RHODE ISLAND GOVERNMENT REGISTER

PUBLIC NOTICE OF PROPOSED RULEMAKING

ATTORNEY GENERAL

Title of Rule: Rules and Regulations Regarding Training under the Access to Public Records Act

Rule Identifier: 110-RICR-60-00-2

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice:
End of Public Comment:

Rulemaking Authority:

R.I. Gen. Laws § 38-2-3.16
R.I. Gen. Laws § 42-35

Summary of Rulemaking Action:

The proposed amendments update, modernize, and reorganize the existing rules and regulations to align them with current regulatory practices, improve clarity, and ensure consistency with the Access to Public Records Act ("APRA" or the "Act"). Pursuant to R.I. Gen. Laws § 38-2.3.16, the Attorney General may promulgate rules and regulations necessary to implement and administer the provisions of the Act, including requirements for training and certification of individuals authorized to grant or deny APRA requests.

The amendments update the structure and content of the regulations to reflect current regulatory practices, including the addition of authority, severability, and definitions sections. They also clarify and update the APRA training and certification requirements, including who is required to complete training and submit a certification, what satisfies the training requirement, and when and how training must be completed.

The amendments further clarify the certification process, including submission deadlines, the calendar year for which certification is sought, and the effect of submitting a late certification. They also replace the outdated certification form previously included in the regulations with instructions requiring use of a form provided by the Office of the Attorney General.

Finally, the amendments clarify that failure to comply with the APRA and these regulations may result in penalties pursuant to R.I. Gen. Laws § 38-2-9. Collectively, the

amendments are intended to provide clear, accurate, and updated guidance to public bodies and Chief Administrative Officers regarding their training and certification obligations under the Act.

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until, _____ by contacting the appropriate party at the address listed below:

Farren Fuquea
Rules Coordinator | Deputy Chief of Policy & Legislation
150 S. Main Street
Providence, RI 02903
ffuquea@riag.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by a governmental agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within ten (10) days of publication of this notice.

Regulatory Analysis Summary and Supporting Documentation:

The proposed amendments are intended to improve the clarity, organization, and administration of the existing regulations without imposing new substantive obligations beyond those established by the APRA. The amendments clarify existing statutory training and certification requirements, provide additional guidance regarding qualifying training, certification procedures, and applicable deadlines, and ensure that public bodies and Chief Administrative Officers have a clear understanding of their responsibilities under the Act.

In developing the proposed amendments, the Office considered alternatives, including taking no regulatory action. The proposed amendments were selected to provide an updated and streamlined framework for APRA training and certification, while minimizing unnecessary burdens on those subject to the requirements. Without these amendments, public bodies and Chief Administrative Officers would continue to rely on regulations that do not fully reflect current practices or clearly address the applicable training and certification procedures. The amendments are not expected to result in additional financial costs to public bodies, agencies, or the public. Rather, they are intended to reduce confusion, promote consistent compliance, and provide accurate and accessible guidance regarding obligations under the APRA.