



STATE OF RHODE ISLAND

OFFICE OF THE ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903
(401) 274-4400 • www.riag.ri.gov

Peter F. Neronha
Attorney General

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Advisory Opinion Regarding Methods For Accepting APRA Requests

The Access to Public Records Act (“APRA”) is Rhode Island’s statutory scheme to ensure the “public’s right to access ... public records.” R.I. Gen. Laws § 38-2-1. In furtherance of those purposes, the APRA entrusts the Attorney General with the important responsibility of interpreting and enforcing its provisions. *See* R.I. Gen. Laws § 38-2-8(b).

Pursuant to that role, this Office from time to time will issue advisory opinions regarding matters related to the APRA that are of public interest. This Office is aware that members of the public are concerned about their ability to submit APRA requests to public bodies, especially concerning restrictions that some public bodies impose regarding how APRA requests may be submitted. This advisory opinion is intended to provide additional clarity regarding the APRA’s requirements for accepting public records requests and to put public bodies on notice of their duty to make the APRA process accessible to members of the public.

The purpose of the APRA “is to facilitate public access to public records.” R.I. Gen. Laws § 38-2-1. To advance that purpose, the APRA requires that “[e]ach public body shall establish written procedures regarding access to public records.” R.I. Gen. Laws § 38-2-3(d). The procedures must include “the identification of a designated public records officer or unit, how to make a public records request, and where a public record request should be made[.]” R.I. Gen. Laws § 38-2-3(d). The APRA also specifies that “[a] written request for public records need not be made on a form established by a public body if the request is otherwise readily identifiable as a request for public records.” R.I. Gen. Laws § 38-2-3(d). The unmistakable intent of these provisions is to ensure that the public is readily able to submit requests for public records. Indeed, the purpose of the APRA would be circumvented if the ability to make records requests was not itself readily accessible to the public.

Accordingly, the APRA requires public bodies to ensure that members of the public may readily make APRA requests without undue burden, delay, or cost. If a public body’s APRA procedures only provide for the submission of records requests through methods that are not readily accessible to members of the public, those procedures violate the APRA. For instance, only accepting records requests via fax would violate the APRA. Moreover, in the year 2023, when the use of digital technology including email is prolific and pervasive, there is no reason for public bodies to not provide in their procedures that they will accept APRA requests submitted by email and/or using

an electronic portal. The use of email and/or an electronic portal to accept records requests eliminates unnecessary delay and increases the accessibility of the APRA process, and public bodies in Rhode Island should take measures to ensure that their APRA procedures include either or both as an option for submitting APRA requests. Doing so conforms with the purpose of the APRA and promotes the important principles behind the APRA, including increased transparency and government accountability.



PETER F. NERONHA
ATTORNEY GENERAL