

Freedom of Information Act (FOIA)

Department of Human Services Access To Public Records Act R.I. GEN. LAWS § 38-2-1 ET SEQ

The Department of Human Services (“DHS”) considers the confidentiality of its records a priority under federal and state laws (see R.I.G.L §§ 40-6-12, 40-5.1-30 and 42-12-22), but recognizes the right of access to the public records pursuant to R.I.G.L. § 38-2-1 et. seq. All requests for records, documentation, and other information under the care, control, and custody of the DHS should be submitted to the Office of Legal Counsel, Louis Pasteur Bldg. #57, 600 New London Avenue, Cranston, RI 02920. To ensure that you are provided with the public records in an efficient manner, we ask that you complete the Public Records Request Form available through the Office of Legal Counsel or by clicking the link to the FOIA Request Form found at the bottom of the DHS website. The exception to this is when a unit of DHS maintains public records in an orderly fashion for the purposes of public viewing (such as the Policy Office maintaining policy, the Appeals Office maintaining redacted copies of decisions, and the Director’s Office maintaining copies of minutes of open meetings).

The DHS, Office of Legal Counsel, will make a determination as to whether the records are public. A “public record” is defined as “documents, papers, . . . 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”. Although a document may constitute a public record, there may be some information contained within the document that may be redacted/deleted as it is exempt from disclosure under R.I.G.L. § 38-2-2. In certain instances where the request is merely data that is statistical in nature, it may be handled by the administrator of that program at the administrator’s discretion. Requests for information through a valid release signed by a DHS current or former applicant/client may be handled directly by the field, with consultation by the Office of Legal Counsel, if necessary. Subpoenas received by staff must be forwarded to the Office of Legal Counsel.

Records deemed public can either be mailed or picked up. The Access to Public Records Act grants a public body ten (10) business days to respond to your request, R.I.G.L. § 38-2-7(a). The Access to Public Records Act further provides that “for good cause, this limit may be extended for a period not to exceed thirty (30) business days”. When records are voluminous or otherwise require a length of time to identify, such extension will be taken. Notice of the extension of time will be sent.

The Access to Public Records Act allows a citizen the opportunity to inspect and/ or to copy public records. The cost per copied page of written public documents will be \$.15 per page and an hourly rate not to exceed \$15.00 (fifteen) dollars per hour for time spent for the search and retrieval of documents, with no charge for the first hour. If the request requires a charge to be assessed, due to the manner in which the information is stored, a charge will be made for the actual production and/or reproduction cost. The DHS, Office of Legal Counsel, will provide an estimate of charges, allowing for a retraction or amendment to the request, prior to any further action by DHS.

The Access to Public Records Act exempts some records from public disclosure (see R.I.G.L. § 38-2-2(4)). The following are some explanations as to why a document or part thereof may be exempt from disclosure: (A) (I)... all personal or medical information relating to an individual in any files, — including information relating to medical or psychological facts. R.I.G.L. § 38-2-2(4)(i)(A)(I); (S) Records, reports, opinions, information and statements required to be kept confidential by federal law or regulation or state rule of court, law or regulation (i.e, information regarding juveniles, etc.). Please be advised that this is not a complete list of documents that the Access to Public Records Act exempts from disclosure. For a full list see R.I.G.L. § 38-2-2.

Any person or entity denied the right to inspect a record of the DHS may petition the Department of Attorney General for review of the determination. If the Department of Attorney General makes a final determination that the record is not subject to public inspection, the person or entity seeking disclosure may file a lawsuit in the Superior Court.

Office of Legal Services

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Department of Human Services

Office of Legal Services

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