

**WESTERN COVENTRY FIRE DISTRICT
STANDARD ADMINISTRATIVE PROCEDURE**

5211.05 Access to Public Records

Effective Date: 2/26/2015

Review Date: 2/2018

No. of Pages: 9

1.0 PURPOSE

The purpose of this SAP is to set forth procedures the Western Coventry Fire District (WCFD) will follow when a request for copies or inspection of public records is received in accordance with R.I. Gen. Laws §38-2-1, et Seq., Access to Public Records Act (APRA), and said SAP shall automatically adapt to any legislative change made to said State Statute or any State Statute referenced in this SAP.

2.0 SCOPE

2.1 This procedure applies to all requests for public records.

Under the APRA anyone can obtain copies of or inspect any public record. The WCFD has responsibility to fulfill public record requests within ten (10) business days. Under certain circumstances an extension of an additional twenty (20) business days may be granted.

2.2 Requests for the following records should be fulfilled immediately if possible;

- Standard Administrative Procedures
- Standard Operating Procedures
- Any document prepared for or readily available to the public.

It is preferred but not required that for such records, the requesting person indicate on the Request For Records Form the records requested. Should the requesting person decline to prepare the WCFD Request For Records Form ~~then~~ then the form should be filled out by the responding individual.

2.3 A Request For Records Form must be completed by the requesting person for requests for of all other documents and must be forwarded to the District Clerk on a Request For Records Form. The responding individual must inform the person requesting the records that a response to the request will be available in ten (10) business days.

2.4 IMPORTANT NOTE. At the option of the requesting individual, records can be provided electronically, by facsimile or by email, unless doing so would be unduly burdensome due to volume or cost.

3.0 PROCEDURES AND RESPONSIBILITIES

3.1 Full time employees are responsible for:

- 3.1.1 Posting the Public Records Request Guidelines and the Request for Records Form in a prominent, public location within the Summit Station, and on the WCFD website.
- 3.1.2 Ensuring that all incoming mail addressed to the District Clerk is stamped with the date of receipt.
- 3.1.3 Receiving all walk-in request forms and ensuring each form is completely filled out, dated, and sequentially numbered . The numbering system to be utilized will be based on the year and a sequential number for the request, such as APRA 09-001 etc..
- 3.1.4 Immediately contacting the District Clerk upon receipt of the request and also contacting the Chairperson of the Board of Directors.
- 3.1.5 Upon request of the District Clerk, making arrangements for the Requestor to inspect and/or request a copy of the record(s).
- 3.1.6 Collecting the appropriate fee and closing out the Request for Records Form once the requested record(s) have been inspected and/or copied by the Requestor.
- 3.1.7 Maintaining control over Requests;
 - 3.1.7.1 Maintain a log book file of in-process and completed requests containing the following data:
 - Request Number
 - Requestor's name and telephone number if supplied
 - Date of Request
 - Date that the District Clerk was notified
 - Copy of the in-process Request for Records Form
 - Date that the District Clerk collected a copy of the form.
 - Date the requestor was notified of availability of records
 - Date request was fulfilled and payment received.
- 3.1.8 Monitor timing of complying with requests;
 - 3.1.8.1 Within 7 days of the receipt of a request, should the request not be responded to, verbally notify both the District Clerk and the Chairperson that the request has not been answered. Should neither the District Clerk or the Chairperson be available than verbal notification must be given to another Board member.
 - 3.1.8.2 Immediately contacting the Requestor when the record(s) are available.

3.1.8.3 If the Requestor's name and/or phone number was not supplied, informing the Requestor that the record(s) will be available on the tenth (10th) business day following the date of request.

3.1.9 Posting the Public Records Request Guidelines and Request for Records Form on the WCFD website.

3.2 The District Clerk is responsible for:

3.2.1 Obtaining mail on a timely basis and notifying the Chairperson of the Board of Directors.

3.2.2 Reviewing the Request for Records Form, determining the next step, and carrying it out.

3.2.3 Consulting the APRA and the Attorney General's Guide to Open Government for guidance and promptly contacting the Attorney for the District in the event of a request for further guidance.

3.2.4 Maintaining files containing all pertinent information and documentation including but not limited to:

3.2.4.1 Completed Request Form for Records

3.2.4.2 Date stamped envelope (from mail-in requests)

3.2.4.3 Response letter

3.2.4.4 Post Office receipts

3.2.4.5 Other applicable documentation

3.2.5 Supplying necessary information to the Full Time employees to appropriately update the APRA Log Book.

3.3 General Guidance for Responding to Requests

3.3.1 If requested records are determined public and readily available:

3.3.1.1 Retrieve the requested record(s) and make arrangements for them to be copied and/or inspected within ten (10) business days of the request.

3.3.1.2 Collect the appropriate fee and close out Request Form for Records.

3.3.2 If requested records are determined public but are not readily available:

3.3.2.1 Prepare a letter (see Exhibit A) informing the Requestor of the twenty (20) day extension pursuant to R.I. Gen. Laws §38-2-7, et Seq.

- 3.3.2.2 This letter must be sent Registered Mail Receipt Requested and postmarked within ten (10) business days of the date of request.
- 3.3.2.3 Retrieve requested record(s) and make arrangements with Requestor to inspect the requested records and/or obtain copies of the requested record(s). Amount of time may not exceed thirty (30) days.
- 3.3.2.4 Collect the appropriate fee and close out Request Form for Records.
- 3.3.3 If the requested record(s) do not exist:
 - 3.3.3.1 Prepare a letter (see Exhibit B) informing the Requestor the requested record(s) do not exist.
 - 3.3.3.2 This letter must be sent Registered Mail Receipt Requested and postmarked within ten (10) business days of the date of request.
- 3.3.4 If the requested record(s) are not public records in accordance with R.I. Gen. Laws §38-2-2(4) (A through Y), et Seq.
 - 3.3.4.1 Draft a letter (see Exhibit C) informing the Requestor of the fact that the records requested are not public records.
 - 3.3.4.2 Review request, record(s), and draft response with WCFD's attorney if necessary.
 - 3.3.4.3 Finalize letter. This letter must be sent Registered Mail Receipt Requested and postmarked within ten (10) business days of the date of request.
- 3.3.5 If the requested records are determined to be public records in accordance with R I Gen. Laws but contain information that is not a public record as defined in R I Gen. Laws 38-2-2 (4) (A) through (Y), et Seq. then such non public information should be redacted.

3.4 WESTERN COVENTRY FIRE DISTRICT

PUBLIC RECORDS REQUEST GUIDELINES

The Western Coventry Fire District has instituted the following procedure to help you obtain public records.

1. The contact person for Public Records is the Western Coventry Fire District, District Clerk. A Department Officer may accept Requests on behalf of the District Clerk.
2. Requests may be made either in person, by fax, electronically or by mail. Business Hours are 8:00 AM to 4:00 PM Monday thru Friday, providing there is no emergency call or response in progress. Written requests may be mailed to the Western Coventry Fire District, ATTN: District Clerk, 1110 Victory Highway, Greene, RI 02827.
3. You are *not* required to provide identification or the reason you seek the request. Your right to withhold this information will not bar access.
4. You are not required to fill out the Request For Records Form for documents prepared for or readily available to the public, but it would be helpful to expedite and insure an accurate response to your request if you would. For all other documents, a Request For Records Form describing as clearly and accurately as possible the records being requested must be submitted by the you. The Request For Records Form is available at www.wcfd.net or at Summit Fire Station, 1110 Victory Highway Greene, RI, 02827.
5. You may request a handout on the Access to Public Records Act. A copy may be found at www.riag.state.ri.us/documents/reports/docs/opengov.pdf.
6. If the public records are not available at the time of your request, the Act allows a public body ten (10) business days to respond and under certain circumstances an additional twenty (20) business days.
7. The District may charge \$.15 per page for common business or legal size paper and \$15.00 per hour for search and retrieval after the first one hour.
8. If you are denied access you may file a review petition with the Attorney General. If you are still not satisfied, you may file a lawsuit in Superior Court.
9. Our intention in every case is to provide you public records in a courteous and expeditious manner.

WESTERN COVENTRY FIRE DISTRICT

REQUEST FOR RECORDS FORM
Under the Access to Public Records Act

Date _____

Request Number _____

Name (optional) _____

Address (optional) _____

Telephone (optional) _____

Requested Records _____

The District may claim exemption to the requested records pursuant to R.I. Gen. Laws §38-2-2-(4)-(i)(A) through (Y), et Seq., after review of your request.

NOTE: If you do not provide identification (name, address, and telephone) the requested records will be available on _____ at the Western Coventry Fire District, Summit Station, 1110 Victory Highway, Greene, RI 02827.. Please know your request date and request number upon return.

NOTE: In accordance with RI Gen. Laws 38-2-4, et Seq., the District may charge a fee of \$.15 per page for documents copied and/or \$15.00 per hour for document search and retrieval after the first hour. You will be contacted prior to commencing work on your request if the estimated costs will exceed \$25.00.

DISTRICT USE ONLY

Request Taken By _____

Date _____ Time _____

Records Available On _____

Records Inspected or Picked Up On _____

Records Request Completed By _____

Costs: Copies _____ copies x \$.15 = _____

Search and Retrieval _____ hours x \$15.00 = _____

Total Cost _____

Extension Letter Mailed _____

Records Do Not Exist Letter Mailed _____

Denial Letter Mailed _____

(Letterhead)

(Date)

Name
Address
Address

RE: Records Request

Dear Mr./Ms.

Thank you for your recent request for Access to Public Records consisting of:

(List)

Because the requested records are not stored on site (or for another accepted reason), we are extending the date for having these records available to you to (Date) pursuant to R.I. Gen. Laws §38-2-7-(b), et Seq.

Thank you for your interest in keeping government open and accountable to the public.

Sincerely,

(Name)
District Clerk

(Letterhead)

(Date)

Name
Address
Address

RE: Records Request

Dear Mr./Ms.

Thank you for your recent request for Access to Public Records consisting of:

(List)

After a thorough search of the District's records I have determined that the District does not have any such records.

Pursuant to R.I. Gen. Laws §38-2-3(f), et Seq, a public body is not required to reorganize, consolidate or compile data not maintained by the public body in the form requested at the time of request. For a complete handout regarding Access to Public Records please visit the Summit Fire Station or go to www.riag.state.ri.us/documents/reports/docs/opengov.pdf.

Thank you for your interest in keeping government open and accountable to the public.

Sincerely,

(Name)
District Clerk

(Letterhead)

(Date)

Name
Address
Address

RE: Records Request

Dear Mr./Ms.

Thank you for your recent request for Access to Public Records consisting of:

(List)

Pursuant to the R.I. Gen. Laws §38-2-2(4)(i), et Seq., (specify documents requested) are exempt from public disclosure.

You may wish to appeal this decision with the Chairperson of the Board of Directors at the Western Coventry Fire District. You may also file a complaint with the Attorney General or the Superior Court in Kent County. For a handout regarding Access to Public Records please visit the Summit Fire Station or go to www.riag.state.ri.us/documents/reports/docs/opengov.pdf.

Thank you for your interest in keeping government open and accountable to the public.

Sincerely,

(Name)
District Clerk