

# **DEPARTMENT OF REVENUE**

## **DIVISION OF LOTTERIES ("Division")**

### **Access to Public Records Regulation**

#### **1.1 Purposes**

A. The Purposes of this Regulation are:

1. To establish a Regulation to implement R.I. Gen. Laws § 38-2-1, et seq. relating to access to public records maintained by the Division;
2. To provide the public and Division personnel with a Regulation which sets forth the rules and procedures applicable to access to public records maintained by the Division.

#### **1.2 Authority**

This Regulation is promulgated pursuant to R.I. Gen. Laws § 38-2-1, et seq. ("Access to Public Records").

#### **1.3 Application**

These rules and regulations shall be liberally construed to permit the Division to effectuate the purposes of R.I. Gen Laws § 38-2-1, et seq.

#### **1.4 Severability**

If any provision of these rules and regulation, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the rules and regulations shall not be affected thereby.

#### **1.5 Policy**

The Division recognizes both the public's right to access public records and the individual's right to dignity and privacy. It is the Division's policy to facilitate public access to all public records that may be disclosed in accordance with R.I. Gen. Laws § 38-2-1, et seq. It is also the policy of the Division to make all public records in the Division's possession available for public inspection and copying consistent with applicable state or federal law, unless otherwise prohibited by a court of competent jurisdiction.

#### **1.6 Procedure for Requesting Public Records**

A. Except as provided in § 1.7 of this Part below, a written request to inspect or copy public records should be sent to the Division or, in the alternative, to the Division of Legal Services at the Department of Revenue. Written requests may be mailed, hand delivered, e-mailed, or sent via facsimile. Hand-delivered requests may be made during the Division's regular business hours. It is suggested, but not

required, that requests be submitted on the form provided by the Division, which is available at the Division at 1425 Pontiac Avenue, Cranston, Rhode Island, or online at [www.rilot.com](http://www.rilot.com). To assure that the Division can respond to the request as efficiently and as completely as possible, the request should identify and describe the records being requested with as much specificity as possible. A written record of all requests will be maintained by the Division.

- B. If the description of records being requested is not sufficient to allow the Division to identify and locate the requested records, the Division will notify the person requesting such records that additional information is needed to properly respond to the request.
- C. Upon receipt of a request for records, the Division will mark on the face of a written request the date the request was received. Except as provided in § 1.6(D) below, the Division will permit the inspection or copying of the requested records within ten (10) business days after receiving the written request.
- D. If the inspection or copying is not permitted within ten (10) business days of receipt of the request, the Division shall, within ten (10) days of receipt of the request, explain in writing the need for additional time to comply with the request. In such cases, the Division may have up to an additional twenty (20) business days to comply with the request if it can demonstrate that the voluminous nature of the request, the number of requests for records pending, or the difficulty in searching for and retrieving or copying the requested records, is such that additional time is necessary to avoid imposing an undue burden on the Division.
- E. A written request is not required to be submitted for public information or other documents prepared for or readily available to the public such as:
  - 1. rules and written statements of policy or interpretations formulated, adopted, or used by the agency; or
  - 2. final orders, decisions, and opinions;

Non-written requests for public records are subject to the same timelines as written requests for public records; reasonable time must be given to locate, copy, and send the requested records.

## **1.7 Hours of Inspections**

When a request is made to inspect public records (as opposed to obtain copies), the requester will be advised when the records are available and he/she can then make an appointment to inspect those documents at the Division between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday. The timeframe for the Division to respond to requests to inspect public records is the same as the timeframe applicable to responding to requests for copies of public records as set forth above in § 1.6(D.) of this Part above.

## **1.8 Fees**

- A. Official publications which the Division prepares in the discharge of its duties to inform the public on matters of public interest will be furnished free of charge when available.
- B. The Division will supply one (1) copy of any of its Rules and Regulations to an individual requesting them free of charge. Rules and Regulations of the Division are available online from the Division's website, [www.rilot.com](http://www.rilot.com)
- C. Pursuant to R.I. Gen. Laws § 38-2-4, the Division charges a fee for copying of requested documents. The Division charge is \$0.15 per copied page; provided however, if the response to the request consists of twenty (20) or fewer copied pages, no fee will be charged. If the documents requested are kept in electronic format and must be printed out to provide access or copies, there is a \$0.15 per page charge for each copy as provided in this Part 1.8. The Division also charges for search and retrieval time as provided in R.I. Gen. Laws § 38-2-4. That charge is \$15.00 per hour for search and retrieval with no charge for the first hour of search and retrieval. The Division reserves the right to require a deposit of the estimated costs for search and retrieval and copying if the estimated costs are \$50.00 or more.
- D. The actual cost of copying and search and retrieval as provided in § 1.8(C.) of this Part above must be paid in advance of or at the time of delivery or inspection of the requested documents.
- E. Division personnel or, where applicable, an outside copy service will make copies of requested records. The Division does not have a copy machine available for use by the public to make copies.

## **1.9 Supervision of Inspections**

- A. The inspection of public records must be accomplished in a manner which will provide for general supervision by authorized Division staff. This is necessary to prevent the misplacement or unauthorized removal of records or any other action which may impair the integrity of the public record.
- B. Personnel in charge of the Division having possession of the public record requested shall have overall responsibility for the security of the public record. However, the individual in charge of that Division may designate a staff member(s) to coordinate the functions and responsibilities related to the copying and inspection of public records.
- C. All personnel responsible for responding to requests for access to public records shall be made aware, by their supervisors, of the provisions of this regulation and the procedures to be followed when an access to public records request is made. Department personnel having any questions regarding the procedures to be followed should direct inquiries to:

1. The person in charge of the Division or unit within the Division responsible for the activity/function to which the public record being requested relates;  
or
2. In the event that the public record cannot be readily categorized as falling under the responsibility of the Division or other unit within the Division, the request should be directed to the Division of Legal Services, which will serve as a resource in matters relating to the public's access to public records.

**EXHIBIT A - For request to the Division of Lotteries**

**REQUEST TO INSPECT AND/OR COPY PUBLIC RECORDS  
OF THE DEPARTMENT OF REVENUE  
PURSUANT TO R.I. Gen. Laws § 38-2-1 et seq.**

*Complete this form, sign and return to:*  
**Rhode Island Department of Revenue  
Division of Lotteries  
1425 Pontiac Avenue  
Cranston, RI 02920**

**Department of Revenue:** tel. # (401) 463-6500 fax # (401) 463-5669

NAME OF REQUESTER: \_\_\_\_\_

ADDRESS OF REQUESTER: \_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NO. OF REQUESTER: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX. NO.: \_\_\_\_\_

TITLE AND/OR DESCRIPTION OF DOCUMENT(S) REQUESTED TO BE  
INSPECTED \_\_\_\_\_ OR COPIED \_\_\_\_\_:

Please be as specific and descriptive as possible to assure that the Department will be able to respond to your request as efficiently and as completely as possible.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FORMAT REQUESTED:  
PAPER: \_\_\_\_\_ FAX: \_\_\_\_\_ EMAIL (if available) \_\_\_\_\_

NAME AND TITLE OF PERSON OR DIVISION WITHIN THE DEPARTMENT HAVING  
POSSESSION OF DOCUMENT(S), IF KNOWN:

\_\_\_\_\_

Copies of any document(s) are fifteen (\$.15) cents per page (or the actual reproduction cost of paper larger than 8 1/2" x 14"), plus an hourly charge of fifteen (\$15.00) dollars per hour for search retrieval. There is no charge if the total number of pages is twenty (20) pages or fewer. There is no charge for the first hour of search and retrieval.

Materials requested ARE \_\_\_\_\_ ARE NOT \_\_\_\_\_ sought for the purpose of pending litigation involving the Department or the State of Rhode Island.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person Making Request

**EXHIBIT B**

**RESPONSE TO REQUEST TO INSPECT AND/OR COPY  
PUBLIC RECORDS OF THE DEPARTMENT OF REVENUE  
PURSUANT TO R.I. Gen. Laws § 38-2-1 et seq.**

Dear \_\_\_\_\_ :

On \_\_\_\_\_ the Department received your Request to Inspect and/or Copy Public Records Pursuant to R.I. Gen. Laws § 38-2-1 et seq. A copy of your request is attached.

A. RESPONSE TO REQUEST:

- GRANTED
- DENIED/DENIED IN PART because the following record(s) which were requested are exempt from disclosure pursuant to the following provisions of law: \_\_\_\_\_
- NO SUCH DOCUMENT(S) EXIST IN THE DEPARTMENT'S RECORDS

B. PROCEDURE TO INSPECT/OBTAIN COPIES OF PUBLIC RECORDS BEING RELEASED PURSUANT TO SECTION A ABOVE:

- A copy of the requested records will be mailed to you (or you may call to make an appointment to pick up the records during the Department's normal business hours) upon the Department's receipt of payment of \$ \_\_\_\_\_ representing the copying costs i.e. \$ \_\_\_\_\_ and/or search and retrieval fees i.e. \$ \_\_\_\_\_ pursuant to R.I. Gen. Laws § 38-2-4. Please forward payment to the address listed below.
- A copy of the requested records is enclosed. (Because the number of copied pages was twenty (20) or fewer pages and there were no search and/or retrieval fees there was no fees associated with the Department's response to your request.)
- The requested records are available for inspection in the \_\_\_\_\_ Division of the Department between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday, at the address specified below. Please call to arrange an appointment. The search and retrieval costs associated with the request to inspect is \$ \_\_\_\_\_. That amount is payable at the time of the appointment to inspect the records.
- Not Applicable.

C. If your request, or any part thereof, is denied, you have the right to appeal to the Department's chief administrative officer. If your appeal is denied, you have the right to appeal to the Attorney General or the Superior Court.

DATED: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

Make checks payable to "General Treasurer, State of Rhode Island." Mail or Hand deliver Checks to: Division of Lotteries, 1425 Pontiac Avenue, Cranston, RI 02920