

Town of Portsmouth

2200 East Main Road
Portsmouth, RI 02871
Phone: (401) 643-0499

ACCESS TO PUBLIC RECORDS ACT PROCEDURE

R.I. Gen. Laws Section 38-2-1, et seq.

The Town is committed to providing the public with access to public records under R.I. Gen. Laws Section 38-2-2 from all Town departments.¹ The Town's various departments and staff provides numerous documents to the public, media, and attorneys every day in the ordinary course of business. However, for any person who (1) does not desire to make an oral request; (2) wishes to make a formal written request; (3) has a request that needs clarification; or (4) has a request outside of normal business hours, please complete the "Request for Records Under the Access to Public Records Act" form available at any Town Department or by following these procedures.

Pursuant to R.I. Gen. Laws Section 38-2-3(d), the Portsmouth Town Administrator has established the following procedure regarding access to public records:

1. A request to inspect and/or copy public records of the Town of Portsmouth may be presented orally or in writing to the Public Records Officer in each department as listed below:
 - Town Administrator Richard Rainer, (401) 683-3255, rrainer@portsmouthri.gov
 - Town Clerk Jennifer West, (401) 683-2101, jwest@portsmouthri.gov
 - Town Planner Lea Hitchen, (401) 643-0332, lhitchen@portsmouthri.gov
 - Canvasser Jacqueline Schulz, (401) 683-3157, jschulz@portsmouthri.gov
 - DPW Director Brian Woodhead, (401) 683-0362, bwoodhead@portsmouthri.gov
 - Police - Public Records Unit is the Records Office, call (401) 643-0133 to be transferred. The Detective Lieutenant is designated as the Public Information Officer. Or request records online: [Online Records Request](#)

Normal business hours may vary for each location, though Town Hall is open from Monday through Wednesday from 8:30 a.m. to 4:30 p.m., Thursday 8:30 a.m. to 6:30 p.m. and Friday from 8:30 a.m. to 2:30 p.m. In order to receive the records you request in a prompt manner, we ask that you complete the Request for Public Records Under the Access to Public Records Act form attached to these procedures. Copies are available in each department or online following these procedures.

2. The Public Records Officer in each department will provide you with a form to complete, which permits us to know the precise public documents you seek and assists us in processing your request in an expeditious manner. Although not required, to ensure compliance with the Access to Public Records Act, and so you are provided with the public records you seek expeditiously, the Town asks that you complete the Public Records Act Request Form. This form is not required if you are

¹ The Prudence Island Volunteer Fire Department, the School Department and the Portsmouth Water and Fire District are not within the authority of the Town and they have their own procedures for public records access.

seeking records available pursuant to the Administrative Procedures Act or other documents prepared for or readily available to the public.

3. There are times/circumstances when the records will not be available at the time you make your request. If the records are not readily available, they can either be mailed to you or you can pick them up on a designated date. The Access to Public Records Act grants a public body ten (10) business days to respond to your request per R.I. Gen. Laws Section 38-2-3(e). The Act further provides that for good cause, a public body may submit a written request for an extension of up to twenty (20) business days to process the request. We thank you in advance for your understanding if it is necessary to request this extension.
4. **Costs.** The Access to Public Records Act gives you the opportunity to view and/or copy public records. The cost per copied page of written public documents will be fifteen cents (\$0.15) for page copied on common business or legal size paper. You may elect to obtain public records in any and all media in which we are capable of providing them. The Act permits a reasonable charge for search and retrieval of documents. The hourly costs for a search and retrieval shall be fifteen dollars (\$15.00) per hour, with no charge for the first hour. We will be more than happy to provide you with an estimate. Upon a request, we will provide a detailed itemization of the costs charged for search and retrieval.
5. **Public Records.** A “public record” is defined as “documents, papers, . . . 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” (R.I. Gen. Laws Section 38-2-2).
6. **Redaction.** Although a document may constitute a public record, there may be some information contained on the document that may be redacted/deleted as it may be exempt from disclosure under R. I. Gen. Laws Section 38-2-2.
7. **Exemptions.** The Access to Public Records Act exempts a variety of records from public disclosure, as set forth in R.I. Gen. Laws Section 38-2-2(4).
8. **Appeal of Denial.** Any person or entity denied the right to inspect a record of a public body by the Town may petition the Town Administrator for review of the decision denying the request. Any petitions from a denial should be addressed to Richard A. Rainer, Town Administrator. A final determination of whether to allow public inspection will be made within ten (10) business days after the submission of the review petition per R.I. Gen. Laws Section 38-2-8.
9. **Complaint to the Attorney General.** If the Town Administrator determines the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the attorney general (150 Main Street, Providence, RI 02903; Telephone: 401-274-4400) or may retain private counsel for the purposes of instituting proceedings for injunctive or declaratory relief in the Superior Court of Providence County.

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**REQUEST FOR RECORDS UNDER THE
ACCESS TO PUBLIC RECORDS ACT**

Date: _____ Request Number: _____
(given by Official)

Name (optional): _____

Address (optional): _____

Telephone (optional): _____

Requested Records: _____

If these records are not readily available at the time of your request, please advise if you prefer to:
_____ Pick up the records _____ Have records sent by regular mail

For Office Use Only

Request taken by: _____ Request Number: _____

Request referred to: _____

Date: _____ Time: _____

Dept. response to this request provided on: _____

Records to be available on: _____ Mail: _____ Pick-up: _____

Records provided:

Costs: _____ Copies: _____ Search and Retrieval: _____

Designated Public Officer's Office- Access to Public Records Request Receipt

If you desire to pick up the records, they will be available on _____ at the Town
_____ 's Office. If, after review of your request, the Department determines
that the requested records are exempt from disclosure for a reason set forth in the Rhode Island
General Laws Section 38-2-2(4), the Town reserves the right to claim such exemption.

NOTE: If you choose to pick up these records but did not include identifying information on this
form (name, address, etc.), please inform the Public Records Officer of the date that you made the
request, the records requested and Request Number: _____.