



Bill would strengthen law on open records

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By Cynthia Needham, Journal State House Bureau

PROVIDENCE — Proponents of public records access, including the media and the Rhode Island Affiliate of the American Civil Liberties Union, came out in support last night of a bill that would strengthen the state's Open Records Law.

Those in favor of the amendments say they would help make Rhode Island government more transparent and protect the public's right to know.

Critics meanwhile worry that the changes would drain staff resources and increase costs at a time when public agencies are already strained.

The legislation, sponsored by Rep. Edith H. Ajello, D-Providence, and presented yesterday to the House Judiciary Committee, calls for limiting the amount of time public bodies have to respond to open records requests from the current 10 days, to 3 days, with some exceptions.

Police departments would have just 24 hours to respond to provide arrest reports, including the narratives that explain the specific circumstances surrounding the arrests. While organizations facing unduly large or complicated budget requests would have 20 days to answer requests (currently they have 30 days).

Public bodies that fail to comply with the law would see fines increased from the current \$1,000 to \$15,000.

The second major change in the law calls for all state agencies to train any of their officers and employees authorized to grant or deny records and to annually certify in writing that it has done so.

It has been a decade since Rhode Island has made any modifications to its public records laws.

ACLU Executive Director Steven Brown said the time has come for changes that would bring Rhode Island in line with other New England states. Excluding Massachusetts, which also has a 10-day compliance rule, other states in New England require that record requests be completed in five days or fewer.

"Rhode Island is far behind in the amount of time public bodies have to respond to these requests," Brown said.

At a time when the technology has reduced correspondence in all facets of our lives and work, taking 10 days to respond to any kind of request seems unreasonable, supporters argued.

But some who testified yesterday said changing the statute could make for rising costs. Nina Savage, chief of legal services for the state's Department of Business Regulation, said just sorting the mail can mean it takes three days for records requests to make it into the right hands. Speeding up that process and the retrieval of the documents would cost money that department and others like it don't have.

Attorney General Patrick C. Lynch said in a letter to the committee that some requests just take longer to comply with. Media appeals for materials related to the 2003 Station nightclub fire, for example, took months to complete and resulted in thousands of documents, he said.

Acknowledging that the statute allows for exceptions, Brown and others who support the amendments including Common Cause Rhode Island said taxpayers should not have to wait 10 days to get information in and about their communities. The proposed changes would allow individuals to request public documents without having to identify themselves or explain why they're seeking the documents.

The bill grew out of a report issued last fall by the ACLU that highlighted what it called governmental disregard for open records requests, many of them related to The Providence Journal.

The House Judiciary Committee did not vote on the public records legislation last night.

A similar public records bill is currently making its way through the Senate.

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