

SCITUATE SCHOOL DEPARTMENT
POLICIES AND PROCEDURES FOR THE REQUEST OF RECORDS
PURSUANT TO RIGL § 38-2 ET SEQ.

The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of these policies is to facilitate public access to public records. It is also the intent of the Scituate School Department ("Department") to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

The request to inspect or copy records of public bodies is governed by the provisions of the Rhode Island General Laws 38-2-1 *et seq.*, entitled "Access to Public Records" Act ("APRA"). There are several pertinent and applicable sections of the APRA that citizens should be aware of: RIGL §§ 38-2-2 ("Definitions"), 38-2-3 (Procedures for access"), 38-2-4 ("Cost") and 38-2-7 ("Denial of access"). For further reference, the APRA is contained in Volume 6A of the General Laws of Rhode Island and is available for review at public libraries or on-line at: <http://www.rilin.state.ri.us/Statutes/TITLE38/38-2/INDEX.HTM>

It is the policy of the Department that a particular Central Office Staff Member (determined from time to time by the Superintendent of Schools) shall be the designated Public Records Officer for requests made to the Department. [The Town of Scituate (municipality) and the Scituate Police Department have separate procedures and Public Records Officers.] All requests pursuant to the APRA shall be made to Central Office on the *Public Records Request Form*, which shall be available on line at the Department's website [www.scituateri.net] or at School Department, Central Office, 197 Danielson Pike, North Scituate, RI 02857 between the hours of 8:30 am – 4:00 pm, Monday – Friday. If the request is readily identifiable as a public records request, the Department shall not require that the requestor use a *Public Records Request Form*.

Upon receipt of an APRA request, the Central Office Staff shall document the receipt of said request (i.e. date-stamped receipt), maintaining the original request in a file. A copy shall be given to the requestor and a copy shall be scanned and communicated via e-mail to the Office of the Town Solicitor. This shall be done for any request where the information is not otherwise readily available in Department records. If the information is readily available, the Central Office Staff shall provide the records (at no charge) and note how the request was handled on the *Public Records Request Form*.

At the option of the requestor, the Central Office Staff shall provide copies of public records electronically, by facsimile, or by email, unless doing so would be unduly burdensome due to the volume of records requested or the costs that would be incurred. The requestor shall be responsible for the actual cost of delivery, if any.

If the requested information is not readily available to the Department's Central Office Staff, or if it is determined that the request is such that it will require more than two (2) hours of

retrieval time, or that the amount of documents requested is voluminous, the Department shall notify the requestor and provide estimated charges for retrieval time and copying costs (not to exceed the statutory limit of \$.15 per page and \$15.00 per hour, with no charge for the first hour). Additionally, upon request, the Department's Central Office Staff shall provide an estimate of costs. If the cost of production of the information is estimated to exceed ten dollars (\$10.00), the Department's Central Office Staff shall request that payment be due at the time the request is made, or before the information is compiled, so as to reduce unnecessary administrative expenses associated with gathering documents and information that is requested but not picked up.

Central Office Staff shall contact the requestor to inform him/her that the request is ready; all necessary fees shall be collected by and paid to the Scituate School Department.

As set forth in the APRA, [RIGL § 38-2-3 (c)], a written request for public information need not be submitted for records available pursuant to RIGL § 42-35-2 or for those documents that are prepared for or readily available to the public. Such records that are maintained by the Department are available for inspection and may be reviewed at Central Office on weekdays between the hours of 8:30 AM and 4:00 PM. If you have any questions about the availability of these records, you should contact the Department's Central Office Staff to ascertain if the requested documents are maintained by the Department. For a copy of documents that are readily available to the public, there is no charge.

For those records that have not been prepared for or are not readily available to the public, the requestor should submit a written request as set forth above.

If there is a question as to whether the requested records are indeed classified as “public records”, or if the request seeks information which is confidential, protected, or subject to privilege, the Department's Central Office Staff shall obtain an opinion and recommendation from the Town Solicitor’s Office. The requestor shall be notified in writing as to the determination of whether the requested records may properly be disclosed. (This may be done by the Town Solicitor's Office.)

After the requested payment for any copying or retrieval charge(s) has been received by the Department, copies of records that may be properly released shall be sent to requestor according to the delivery preference. US Mail, postage pre-paid shall be the delivery option if no alternate request is made.

In the event that a Requestor wishes to inspect these public records, the Department Central Office Staff will contact the requestor to arrange a time for inspection of the records at Central Office, as long as the Department determines that this can be effectuated without unreasonable disruption to the regular business operations of Central Office.

Revised August 2012.