of its duties to inform the public on matters of public interest shall be furnished free of charge when available. The

Authority shall supply one (1) copy of its rules and regulations, on a particular subject, to an individual requesting the same, free of charge.

(c) Electronic copies of the rules and regulations and guidance documents promulgated by the Authority are also available on the Office of the Secretary of State website [<http://www.sos.ri.gov/rules/>].

APPEALS

Any person aggrieved by an application of the provisions hereof or by a determination of the Public Records Officer may within twenty (20) days of such application or determination petition the Executive Director in writing for a review of such application or determination. The Executive Director shall make a final determination whether or not to allow public inspection within ten (10) business days. If the denial is confirmed, the individual may file a complaint with the Office of the Attorney General, who will then investigate and make a determination. The individual may also file a lawsuit in Superior Court.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of the Act or this Guidance Document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Act or this Guidance Document.