

230-RICR-10-00-1

Title 230 – DEPARTMENT OF BUSINESS REGULATION

CHAPTER 10 - CENTRAL OPERATIONS

SUBCHAPTER 00 - N/A

PART 1 - Access to Public Records

1.1 Authority

This Regulation is promulgated in accordance with R.I. Gen. Laws §§ 38-2-3 and 42-14-17.

1.2 Purposes

To provide procedures for public record access.

1.3 Policy

It is the policy of the Department that all files and records of the Department that are required to be disclosed by state or federal law, or otherwise ordered by a court of competent jurisdiction are available for public inspection and copying. The Department shall not disclose files or records that are (1) prohibited from disclosure by any state or federal law, or (2) otherwise prohibited by order of a court of competent jurisdiction. Records that are not deemed public under R.I. Gen. Laws § 38-2-1 *et seq.* shall not be disclosed by Department employees without the express written approval of the Director of the Department.

1.4 Procedure for Requesting Public Records

- A. A person requesting inspection or copying of public records shall contact the Department of Business Regulation by email, regular mail or facsimile with the request. The Department's preferred method of communication is email but all other forms will be accepted. The request should indicate:
 - 1. A complete description of the records sought in a manner that will permit their identification and location by Department personnel.
 - 2. The method by which the requestor would like delivery of the response. Please include all information necessary for the Department to make that communication (e.g. email address, facsimile number or street address).
- B. If making the request by

1. Email - the request should be sent to one of the following email addresses:

Insurance Division - DBR.Insurance@dbr.ri.gov

Banking Division – DBR.BankInquiry@dbr.ri.gov

Securities Division – DBR.SecInquiry@dbr.ri.gov

Racing & Athletics – DBR.RacingAthletics@dbr.ri.gov

Commercial Licensing – DBR.CommLicInquiry@dbr.ri.gov

All other Divisions - DBR.DirOfficeInq@dbr.ri.gov
 2. Facsimile - the request should be sent to one of the following numbers:

Insurance Division - (401) 462 9602

Banking Division – (401) 462 9532

Securities, Commercial Licensing and Racing & Athletics Divisions – (401) 462 9645

All other Divisions - (401) 462 9532
 3. Regular mail - the request should be sent to:

Public Records Officer

Department of Business Regulation

1511 Pontiac Avenue

Cranston, Rhode Island 02920
- C. The Department will provide a form on its website in the format attached hereto as a template for information which would be sufficient to allow it to determine whether the records are available or to provide the records in the method selected by the requestor. This form is to be used only for guidance and is not required in order to make a public records request.
- D. Within ten (10) business days of the request the Department will respond in the mode requested by the requestor or if no manner is specified by the mode in which the request was received, with one or more of the following:
1. That the Requestor should contact the Department to schedule an appointment to inspect the records;

2. A copy of the documents requested;
 3. A response that the documents do not exist or are not within the custody or control of the Department;
 4. A response that the documents are not “public documents” as defined by R.I. Gen. Laws § 38-2-2 and a description of the procedures for appealing that denial;
 5. A response that the description of records sought in the request is not sufficient to allow the Department to identify and locate the requested records;
 6. A response that the documents are being produced in a redacted fashion in accordance with R.I. Gen. Laws § 38-2-2;
 7. A response that the records will be produced upon receipt of payment for an amount calculated in accordance with R.I. Gen. Laws §§ 38-2-3(k) and 38-2-4. The estimated amount owed will be set forth and the records will be produced after payment is received.
- E. Should it appear that the request cannot be honored within ten (10) business days the Department will respond indicating that additional time is needed and specifying the reason for that additional time up to an additional twenty (20) business days.

1.5 Fees

- A. The Department shall charge a fee for copying and/or search and retrieval of requested documents consistent with applicable state law.
- B. All persons requesting delivery of records shall be responsible for the actual cost of delivery.
- C. All payments for copies of records shall be paid in advance of delivery, or, at the option of the Department, at such later time as the Department may specify. All checks shall be payable to the General Treasurer, State of Rhode Island.

1.6 Subpoenas

Subpoenas issued pursuant to the rules of any Court will be addressed in accordance with those rules. This regulation does not apply to such subpoenas.

1.7 Severability

If any provision of these Rules and Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or

application of the rules and regulations which can be given effect, and to this end the provisions of these rules and regulations are declared to be severable.