

A. PUBLIC RECORDS STATUTES

As noted in the Introduction and Glossary of Terms, your state likely recognizes a distinction between “public records,” which may include correspondence, office records, personnel records, etc., and “government publications,” which may be compiled as a means to disseminate government information of educational or public interest. This section addresses statutes that concern public records and, in particular, those that focus on record keeping requirements and retention. The compilation of statutes for your state may combine record keeping requirements with public access provisions or freedom of information laws. Those statutes are addressed in Sections B & C.

1. Does your state have “public records statutes,” as referred to in the paragraph above?

Yes
 No

- a. If “Yes,” cite your state’s public records statutes and the administrative regulations that supplement them.

Statutes.

R.I. GEN. LAWS Chapter 38-2 (1997 & Supp. 2001) entitled “Access to Public Records”.

R.I. GEN. LAWS Chapter 38-3 (1997 & Supp. 2001) entitled “Public Records Administration”.

R.I. GEN. LAWS Chapter 42-127.1 (Supp. 2001) entitled “Uniform Electronic Transactions Act”.

Regulations.

R.I. CODE R. 01 000 001 (1999), “Department of Administration, Rules and Regulations Governing Access to Public Information”.

R.I. CODE R. 02 000 005 (2000), “Department of Business Regulation, Access to Public Records of the Department of Business Regulation”.

R.I. CODE R. 96 170 004 (1996), “Rhode Island Depositors Economic Protection Corporation, Access to Public Records (DEPCO 92-04)”.

R.I. CODE R. 08 010 005 (1999), “Department of Education, Access to Public Records”.

R.I. CODE R. 12 010 003 (1999), “Department of Environmental Management, Rules and Regulations – Files and Records – Public Access”.

R.I. CODE R. 14 000 001 (2000), “Department of Health, Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health”.

R.I. CODE R. 92 010 001 (1999), “Health and Educational Building Corporation, Administrative Procedures Act Rules”.

R.I. Code R. 92 020 001 (1999), “Housing and Mortgage Finance Corporation, Rules of the Corporation Relating to Access to Its Public Records”.

R.I. Code R. 96 070 010 (1999), “Narragansett Bay Water Quality Management District Commission Rules and Regulations for Public Access to Files and Records”.

R.I. Code R. 34 000 003 (1999), “Refunding Bond Authority, Rules of the Refunding Bond Authority Relating to Access to Its Public Records”.

R.I. Code R. 19 000 002 (1999), “Department of Transportation, Access to the Public Records of the R.I. Department of Transportation”.

b. If “No,” skip this whole section.

Additional comments:

2. The public records statutes/regulations apply to which of the following branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

R.I. GEN. LAWS § 38-2-3 (Supp. 2001) provides that any person or entity shall have the right to inspect and/or copy all records kept or maintained by any “public body”. R.I. GEN. LAWS § 38-2-2(1) (1997 & Supp. 2001) defines public body to include “any executive, legislative, judicial, regulatory, or administrative body of the state.” Specifically, R.I. GEN. LAWS § 38-2-2 provides as follows:

As used in this chapter: (1) ‘Agency’ or ‘public body’ shall mean any executive, legislative, judicial, regulatory, or administrative body of the state, or any political subdivision thereof; including, but not limited to, any department, division, agency, commission, board, office, bureau, authority, any school, fire, or water district, or other agency of Rhode Island state or local government which exercises governmental functions, any authority as defined in § 42-35-1(b), or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of any public agency.

R.I. GEN. LAWS § 42-127.1-18 (Supp. 2001) of the Uniform Electronic Transactions Act provides in pertinent part:

Acceptance and distribution of electronic records by governmental agencies.—(a) Except as otherwise provided in § 42-127.1-12(f), each governmental agency of the state shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures; provided, however, all determinations shall be governed by the provisions of title 38. . .”

Additional comments:

3. Cite to public records statutes/regulations where “public record” is defined.

Statute(s).

R.I. GEN. LAWS § 38-2-2(4)(i) (Supp. 2001) defines “public record” or “public records” as follows:

‘Public record’ or ‘public records’ shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities) or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. . .

There follows a long list of several types of documents which are not to be deemed public, such as pension records, confidential trade secrets and commercial or financial information; child custody and adoption records, juvenile proceedings before family court; certain law enforcement agency records, library records and numerous other types of documents.

Regulations.

Additionally, certain state rules and regulations contain definitions of the term “public record” and/or “public records”:

Rhode Island Department of Administration.

The definition of “public record” or “public records” set forth in the Rhode Island Department of Administration’s Rules and Regulations Governing Access to Public Information, R.I. CODE R. 01 000 001-3 (1999) mirrors the pre-1998 definition of “public record” and “public records” set forth in R.I. GEN. LAWS § 38-2-2(4)(i) (Supp. 2001). That definition is as follows:

‘Public record’ or ‘public records’ shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency, subject to the exemptions listed in 38-2-2(d).

A list of exemptions is also contained in the above-mentioned regulations.

R.I. Department of Transportation.

Similarly, the definition of “public record” or “public records” set forth in the regulations regarding Access to the Public Records of the R.I. Department of Transportation, R.I. CODE R. 19 000 002-3 (1999) mirrors the pre-1998 definition contained in R.I. GEN. LAWS § 38-2-2. The Department of Transportation regulations also contain a list of exemptions.

R.I. Department of Corrections.

The Rhode Island Department of Corrections’ Regulations concerning Access to Public Records/Departmental Documents, R.I. CODE R. 06 150 002-2 et seq. define public records as follows: “Under Rhode Island General Law, Title 38, Chapter 2, ‘public record’ is defined as ‘written or recorded information made or received by a public body relating to public business.’”

A list of records maintained by the Department of Corrections which are not public records is set forth immediately following the above-quoted section at R.I. CODE R. 06 150 002-2.

R.I. Depositors Economic Protection Corporation.

The Rhode Island Depositors Economic Protection Corporation Regulations regarding Access to Public Records, R.I. CODE R. 06 170 004-2, define public records as follows: “[P]ublic record(s)’ shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, made or received pursuant to law or ordinance or in connection with the transaction of official business by the Corporation.”

A list of records maintained by the R.I. Depositors Economic Protection Corporation which are specifically exempt from disclosure are set forth in Article II of these regulations at R.I. CODE R. 96 170 004-2 et seq. (1996).

R.I. Department of Health.

Rhode Island Department of Health Regulations regarding Access to Public Records, R.I. CODE R. 14 000 001-26 to 27 (2000) refer to public records as: “All records defined as public records in Chapter 38-2 of the RIGL shall be open for public inspection during normal working hours of the Department in accordance with provisions of Chapter 38-2.” R.I. CODE R. 14 000 001-26 (2000).

Additional comments:

The definition of “public record(s)” set forth in R.I. GEN. LAWS § 38-2-2(4)(i) (Supp. 2001) was amended on July 20, 1998, to include the following language in the definition of “public record(s)”: “. . . magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities) . . .” 1998 R.I. Pub.Laws, ch. 378 §1.

The stated statutory authority for most all of the rules and regulations listed above is R.I. GEN. LAWS, Chapter 38-2. Generally, the definitions of “public record(s)” contained in the above described rules and regulations are consistent with the definition of “public record(s)” set forth in R.I. GEN. LAWS § 38-2-2(4)(i) (1997 & Supp. 2001). However, some regulations have yet to be amended to reflect the 1998 amendment to the public records definition.

4. Do the public records statutes/regulations address electronic records separately vis-à-vis print records?

Yes
 No

a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

5. Do the public records statutes/regulations address retention of records?

Yes
 No

a. If “Yes,” cite to and briefly summarize the retention provisions.

R.I. GEN. LAWS § 38-3-1 *et seq.* (1997 & Supp. 2001) is known as the Public Records Administration Act. R.I. GEN. LAWS § 38-3-5 (1997) provides that :

It shall be the duty and responsibility of the public records administration program to: (1) Establish and administer a public records management program, including the operation of a record center or centers, and appoint a director who will apply efficient and economical management methods relating to the creation, utilization, maintenance, retention, preservation, and disposal of records . . . (emphasis added.)

Retention of records is specifically addressed by R.I. GEN. LAWS § 38-3-6 (1997), entitled “Public records custody and disposal”, which provides in pertinent part:

(a) Each agency shall prepare and submit to the program, in accordance with the rules and regulations of the program, record control schedules for all public records in the custody of the agency. . . .

(k) The program shall adopt reasonable rules and regulations not inconsistent with this chapter relating to the destruction and disposal of records. The rules and regulations shall provide but not be limited to:

- (1) Procedures for preparing and submitting record control schedules to the program.
- (2) Procedures for the physical destruction or other disposal of records.
- (3) Standards for the reproduction of records for security or with a view to the disposal of the original record . . .

R.I. GEN. LAWS § 42-127.1-1 (Supp. 2001) is known as the “Uniform Electronic Transactions Act.” R.I. GEN. LAWS § 42-127.1-17 (Supp. 2001) provides as follows:

Creation and retention of electronic records and conversion of written records by governmental agencies. -- Each governmental agency of the state shall determine whether, and the extent to which, it will create and retain electronic records and convert written records to electronic records; provided, however, all determinations shall be governed by the provisions of title 38.

- b. If “Yes,” also cite to and discuss any provisions/regulations that address retention of electronic records; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

None.

Additional comments:

6. Do the public records statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to public records or acknowledge the state’s responsibility to permanently maintain public records?

Yes
 No

- a. If “Yes,” cite to and provide relevant language.

The purpose of Title 38, Chapter 2, entitled “Access to Public Records” is set forth in R.I. GEN. LAWS § 38-2-1 (Supp. 2001), which provides:

Purpose. – 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 this chapter is to facilitate public access to public records. It is also the intent of this chapter 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.

Additional comments:

7. Is a public records administrator, a public records commission or other officer/government entity responsible for administering the public records statutes/regulations?

Yes
 No

- a. If "Yes," cite to applicable statutes/regulations and identify the responsible officer/government entity.

R.I. GEN LAWS § 38-3-3 (1997 & Supp. 2001) provides in part as follows:

38-3-3. Public records administration program. [Effective January 7, 2003.] – (1) The public records administration program shall be organized as deemed necessary by the secretary of state for the proper discharge of its duties and responsibilities under this chapter. All personnel, furnishings, equipment, finances, property, and contractual arrangements of the public records administration shall be the responsibility of the secretary of state.

R.I. GEN. LAWS § 38-3-3(2) (1997 & Supp. 2001) provides that

[t]here shall be a public records advisory commission consisting of seventeen (17) members, one of whom shall be a member of the senate chosen by the president of the senate, one of whom shall be a member of the house of representatives chosen by the speaker of the house, six (6) of whom shall be chosen by the governor, and seven (7) of whom shall be chosen by the secretary of state. The secretary of state or designee shall serve as a permanent member of the commission. The state archivist shall serve as a permanent member of the commission. The appointments shall consist of persons who are qualified by training and experience with proven interest in historical records and public records management . . . (3) The secretary of state or designee shall serve as the chairperson of the commission. The state archivist or designee shall serve as the secretary of the commission with voting rights . . . (5) The secretary of state may appoint an administrator of the program and shall establish his or her qualifications other than the professional competence required. The administrator shall coordinate, direct, and administer the activities and responsibilities of the program. The administrator shall serve at the pleasure of the secretary of state . . .

R.I. GEN. LAWS § 38-3-4 (1997) provides that “[i]t shall be the duty and responsibility of the administrator to render all services required by the program . . .”

- b. If “Yes,” also cite to and discuss any source of law requiring the responsible officer/government entity to permanently maintain government information; cite attorney general opinions, court decisions, and administrative rules or guidelines.

R.I. Gen.Laws § 38-3-5 (3) (1997) sets forth the duties of the public records administration program which include insuring “. . . the maintenance and security of records which are deemed appropriate for preservation”.

Additional comments:

- 8. Has any public records legislation/administrative regulation been proposed calling for “permanent public access” to electronic public records?

Yes
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

Please refer to the existing statutes which are described *supra*.

- 9. Has litigation under the public records statutes resulted from the state’s failure to “permanently” maintain a public record?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

This author is informed that the litigation regarding public records in Rhode Island concerns access, rather than preservation.

- 10. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under public records statutes/regulations.

This author was informed that, after the state banking crisis in 1991-1992 (when most of the credit unions in Rhode Island were closed by the Governor for an extended period), legislation was introduced to specify certain records which would have to be preserved in the future, such as bank records, meeting minutes and the like.

B. FREEDOM OF INFORMATION ACT

A state’s freedom of information act (or law) generally addresses public access to “public records.” As noted under Section A above, the compilation of statutes for your state may combine record keeping requirements and public access provisions.

1. Does your state have a “freedom of information act,” as referred to in the paragraph above?

Yes
 No

a. If “Yes,” cite your state’s freedom of information act (or law) statutes and the administrative regulations that supplement them.

b. If “No,” skip this whole section.

Additional comments:

Rhode Island does not have a statute specifically called the “freedom of information act”. However, Title 38, Chapter 2 of the Rhode Island General Laws entitled “Access to Public Records” contains certain information regarding access to public records which is commonly found in “freedom of information” statutes. See R.I. GEN. LAWS § 38-2-2(4)(i) (Supp. 2001) which defines “public record” or “public records” and which also contains a list of several types of documents which are not to be deemed public, such as pension records, confidential trade secrets and commercial or financial information; child custody and adoption records, juvenile proceedings before family court; certain law enforcement agency records, library records and numerous other types of documents. For more information regarding Title 38, Chapter 2 of the Rhode Island General Laws, please refer to “Section A. Public Records Statutes”, *supra*, and “Section C. Public Access Laws”, *infra*.

2. The freedom of information act statutes/regulations apply to which of the following branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

3. Cite to freedom of information law statutes/regulations where “public record” is defined.

Additional comments:

4. Do the freedom of information act statutes/regulations address electronic records separately vis-à-vis print records?

Yes
 No

- a. If "Yes," discuss whether the freedom of information act statutes/regulations had been amended at any time to cover electronic records; cite to and provide amending language.
- b. If "Yes," also cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

5. Do any freedom of information act statutes/regulations assure "permanent public access" of electronic public records?

Yes
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address "permanent public access"; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

6. Do the freedom of information act statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

- a. If "Yes," cite to and provide relevant language.

Additional comments:

7. Has any freedom of information legislation/administrative regulation been proposed calling for "permanent public access" of electronic public records?

Yes
 No

- a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

8. Has litigation under the freedom of information act resulted from the state's failure to "permanently" maintain a public record?

Yes
 No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

9. Discuss any unique circumstances in your state relevant to "permanent public access" of public records under freedom of information act statutes/regulations.

C. PUBLIC ACCESS LAWS

The term "public access law" is intended to be a catchall for all other statutes that address the permanency and public accessibility of government information. The type of law appropriately falling under this section is most likely to be a statute that governs availability and access of *government publications*. An example of such a statute is the "Free Public Access to the Code of Maryland Regulations Act," whose title alone explains much about its purpose.

1. Does your state have any "public access laws," as referred to in the paragraph above?

Yes
 No

a. If "Yes," cite each of your state's public access law statutes and the administrative regulations that supplement them.

Rhode Island's "public records statutes" are the same as Rhode Island's "public access laws". Therefore, please refer to the answer to question 1 of "Section A. Public Records Statutes", *supra*, which contains a list of applicable Rhode Island statutes and regulations.

b. If "No," skip this whole section.

Additional comments:

2. For each public access law, specify the branches to which it applies.

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Rhode Island's "public records statutes" are the same as Rhode Island's "public access laws". Therefore, please refer to the answer to question 2. a. of "Section A. Public Records Statutes", *supra*, which contains a list of applicable Rhode Island statutes and regulations.

Additional comments:

3. For each public access law, cite to and discuss provisions/regulations addressing the particular form of government information addressed by the law.

The particular form of government information addressed by Rhode Island's "public records statutes" is described in the statutory definition of "public record" or "public records". See R.I. GEN. LAWS § 38-2-2(4)(i) (Supp. 2001). See also the answer to question 3 of "Section A. Public Records Statutes", *supra*, which sets forth Rhode Island statutory and regulatory definitions of the terms "public record" or "public records".

Additional comments:

4. For each public access law, do the applicable statutes/regulations address electronic information separately vis-à-vis print information?

Yes

No

- a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic information; how is it treated differently?

Additional comments:

5. For each public access law, do the applicable statutes/regulations specifically address permanency of the information?

Yes

No

- a. If "Yes," for each public access law, cite to and briefly discuss the permanency provisions.

For a discussion of the permanency provisions of the Rhode Island public access law, please refer to the references to "retention of records" discussed in the answer to question 5. a. of "Section A. Public Records Statutes", *supra*.

Additional comments:

6. For each public access law, do the applicable statutes/regulations specifically address accessibility of information?

Yes

No

- a. If "Yes," cite to and briefly discuss the accessibility provisions.

The accessibility of information provisions of “public access laws” are embodied in the statement of purpose set forth in R.I. GEN LAWS § 38-2-1 (Supp.2001). *See* the answer to question 6.a. of “Section A. Public Records Statutes”, *supra*.

Additional comments:

7. For each public access law, do the applicable statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to government publications or acknowledge the state’s responsibility to permanently maintain government publications?

Yes
 No

- a. If “Yes,” cite to and provide relevant language.

Please see answer to question 6.a. of “Section A. Public Records Statutes”, *supra*, as well as the answer to question 6.a. of “Section C. Public Access Laws”, *supra*.

Additional comments

8. Has any public access legislation/administrative regulation been proposed calling for “permanent public access” of electronic publications?

Yes
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under any public access law resulted from the state’s failure to “permanently” maintain a government publication?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of government publications under public access laws.

D. STATE OFFICE FOR TECHNOLOGY AND CHIEF INFORMATION OFFICER

1. Does your state have an office for technology (or department of information technology, department of information service, or equivalent) and/or a chief information officer (or equivalent)?

Yes
 No

- a. If "Yes," provide the complete official name for the office and/or officer; cite to the statute giving that information.

In 1996, the Department of Library Services was abolished, and the Office of Library and Information Services (OLIS) was created by R.I. GEN. LAWS § 29-3.1-1 (Supp. 2001).

Office of Library and Information Services (OLIS).

There exists an Office of Library and Information Services (OLIS) within the Department of Administration under the Direction of a Chief Information Officer, appointed by the Director of Administration with the approval of the Governor. R.I. GEN. LAWS § 29-3.1-1 and § 29-3.1-5 (Supp. 2001). R.I. GEN. LAWS § 29-3.1-1 (Supp. 2001) provides in part: "Within the department of administration there shall be an office of library and information services under the direction of a chief information officer who shall be appointed by the director of administration with the approval of the governor."

R.I. GEN. LAWS § 29-3.1-7 (Supp. 2001) sets forth the duties of the "chief information officer" including the duty

. . . to develop a systematic program of information gathering, processing, and analysis addressed to every aspect of public library development and interlibrary cooperation and resource sharing in this state, especially as that information relates to current and future library and information service needs, so that current needs may be met with reasonable promptness and plans formulated to meet future needs as they arise in the most efficient and economical manner possible. . .

OLIS works closely with the Rhode Island Information Resources Management Board (IRMB), *infra*, and is, pursuant to R.I. GEN. LAWS §29-8-11 (Supp. 2001), responsible for assisting IRMB ". . . in the formulation of the statewide electronic data processing plan and provide [sic] necessary support for its research activities."

Rhode Island Information Resources Management Board (IRMB).

The Rhode Island Information Resources Management Board was established by R.I. GEN. LAWS Chapter 29-8-3 (Supp. 2001), which provides: “There is hereby created the Rhode Island information resources management board, hereafter called the board. It shall be the responsibility of the board to coordinate and guide the application of information technologies and resources in the executive branch of state government.”

IRMB Chairperson/Officers.

R.I. GEN. LAWS §29-8-5 (Supp. 2001) provides: “The governor shall appoint from the board’s members a chairperson; the board shall elect from its members any other officers it considers essential.”

IRMB Staff.

R.I. GEN. LAWS § 29-8-11 (Supp. 2001) provides: “The staff of the office of library and information services shall assist the board in the formulation of the statewide electronic data processing plan and provide necessary support for its research activities . . .”

b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the office/officer; when was the statute first enacted?

The powers and responsibilities of OLIS are set forth in R.I. GEN. LAWS § 29-3.1-1 (Supp. 2001) which was enacted in 1996. The duties of the Chief Information Officer, who is in charge of OLIS, are set forth in R.I. GEN. LAWS § 29-3.1-7 (Supp. 2001). The Chief Information Officer serves on the IRMB pursuant to R.I. GEN. LAWS §29-8-4(4) (Supp. 2001).

The enabling statute that created the IRMB, which was enacted in 1996, is R.I. GEN. LAWS § 29-8-3 (Supp. 2001) which provides: “There is hereby created the Rhode Island information resources management board, hereafter called the board. It shall be the responsibility of the board to coordinate and guide the application of information technologies and resources in the executive branch of state government.” The IRMB’s roles and duties are listed in R.I. GEN. LAWS § 29-8-10 (Supp. 2001).

Additional comments:

3. Does the office/officer have power to promulgate administrative regulations?

Yes
 No

- a. If "Yes," cite the body of administrative regulations promulgated by the office/officer.

The Library Board within the Office of Library and Information Services (OLIS) has promulgated administrative regulations regarding:

Minimum Standards for Rhode Island Public Libraries, R.I. CODE R. 01 005 002-1 (2002);

Minimum Standards for the Principal Public Library of Rhode Island, R.I. CODE R. 17 000 005 (1999);

Library and Information Services/Public Library Construction and Renovation Reimbursement Funding, R. I. CODE R. 001 005 001 (2002);

Standards for Rhode Island Special Research Centers, R. I. CODE R. 17 000 006 (1999).

Additional comments:

4. The office/officer has jurisdiction over which branches?

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other -- Public Universities

- a. Briefly explain your answer and cite to applicable statutes/regulations.

OLIS and IRMB have jurisdiction over the executive branch. IRMB also has jurisdiction over public universities. R.I. GEN. LAWS § 29-8-10 (Supp. 2001) lists the IRMB's duties and responsibilities which include: "(a) Providing overall leadership, policy direction, strategic planning and coordination of information resources management for the executive branch of state government and public universities, including public access to appropriate state government information resources."

Additional comments:

5. Are the powers/responsibilities of the office/officer defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

OLIS does not define responsibilities differently for electronic government information vis-à-vis print government information.

The statutory scheme for IRMB addresses electronic government information rather than print. *See* R. I. GEN. LAWS § 29-8-2 (Supp. 2001) which defines “communications” and “information resources”.

6. Do applicable statutes/regulations for the office/officer set forth powers/responsibilities relating to “permanent public access” of government information?

Yes and

No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

There is a reference in R.I. GEN. LAWS § 29-8-10(a) (Supp. 2001) to the duty of the IRMB to provide . . . “public access to appropriate state government information resources.” Permanency is not explicitly addressed.

Additional comments:

7. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes

No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

8. Whether or not a supporting source of law can be identified, does the office/officer acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

By telephone conversation with the Acting Chief Information Officer on June 20, 2002, this author was informed that the Acting Chief Information Officer personally acknowledges the state’s responsibility to permanently maintain government information, although to do so is not part of the legislation.

Additional comments:

9. Has the office/officer undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

By telephone conversation with the Acting Chief Information Officer (CIO) on June 20, 2002, this author is informed that the CIO has not undertaken special initiatives or projects involving “permanent public access” of government information. He referred me to the State Archivist, with whom this author had previously spoken on May 29, 2002. Please see “Section G. State Archives and State Archivist”.

10. Has any litigation involving the office/officer resulted from the state’s failure to “permanently” maintain government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

By telephone conversation on June 20, 2002, the Acting Chief Information Officer informed this author that no litigation involving the office/officer resulted from the state’s failure to “permanently” maintain government information.

11. Discuss any unique circumstances in your state relevant to the office for technology and/or chief information officer.

By telephone conversation on June 20, 2002, the Acting Chief Information Officer discussed with this author a unique circumstance in Rhode Island which is that within the Department of Administration there is an Office of Library and Information Services (OLIS) which encompasses Information Technology, Statewide Planning and Library Programs. Because Information Technology, Statewide Planning and Library Programs are all part of the same organization, there tends to be more concern with public access issues.

E. STATE TECHNOLOGY PLANS

1. Does your state have a current official information technology plan (or equivalent)?

Yes

No

- a. If "Yes," describe what government entity was responsible for creating the plan; cite to the source of its authority.

One of the Information Resources Management Board's (IRMB's) duties pursuant to R. I. GEN. LAWS § 29-8-10(b) (Supp. 2001) is the: ". . . [f]ormulation of a five (5) year statewide information resources management plan, to be updated every two (2) years, from long-range information resources management plans submitted by agencies of the executive branch, including the public universities, as the board may require. . ." R. I. GEN. LAWS § 29-8-12 (Supp. 2001) prescribes requirements for the information resources management plan.

- b. If "Yes," also provide complete bibliographic information about the plan; when was it published?

Copies of the plan(s) are available at the IRMB's website located at: www.IRMB.state.ri.us

- c. If "No," skip this whole section.

Additional comments:

2. The technology plan covers which branches?

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

3. Does the current plan include a section on permanency and public accessibility of electronic government information?

Yes and

No

- a. If "Yes," cite to and provide relevant language of the plan.

Yes regarding public accessibility and no regarding permanency.

Goal 4 of the Information Resources Management Board (IRMB) "Five Year Plan – FY 2002 – FY 2006" is to "assure convenient public access to government information and services."

Additional comments:

4. Discuss any unique circumstances in your state relevant to technology planning or the current information technology plan.

By telephone conversation on June 20, 2002, the Acting Chief Information Officer discussed with this author a unique circumstance in Rhode Island which is that within the Department of Administration there is an Office of Library and Information Services (OLIS) which encompasses Information Technology, Statewide Planning and Library Programs. Because Information Technology, Statewide Planning and Library Programs are all part of the same organization, there tends to be more concern with public access issues.

In 1992, the Rhode Island General Assembly enacted R.I. GEN. LAWS. § 42-8-24 (1993 & Supp. 2001) which created a Permanent Commission on Government Information. The purpose of said commission is to

(c) . . .develop and recommend to the general assembly and the secretary of state the implementation of government information systems that are readily accessible to the public, coordinate information exchanges between state agencies and develop training programs for state employees in the use of new technologies. . .

(f) . . . All departments and agencies of the state shall provide any advice, information, documentation and records as the commission deems necessary to facilitate the purposes of this section.

F. STATE PRINTING OFFICE AND STATE PRINTER

1. Does your state have an official printing office (or equivalent) and/or an official printer (or equivalent)?

Yes

No

- a. If "Yes," provide the complete official name for the printing office and/or official printer; cite to the statute giving that information.
- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the printing office/official printer.

Additional comments:

3. Does the printing office/official printer have power to promulgate administrative regulations?

- Yes
- No

a. If "Yes," cite the body of administrative regulations promulgated by the printing office/official printer.

Additional comments:

4. The printing office/official printer has jurisdiction over which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

5. Briefly discuss the functions of the printing office/official printer. Then:

- a. Describe your state's use of in-house agency publishing and/or commercial publishing of government information.
- b. What percentage of official state government documents are printed by the printing office/official printer?
- c. To what extent is the printing office/official printer involved in the electronic dissemination of government information?

Additional comments:

6. Are the powers/responsibilities of the printing office/official printer defined differently for electronic government information vis-à-vis print government information?

- Yes
- No

a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the printing office/official printer set forth powers/responsibilities relating to "permanent public access" of government information?

- Yes
- No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

- 8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes
 No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

- 9. Whether or not a supporting source of law can be identified, does the printing office/official printer acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

- 10. Has the printing office/official printer undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

- 11. Has any litigation involving the printing office/official printer resulted from the state’s failure to “permanently” maintain government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official printing office and/or official printer.

G. STATE ARCHIVES AND STATE ARCHIVIST

This section addresses your state's official archives and state archivist. If these responsibilities are by law under the auspices of your state library and state librarian, please move on to Section H.

1. Does your state have an official archives (or equivalent) and/or an official archivist (or equivalent)?

Yes
 No

a. If "Yes," provide the complete official name for the archives and/or archivist; cite the statute giving that information.

R.I. GEN. LAWS § 42-8.1-3(1) (1993) provides: "There shall be an establishment known as 'the archives of the state of Rhode Island and Providence Plantations', also referred to in this chapter as 'the state archives' or 'the division'."

b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the archives/archivist.

The state archives were created by the passage of R.I. GEN. LAWS § 42-8.1-3 in 1989.

R.I. GEN. LAWS § 42-8.1-4 (1993) provides that the chief administrative officer of the state archives shall be the state archivist, appointed by the secretary of state.

R.I. GEN. LAWS § 42-8.1-5 (1993) sets forth the duties and responsibilities of the state archivist.

Additional comments:

3. Does the archive/archivist have power to promulgate administrative regulations?

Yes
 No

a. If "Yes," cite the body of administrative regulations promulgated by the archive/archivist.

Additional comments:

4. The archive/archivist has defined responsibilities for which branches?

Executive
 Legislative

- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

R.I. GEN. LAWS § 42-8.1-5(3) (1993) provides: “. . . [t]he state archivist shall cooperate with and assist insofar as practicable, state institutions, departments, agencies, the counties, municipalities and individuals engaged in activities in the field of state archives, manuscripts, and to accept from any person any papers, books, records and similar materials which in the judgement of the division warrant preservation in the state archives.”

Additional comments:

5. Briefly discuss the functions of the archive/archivist.

Title 42 chapter 8.1 of the R.I. GEN. LAWS provides, *inter alia*, that the state archivist : administer the state archives (R.I. GEN. LAWS § 42-8.1-5(1)(1993)); accept for deposit the records of any state or local agency or of the state legislature which are deemed to warrant preservation (R.I. GEN. LAWS § 42-8.1-7(1)(1993)); protect and preserve records (R.I. GEN. LAWS § 42-8.1-8 (1993)); permit archived records to be inspected, examined and copied (R.I. GEN. LAWS § 42-8.1-5(2) (1993)).

Additional comments:

6. Are the powers/responsibilities of the archive/archivist defined differently for electronic government information vis-à-vis print government information?

- Yes
- No

a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the archive/archivist set forth powers/responsibilities relating to “permanent public access” of government information?

- Yes
- No

a. If “Yes,” cite to and discuss any provisions /regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

The Rhode Island General Laws provide that the state archivist shall be responsible for properly administering public records of permanent historical or other value including preserving them. *See* R.I. GEN. LAWS § 42-8.1-5(1)(1993) quoted *infra*. The Rhode Island statutes further require the state archivist to provide a public research room where state archival material may be studied. *See* R. I. GEN. LAWS § 42-8.1-5(8)(1993) quoted *infra*.

R.I. GEN. LAWS § 42-8.1-5(1) and (2)(1993) provide that:

(1) The state archivist . . . shall be responsible for the proper administration of public records of permanent historical or other value. . . He or she shall study the problems of preservation and disposition of records as defined in this chapter and based on such study shall formulate and put into effect . . . such programs as he or she deems advisable or necessary for public records of permanent historical or other value by agencies of the state or political subdivisions thereof. (2) The state archives shall reserve and administer such records as shall be transferred to its custody, and to accept, arrange, and preserve them, according to approved archival practices and to permit them at reasonable times and under the supervision of the division to be inspected, examined and copied; provided that any record placed in the keeping of the division under special terms or conditions restricting their use shall be made accessible only in accordance with such terms and conditions.

R.I. GEN. LAWS § 42-8.1-3(3)(1993) provides: “. . .the division [state archives] shall be the official custodian and trustee for the state of all public records of permanent historical, legal or other value, regardless of physical form or characteristics, which are transferred to it from any public office of the state or any political subdivision thereof.”

R. I. GEN. LAWS § 42-8.1-5(8)(1993) provides that: “The state archivist shall provide a public research room where, under policies established by the division, the materials in the state archives may be studied.”

Additional comments:

8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes
 No

a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Please refer to the answer to Question 7. a. *id*.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the archive/archivist acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

The Rhode Island State Archivist acknowledged responsibility to permanently maintain government information by a telephone conversation with this author on May 29, 2002.

Additional comments:

10. Has the archive/archivist undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

A special initiative or project involving "permanent public access" of government information undertaken by the Rhode Island State Archivist ("Archivist") and described to this author by the Archivist by telephone conversation on May 29, 2002 involves a federal grant. The grant is funding a report on models and best practices for an electronic records program. A principal part of the project involves strategic planning. This author is informed that the state archives are already receiving and accepting records in electronic format. This author is also informed that a report is expected to be on the web by the end of July, 2002, at: < state.ri.us/archives>.

Additional comments:

11. Has any litigation involving the archive/archivist resulted from the state's failure to "permanently" maintain government information?

Yes
 No

To the Archivist's knowledge, no litigation has resulted from the state's failure to "permanently" maintain government information. (By telephone conversation with Archivist on May 29, 2002.)

- a. If "Yes," briefly discuss the circumstances of each case and its outcome, and provide citations to any court decisions.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official archive and/or official archivist.

The Rhode Island State Archivist told me by telephone conversation on May 29, 2002, that there are no unique circumstances in Rhode Island relevant to the official archive and/or official archivist. The Rhode Island State Archivist said that she is dealing with the same issues as are all state archivists.

There is an Archives Department within the Rhode Island Supreme Court Judicial Records Center. See R.I. GEN. LAWS § 8-14-1 (Supp. 2001), which provides in part that “. . . [t]here shall be created a committee within the state court system with responsibility for the management, storage, and disposition of all state court records, including inactive records. . .” Pursuant to the Access to Public Records Act, specifically, R.I. GEN. LAWS § 38-2-2 (4)(i)(T) (Supp. 2001), “[j]udicial bodies are included in the definition [of public records] only in respect to their administrative function. . .” This definition includes “magnetic or other tapes, electronic data processing records, computer stored data . . .” pursuant to R.I. GEN. LAWS § 38-2-2 (4)(i) (Supp. 2001).

H. (1) STATE LIBRARY AND STATE LIBRARIAN *

This section addresses your state’s official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

Official Library and State Librarian. *(Please note separate section below regarding State Law Library and State Law Librarian.)

1. Does your state have an official library (or equivalent) and/or an official librarian (or equivalent)?

Yes
 No

a. If “Yes,” provide the complete official name for the library and/or librarian; cite to the statute giving that information.

The complete official name for the library is “State Library”. The complete official name for the librarian is “State Librarian”.

R.I. GEN. LAWS § 29-1-1(1994) provides:

Within the department of state there shall be a state library and for the supervision of the state library the secretary of state shall appoint a state librarian qualified by training and experience who shall serve at the pleasure of the secretary of state. The state librarian shall carry out the duties required by chapters 1-3 of this title. The state librarian shall continue to maintain and supervise the legislative reference bureau.

b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the library/librarian.

R.I. GEN. LAWS §§ 29-1-1 to 29-1-15 (1994 & Supp. 2001).

Additional comments:

3. Does the library/librarian have power to promulgate administrative regulations?

Yes

No

a. If “Yes,” cite the body of administrative regulations promulgated by the library/librarian.

Additional comments:

4. The library/librarian has defined responsibilities for which branches?

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

The State Librarian is statutorily created as a part of the Department of State, which is part of the Executive Branch. *See* R.I. GEN. LAWS §29-1-1 (1994). However, the Secretary is required by statute to make an annual report to the Legislative Branch, namely, the General Assembly, pursuant to R.I. GEN. LAWS § 29-1-4 (1994).

The State Librarian also has a “Legislative Branch” responsibility, pursuant to R.I. GEN. LAWS § 29-1-10 (1994), to provide a legislative reference bureau in the state library, “which shall collect, arrange and place on file books, pamphlets, and other material relating to legislation, which shall prepare abstracts of laws in other states, and which shall present such other information as may be useful and necessary to the general assembly in the performance of its legislative duties.”

Additional comments:

There is a separate State Law Library for the judicial branch. See discussion below. The term “State Librarian” is used differently in Rhode Island than in most other states. In Rhode Island, the State Librarian is the person in charge of the Legislative Library only. In most other states, the State Librarian is the person in charge of the State Library and the library development functions that in Rhode Island are the responsibility of the Office of Library and Information Services. (From email dated June 18, 2002 from former RI CIO.)

5. Briefly discuss the functions of the library/librarian.

Some of the functions of the state librarian are to maintain and supervise the legislative reference bureau. R.I. GEN. LAWS §§29-1-1 and 29-1-10 (1994). The state librarian shall “ receive and preserve all books and documents which may be sent to or purchased for the library.” R.I. GEN. LAWS § 29-1-2 (1994).

Additional comments:

6. Are the powers/responsibilities of the library/librarian defined differently for electronic government information vis-à-vis print government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the library/librarian set forth powers/responsibilities relating to “permanent public access” of government information?

Yes
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities ; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes
 No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

In addition to the statutes cited in this section, certain of the statutes cited in previous sections of this questionnaire can be construed as acknowledging the state’s responsibility to permanently maintain government information. Those statutes include: R.I. GEN. LAWS Chapter 38-2 (1997 & Supp. 2001) entitled “Access to Public Records”; and R. I. GEN. LAWS Chapter 38-3 (1997 & Supp. 2001) entitled “Public Records Administration”. *See also* the State Archives statute, R.I. GEN. LAWS Chapter 42-8.1 (1993).

Additional comments:

9. Whether or not a supporting source of law can be identified, does the library/librarian acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

By telephone conversation on May 29, 2002, the State Librarian, acknowledged responsibility to permanently maintain government information by stating that to do so "is one of his duties."

Additional comments:

10. Has the library/librarian undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Some of the special initiatives or projects undertaken by the state librarian involving "permanent public access" of government information include the following:

1. Participating in implementation of the Rules and Regulations Conversion Initiative, including placing the State's Rules and Regulations online;
2. Maintaining and participating in the "Clearinghouse";
3. Microfilming legislation; and
4. Scanning executive orders to preserve them in electronic form and paper and to provide electronic access.

This information was provided by the State Librarian to this author by telephone conversation dated May 29, 2002.

At a press conference on June 3, 2002, it was announced that the "Online Rules and Regulations Program" would provide automatic e-mail notification of changes to rules or regulations as part of the Rules and Regulations Conversion Initiative.

Additional comments:

11. Has any litigation involving the library/librarian resulted from the state's failure to "permanently" maintain government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the state library and/or state librarian.

In addition to the State Library and the State Law Library mentioned above, there also exists an Office of Library and Information Services (OLIS) within the Department of Administration under the Direction of a Chief Information Officer, appointed by the Director of Administration with the approval of the Governor. R.I. GEN. LAWS § 29-3.1-1 (Supp. 2001). .

R.I. GEN. LAWS § 29-3.1-4.1(b)(1) (Supp. 2001) sets forth the powers and duties of the “library board” to

. . . approve a systematic program of information gathering, processing, and an analysis addressed to every aspect of public library development and interlibrary cooperation and resource sharing in this state, especially as that information relates to current and future library and information service needs, so that current needs may be met with reasonable promptness and plans formulated to meet future needs as they arise in the most efficient and economical manner possible. . .

This statutory scheme further provides for rulemaking authority by the Chief Information Officer to “develop standards and regulations for public library development and interlibrary cooperation and resource sharing.” R.I. GEN. LAWS § 29-3.1-7(8)(ii) (Supp. 2001).

OLIS works closely with IRMB and is, pursuant to R.I. GEN. LAWS §29-8-11 (Supp. 2001), responsible for staffing IRMB.

As noted above in Answer 4 of this Section, *supra*, the term “State Librarian” is used differently in Rhode Island than in most other states. In Rhode Island, the State Librarian is the person in charge of the Legislative Library only. In most other states, the State Librarian is the person in charge of the State Library, and the library development functions that in Rhode Island are the responsibility of the Office of Library and Information Services. (From email dated June 18, 2002 from former RI CIO.)

H.(2.) STATE LAW LIBRARY AND STATE LAW LIBRARIAN**

This section addresses your state’s official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

Official State Law Library and State Law Librarian. **(See discussion above regarding State Library and State Librarian.)

1. Does your state have an official law library (or equivalent) and/or an official law librarian (or equivalent)?

Yes
 No

- a. If "Yes," provide the complete official name for the library and/or librarian; cite to the statute giving that information.

State Law Library; State Law Librarian. *See* R.I. GEN. LAWS §29-3-1 (1994).

- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the library/librarian.

R.I. GEN. LAWS §§ 29-3-1 through 3 (1994) create and define the powers and responsibilities of the state law library/librarian.

Additional comments:

3. Does the state law library/librarian have power to promulgate administrative regulations?

Yes
 No

- a. If "Yes," cite the body of administrative regulations promulgated by the library/librarian.

Additional comments:

4. The state law library/librarian has defined responsibilities for which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

R.I. GEN. LAWS § 29-3-1 (1994) provides:

The supreme court shall have the custody of the law library, and shall be responsible for the care and keeping thereof, and shall permit no book to be taken therefrom, except for the use of the general assembly, or the justices of the supreme or superior courts, or upon the order of one of the justices, or upon the order of one of the standing masters in chancery; but any person may use the books within the library rooms.

Additional comments:

5. Briefly discuss the functions of the state law library/librarian.

The State Law Librarian is charged with causing “the library to be kept open daily, Sundays and holidays excepted, from nine o’clock in the forenoon (9:00 a.m.) until five o’clock in the afternoon (5:00 p.m.), except during vacation of the courts, and on Saturdays, when it may be closed at three o’clock in the afternoon (3:00 p.m).” R.I. GEN. LAWS §29-3-2 (1994).

R.I. GEN. LAWS § 29-3-3 (1994) provides: “The secretary of state shall place in the law library, in the courthouse in Providence, all books of reports of judicial decisions and statutes which he or she has received for this state from other states, and from the United States.”

R.I. GEN. LAWS § 29-3-4 (1994) provides that : “The general assembly shall annually appropriate such a sum as it may deem necessary, to be expended under the direction of the justices of the supreme court, for the purchase of books and other literature, and for their binding, and for clerical assistance and incidental expenses for the state law library.”

Additional comments:

6. Are the powers/responsibilities of the law library/librarian defined differently for electronic government information vis-à-vis print government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the law library/librarian set forth powers/responsibilities relating to “permanent public access” of government information?

Yes
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities ; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Certain of the statutes cited in previous sections of this questionnaire can be construed as acknowledging the state's responsibility to permanently maintain government information. Those statutes include: R.I. GEN. LAWS Chapter 38-2 (1997 & Supp. 2001) entitled "Access to Public Records"; and R. I. GEN. LAWS Chapter 38-3 (1997 & Supp. 2001) entitled "Public Records Administration". *See also* the State Archives statute R.I. GEN. LAWS Chapter 42-8.1 (1993).

Additional comments:

9. Whether or not a supporting source of law can be identified, does the law library/librarian acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

By telephone conversations on May 29, 2002, with this author, the Acting State Law Librarian, and the Deputy Law Librarian, acknowledged responsibility to permanently maintain government information. They noted that the State Law Library is a selective depository library for the highest court in the state of Rhode Island.

Additional comments:

10. Has the law library/librarian undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

By telephone conversations on May 29, 2002, the Acting Law Librarian and/or the Deputy Law Librarian described the following special initiatives or projects involving “permanent public access” of government information:

1. A librarian is a member of the state local government documents committee to facilitate use of government documents;
2. The State Law Library’s collection is open to the public and the library posts signs to promote use of the library by the public;
3. The State Law Librarians are very concerned about keeping dual formats of documents accessible in their collection until electronic archival issues are resolved and they are moving forward in connection with resolving electronic archival issues;
4. The State Law Librarians work in compliance with the R.I. State Plan for Library Services.

Additional comments:

11. Has any litigation involving the library/librarian resulted from the state’s failure to “permanently” maintain government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

By telephone conversations with both the Acting State Law Librarian and the Deputy Law Librarian, on May 29, 2002, this author was informed that no litigation involving the law library/librarian resulted from the state’s failure to “permanently” maintain government information.

12. Discuss any unique circumstances in your state relevant to the state law library and/or state law librarian.

The Deputy Law Librarian informed this author that the State Law Library has the “highest state appellate court designation”.

She also informed me that there is no Federal Regional Depository in Rhode Island. The Federal Regional Depository for Rhode Island is located in Connecticut.

In addition to the State Library and the State Law Library mentioned above, there also exists an Office of Library and Information Services (OLIS) within the Department of Administration under the Direction of a Chief Information Officer. R.I. GEN. LAWS § 29-3.1-1 (Supp. 2001). .

R.I. GEN. LAWS § 29-3.1-4.1(b)(1) (Supp. 2001) sets forth the powers and duties of the “library board” to “. . . approve a systematic program of information gathering, processing, and an analysis addressed to every aspect of public library development and interlibrary cooperation and

resource sharing in this state, especially as that information relates to current and future library and information service needs. . .”

This statutory scheme further provides for rulemaking authority by the Chief Information Officer to “develop standards and regulations for public library development and interlibrary cooperation and resource sharing.” R.I. GEN. LAWS § 29-3.1-7(8)(ii) (Supp. 2001). As noted *supra*, OLIS works closely with IRMB and is, pursuant to R.I. GEN. LAWS §29-8-11 (Supp. 2001), responsible for staffing IRMB.

I. STATE DEPOSITORY LIBRARY LAWS

States often have a depository library program patterned after the federal model for disseminating federal government publications.

1. Does your state have a “depository library program,” as referred to in the paragraph above?

Yes
 No

a. If “Yes,” cite your state’s depository library law statutes and the administrative regulations that supplement them.

Rhode Island’s state depository library law statutes are R.I. GEN. LAWS Chapter 29-7 entitled “State Publications Clearinghouse”.

The administrative regulations that supplement them are R.I. CODE R. 35 000 006-1 (1998) entitled “Regulations and Guidelines Adopted by the Secretary of State for the Rhode Island State Publications Clearinghouse in Accordance with Title 29, Chapter 7 of the R.I.G.L. of 1956, as Amended.

b. If “No,” skip this whole section.

Additional comments:

2. Do the depository library statutes/regulations address electronic government information separately vis-à-vis print government information?

Yes
 No

a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic government information; how is it treated differently?

b. If “No,” explain whether or not the statutes/regulations have been construed to cover electronic government information?

The depository library statutes were amended on July 2, 1997 to include electronic government information. *See* 1997 R.I. Pub. Laws Chapter 101 § 1. The 1997 amendment added the

following underlined language to the definition of “state publication” contained in R.I. GEN. LAWS § 29-7-2 (4) (Supp. 2001):

(4) ‘State publication’ means any publication regardless of physical form or characteristics produced, made available electronically, printed, purchased, or authorized for distribution by a state agency, except those determined by the issuing agency to be required for official use only for administrative or operational purposes. (emphasis added.)

The Rhode Island State Clearinghouse regulations incorporate the above statutory definition of “state publication”. See R. I. Regulations and Guidelines Adopted by the Secretary of State for the Rhode Island State Publications Clearinghouse in Accordance with Title 29, Chapter 7 of the R.I.G.L. of 1956, as amended, R.I. CODE R. 35 000 006-5 (1998), which provide in pertinent part:

Section 2: GUIDELINES

I. State agencies/departments shall deposit with the Clearinghouse a minimum of twenty-five (25) copies of their publications. State publications that are required to be deposited are defined in Title 29, Chapter 7 of the Rhode Island General Laws as ‘any publication regardless of physical form or characteristics produced, made available electronically, printed, purchased or authorized for distribution by a state agency, except those determined by the issuing agency to be required for official use only for administrative or operational purposes’.

Additional comments:

3. Do any depository library statutes/regulations assure “permanent public access” of electronic government information?

Yes
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

The following two sections, read together, can be construed as addressing “permanent public access”.

R.I. GEN. LAWS § 29-7-1 (1994) provides that a purpose of the chapter creating a state publications clearinghouse for libraries is to “facilitate public access to publications issued by state agencies...” This section provides as follows:

The purpose of this chapter is to establish a state publications clearinghouse for libraries which will systematically collect and distribute state publications to libraries throughout the state in order to facilitate public access to publications issued by state agencies and for exchange of publications with agencies outside of the state under the direction of the state librarian as provided in § 29-1-5.

R.I. GEN. LAWS § 29-7-3 (Supp. 2001) provides for the creation of a state publications clearinghouse for libraries to maintain a complete and permanent collection of state publications, as follows:

There is hereby created, as a section of the state library, and under the direction of the state librarian, a state publications clearinghouse for libraries, hereinafter referred to as the clearinghouse. The clearinghouse shall promote the establishment of an orderly depository library system and shall maintain a complete and permanent collection of state publications. To this end, the secretary of state, with the assistance of the state librarian and the director of the state publications clearinghouse for libraries and the clearinghouse advisory committee shall adopt rules and regulations necessary to carry out the provisions of this chapter.

See also R.I. CODE R. 35 000 006-6 (1998) which provides for permanent retention of state publications as follows:

VIII. Documents distributed to depository libraries shall remain the property of the Clearinghouse. Permission from the Clearinghouse will be required in order to dispose of them. Documents must be kept for five years from the date of receipt unless superseded by another publication. The superseded edition may then be discarded. The State Library, Providence Public Library, and the University of Rhode Island Library will retain all documents permanently except for ephemera and transmittals. (emphasis added.)

Additional comments:

4. Do the depository library statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government information or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

- a. If "Yes," cite to and provide relevant language.

See the answer to Question 3 *supra*.

Additional comments:

5. Have depository libraries as a whole undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

By telephone conversation on May 29, 2002, the State Librarian informed me that the State Library is reviewing the Surplus Documents Collection and distributing surplus documents to other libraries in the state and to the State Archives.

Additional comments:

6. Please determine the (absolute) approximate number or percentage of titles:

5% Formerly distributed in print, now distributed exclusively in electronic format.
 2% Never before distributed, now distributed in electronic format.

Additional comments:

6. Discuss the depository library program's effectiveness and actual accomplishments in disseminating, preserving and providing access of electronic government information?

The State Librarian informed this author on May 29, 2002, that all four Rhode Island state depository libraries have, since 1987, been preserving government information in paper form. Said libraries distribute the most sought after government information in CD format or on the web. He informed me that Rhode Island is the first state to put State Rules and Regulations on the web free of charge. Another example is that the Rhode Island Manual is available free to the public in either CD or book form. Note also the Landlord Tenant Handbook and local tax information. The State Library and State Archives are preserving any government information on the web in paper form and often also in CD format. The State Librarian noted that preservation is still technically uncertain in some respects, in that it is uncertain how long the CD format will be stable. For example, the Quonset Point Permit Application, which is 225 pages and is only available in electronic form, is also preserved in paper form. Another example is that legislative voting information and legislative meeting notices are preserved in paper by the State Library.

Additional comments:

J. COOPERATIVE ARRANGEMENTS

One can imagine any number of cooperative arrangements to assure “permanent public access.” A well-known example is the partnership between the Texas Electronic Depository program (involving the Texas State Library and Archives Commission) and the University of North Texas Libraries (see description for program C304 at Computers in Libraries 2002 on the Information Today website). A hypothetical example of a less formalized cooperative arrangement is where a state’s highest court relies on the state bar association to publish the court’s decisions.

1. To secure PPA, has any state agency or other government entity (judicial, legislative or executive) partnered with any not for profit, educational, or for profit organization outside of government?

Yes
 No

- a. If “Yes,” describe each partnership, noting whether it is funded by a grant or through a government appropriation; give a brief history and summary of accomplishments.

The Secretary of State and the State Archives have contracted with the Administrative Records Office and the State Capitol Records Center for the preservation of paper records, according to the State Librarian.

Additional comments:

2. Does the state rely on any cooperative activities that are not actually formalized?

Yes
 No

- a. If “Yes,” describe each relationship and cooperative activity; give a brief history and a summary of accomplishments.

Since before the recent advent of the state portal (www.RI.gov) the Office of Library and Information Services has been meeting with a webmaker group to exchange news and techniques and to recommend relevant policies about information services to the Information Resources Management Board. The webmaker group consists of people from the private sector and municipalities

Additional comments:

3. Does any state agency or other government entity secure “permanent public access” through any other type of cooperative arrangement?

Yes
 No

- a. Describe each cooperative arrangement; give a brief history and a summary of accomplishments.

Additional comments:

K. FACTORS TO BE CONSIDERED IN FUTURE ADVOCACY OR REFORM EFFORTS

1. If “permanent public access” is neglected in your state, carefully examine existing public records statutes, freedom of information statutes, public access laws, etc., and respond to the following:
 - a. If possible, cite to and discuss one or two specific places in statutes or other sources of law where the state legislature or a responsible agency might naturally insert basic reform language.

In many ways discussed in responses to this Survey Questionnaire, “permanent public access” is not neglected in Rhode Island. However, some state officials posited that resources must continue to be allocated to assure preservation of electronic government information to which the public presently has access.

Certain relevant rules and regulations, mentioned in “Section A. Public Records Statutes” should be revised to reflect the 1998 amendment to the definition of “public records” set forth in R.I. GEN. LAWS § 38-2-2(4)(i) (Supp. 2001).

- b. If specific places to insert reform language are not obvious, very briefly discuss what state agency or other government entity might naturally be made responsible for “permanent public access.”

Additional comments:

2. Discuss known failed efforts in your state to achieve “permanent public access”; how might new efforts succeed?

This author is not aware of any failed efforts in Rhode Island to achieve “permanent public access”.

Additional comments:

L. DIRECTORY

This section asks you to collect directory-type information for important state officials involved in the dissemination of government information.

Provide official contact information for:

1. State Chief Information Officer (or equivalent)

Howard Boksenbaum
Acting Chief Information Officer
R.I. Department of Administration
One Capitol Hill
Providence, RI 02908
401-222-4444
401-222-4260 (fax)
howardbm@gw.doa.state.ri.us

2. State Archivist

R. Gwenn Stearn
State Archivist
State Archives and Public Records
337 Westminster Street
Providence, RI 02903
401-222-2353
401-222-3199 (fax)
reference@archives.state.ri.us

3. State Librarian and/or State Law Librarian

Thomas Evans
State Librarian
State House
Smith Street
Providence, RI 02908
401-222-2473
401-222-3034 (fax)
tevans@sec.state.ri.us

Sondra Giles
Acting State Law Librarian
State Law Library
250 Benefit Street
Providence, RI 02903
401-222-3275
401-222-3865 (fax)
sgiles@courts.state.ri.us

5. State Attorney General (on freedom of information act issues, etc.)
Patrick Lynch
Attorney General
Department of the Attorney General
150 South Main Street
Providence, RI 02903
401-274-4400
401-222-2354 (fax)
<http://www/riag/state/ri.us>

M. IMPORTANT STATE RESOURCES

Provide URLs or other finding information for:

1. Official state home page

www.info.state.ri.us

2. State agency portal

www.RI.gov

- a. Does the portal have a searching capability similar to FirstGov?

Yes.

3. Legislative website

www.rilin.state.ri.us

- a. Does the website cover the current year only?

No.

- b. Are services free or fee-based?

Free.

4. Judicial websites

www.courts.state.ri.us

6. Regulatory agency websites

www.rules.state.ri.us/rules/

6. Freedom of Information Service Hotline

a. Does the state have an ombudsman for freedom of information act issues?

No.

b. Is the state attorney general's office the public's contact for freedom of information act issues?

Requests for access to state government records are handled through the agency responsible for the record and, if access is denied, through an appeal to the Rhode Island Department of the Attorney General. Written requests should be mailed to: The Department of the Attorney General, 150 South Main Street, Providence, RI 02903, Attn. Access to Public Records Act Request.