

**825-RICR-10-00-3**

## **TITLE 825 - HOUSING AND MORTGAGE FINANCE CORPORATION**

### **CHAPTER 10 - RULES RELATIVE TO AGENCY ADMINISTRATION**

#### **SUBCHAPTER 00 - N/A**

##### **PART 3 - Access to Public Records**

### **3.1 PURPOSE**

- A. To establish rules ("Rules") to comply with R.I. Gen. Laws Chapters 42-35 and 38-2 regarding access to Public Records maintained or kept on file by Rhode Island Housing and Mortgage Finance Corporation (the "Corporation");
- B. To establish procedures for obtaining Public Records maintained or kept on file by the Corporation.

### **3.2 DEFINITIONS**

- A. All capitalized terms used herein shall have the same meanings as set forth in the Access to Public Records Act, R.I. Gen. Laws 38-2 (the "Act").
- B. "Public Records Officer" means a person or persons designated to review and approve or deny Public Records requests on behalf of the Corporation.

### **3.3 DISCLOSURE OF RECORDS**

All Public Records maintained or kept on file by the Corporation shall be subject to inspection and reproduction by members of the public in accordance with the Rules enunciated herein and the provisions of the Act, unless exempt or prohibited from disclosure by state or federal law or by order of a court of competent jurisdiction.

### **3.4 REDACTION OF NONDISCLOSABLE INFORMATION**

The Public Records Officer shall determine if information contained in a document which is the basis for its nondisclosure can be redacted. If so, the document shall be made available to the member of the public once the necessary redactions have been completed.

### **3.5 PROCEDURES FOR OBTAINING ACCESS**

- A. A request to inspect and/or copy Public Records of the Corporation (the "Request") shall be presented in writing to the Public Records Officer. Except as otherwise provided herein, requests shall be made by completing the Public

Records Request Form (the "Form") available on the Corporation's website or the substantial equivalent. The Form or substantial equivalent shall be presented to the Public Records Officer by email to [recordsrequests@rihousing.com](mailto:recordsrequests@rihousing.com) or by mail delivered to the Corporation's headquarters and addressed as follows: Rhode Island Housing, 44 Washington Street, Providence, Rhode Island 02903, ATTN: Records Requests. Requests for Public Records maintained or kept on file by the Corporation pursuant to the Administrative Procedures Act and other readily available records may be made orally to the Public Records Officer at the Corporation's headquarters. Requests that do not conform to the procedures in this subsection may be denied.

- B. The Corporation will exert reasonable efforts to honor the Request within ten (10) business days of receipt of the Request and, if necessary, will provide a written explanation of the need for any additional time to comply, which need arises from the voluminous nature of the request, the number of requests pending, the difficulty in searching for and retrieving or copying the requested records, or other good cause permitted by law.
- C. The Corporation shall not be obligated to produce for inspection or copying records which are not in the possession of the Corporation.
- D. At the election of the person making the Request, the Corporation will provide copies of the Public Records electronically, by facsimile, by mail, or by in-person pick up in accordance with the requesting person's choice, unless it would be unreasonably burdensome or costly to do so. In the alternative, the person seeking access to the Public Records shall be notified in writing when the Public Records are available and shall be provided with an appointment to examine the Public Records. The person requesting delivery shall be responsible for the cost of delivery, if any.
- E. The Corporation may charge fees for search and retrieval of public records, as well as fees for producing photocopies on a per page basis, consistent with the Act. The Corporation will provide an estimate of such fees at the request of the person making the public records Request.
- F. The Corporation is not required to reorganize, consolidate, or compile data which is not maintained by the Corporation in the form requested. The Corporation is not required to create lists or breakdowns that do not exist at the time of the Request. The Corporation is not required to create documents or calculations that do not exist at the time of the Request.
- G. The Public Records Officer may restrict access to specified times and days, consistent with these Rules, if it is determined that this is necessary or appropriate to prevent unnecessary disruption of the Corporation's work.

### **3.6 DENIAL OF ACCESS AND ADMINISTRATIVE APPEALS**

The Corporation shall deny access to records requested only in accordance with the provisions of the Act and these Rules. Once denied access to a record of the Corporation, any person may petition the General Counsel of the Corporation, who serves as the Executive Director's designee for such purposes, for a review of the denial by contacting the General Counsel or his/her designee either by email to [recordsrequests@rihousing.com](mailto:recordsrequests@rihousing.com) or in writing addressed to Rhode Island Housing, 44 Washington Street, Providence, Rhode Island 02903, ATTN: Records Requests. Further administrative appeals of denial of access may be filed with the Rhode Island Department of Attorney General or the Rhode Island Superior Court in accordance with the provisions of the Act.