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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS

Introduced By: Representatives Batista, Morales, Williams, Knight, and Alzate

Date Introduced: February 26, 2021

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 19-14.10-16 of the General Laws in Chapter 19-14.10 entitled "An
2 Act Adopting the Federal Secure and Fair Enforcement for Mortgage Licensing Act of 2009" is
3 hereby amended to read as follows:

4 **19-14.10-16. Investigation and examination authority.**

5 In addition to any authority allowed under this chapter the director, or the director's
6 designee, shall have the authority to conduct investigations and examinations as follows:

7 (1) For purposes of initial licensing, license renewal, license suspension, license
8 conditioning, license revocation or termination, or general or specific inquiry or investigation to
9 determine compliance with this chapter, the director, or the director's designee, shall have the
10 authority to access, receive and use any books, accounts, records, files, documents, information or
11 evidence including but not limited to:

12 (i) Criminal, civil, and administrative history information, including non-conviction data,
13 or other non-public record as specified in § ~~38-2-2(4)(D)~~ 38-2-2, specifically, or any other criminal,
14 civil, and administrative record deemed non-public under § 38-2-1 et seq., generally; and

15 (ii) Personal history and experience information including independent credit reports
16 obtained from a consumer reporting agency described in § 603(p) of the federal Fair Credit
17 Reporting Act, 15 U.S.C. § 1681a(p); and

18 (iii) Any other documents, information, or evidence the director, or the director's designee,
19 deems relevant to the inquiry or investigation regardless of the location, possession, control, or

1 custody of such documents, information, or evidence.

2 (2) For the purposes of investigating violations or complaints arising under this chapter, or
3 for the purposes of examination, the director, or the director's designee, may review, investigate, or
4 examine any licensee, individual, or person subject to this chapter, as often as necessary in order to
5 carry out the purposes of this chapter. The director, or the director's designee, may direct, subpoena,
6 or order the attendance of and examine under oath all persons whose testimony may be required
7 about the loans or the business or subject matter of any such examination or investigation, and may
8 direct, subpoena, or order such person to produce books, accounts, records, files, and any other
9 documents the director, or the director's designee, deems relevant to the inquiry.

10 (3) Each licensee, individual, or person subject to this chapter shall make available to the
11 director, or the director's designee, upon request, the books and records relating to the operations
12 of such licensee, individual, or person subject to this chapter. The director, or the director's
13 designee, shall have access to such books and records and interview the officers, principals,
14 mortgage loan originators, employees, independent contractors, agents, and customers of the
15 licensee, individual, or person subject to this chapter concerning their business.

16 (4) Each licensee, individual, or person subject to this chapter shall make or compile reports
17 or prepare other information as directed by the director, or the director's designee, in order to carry
18 out the purposes of this section including but not limited to:

19 (i) Accounting compilations;

20 (ii) Information lists and data concerning loan transactions in a format prescribed by the
21 director, or the director's designee; or

22 (iii) Such other information deemed necessary to carry out the purposes of this section.

23 (5) In making any examination or investigation authorized by this chapter, the director, or
24 the director's designee, may control access to any documents and records of the licensee or person
25 under examination or investigation. The director, or the director's designee, may take possession of
26 the documents and records or place a person in exclusive charge of the documents and records in
27 the place where they are usually kept. During the period of control, no individual or person shall
28 remove or attempt to remove any of the documents and records except pursuant to a court order or
29 with the consent of the director, or the director's designee. Unless the director, or the director's
30 designee, has reasonable grounds to believe the documents or records of the licensee have been, or
31 are at risk of being altered or destroyed for purposes of concealing a violation of this chapter, the
32 licensee or owner of the documents and records shall have access to the documents or records as
33 necessary to conduct its ordinary business affairs.

34 (6) In order to carry out the purposes of this section, the director, or the director's designee,

1 may:

2 (i) Retain attorneys, accountants, or other professionals and specialists as examiners,
3 auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

4 (ii) Enter into agreements or relationships with other government officials or regulatory
5 associations in order to improve efficiencies and reduce regulatory burden by sharing resources,
6 standardize or uniform methods or procedures, and documents, records, information or evidence
7 obtained under this section;

8 (iii) Use, hire, contract, or employ public or privately available analytical systems,
9 methods, or software to examine or investigate the licensee, individual, or person subject to this
10 chapter;

11 (iv) Accept and rely on examination or investigation reports made by other government
12 officials, within or without this state; or

13 (v) Accept audit reports made by an independent certified public accountant for the
14 licensee, individual, or person subject to this chapter in the course of that part of the examination
15 covering the same general subject matter as the audit and may incorporate the audit report in the
16 report of the examination, report of investigation or other writing of the director, or the director's
17 designee.

18 (7) The authority of this section shall remain in effect, whether such a licensee, individual,
19 or person subject to this chapter acts or claims to act under any licensing or registration law of this
20 state, or claims to act without such authority.

21 (8) No licensee, individual, or person subject to investigation or examination under this
22 section may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records,
23 computer records, or other information.

24 SECTION 2. Section 23-1-50 of the General Laws in Chapter 23-1 entitled "Department
25 of Health" is hereby amended to read as follows:

26 **23-1-50. Public Records -- Exemption -- Requirements.**

27 (a) The department of health shall deem all application filings for certification, re-
28 certification, and material modification, and correspondence directly related to those application
29 filings, submitted under the provisions of chapters 17.12 and 17.13 of this title and chapter 41 of
30 title 27, to be "public records" as defined in § ~~38-2-2(4)~~ 38-2-2. Entities or agents certified under
31 one or more of these statutes may request that certain portions of their application filings, or
32 correspondence directly related to their application filings, be regarded as exempt from public
33 disclosure, but may do so only by claiming one or more of the specific grounds delineated in § ~~38-~~
34 ~~2-2(4)~~ 38-2-2.

1 (b) For each document or for each portion of a document requested to be exempt from
2 public disclosure, the certified entity or agent must specify the specific exemption claimed and the
3 rationale for the exemption. Each specific exemption and the rationale for it shall themselves be
4 public documents. The department shall determine which of the documents, or parts of the
5 documents, for which an exemption is sought shall be public records and which shall be exempt
6 from the disclosure required by chapter 2 of title 38.

7 (c) Each application filing for certification, re-certification, or material modification
8 submitted under the provisions of chapters 17.12 and 17.13 of this title and chapter 41 of title 27,
9 and for which an exemption is sought, shall be made in three (3) parts:

10 (1) Part One shall be a complete application filing with no materials to be deleted. This part
11 shall be for the official use of the department as appropriate.

12 (2) Part Two shall be a complete application filing, except that it shall not include those
13 parts of the application filing which the filing party has claimed and the department determined to
14 be exempt from the disclosure required by chapter 2 of title 38.

15 (3) Part Three of the application filing shall include those items and information requested
16 to be excluded from the disclosure required by chapter 2 of title 38 with a delineation of the specific
17 exemption and criteria claimed under § ~~38-2-2(4)~~ 38-2-2 and the application filing's rationale for
18 each specific exemption claimed.

19 (d) All application filings for certification, re-certification, or material modification
20 submitted under the provisions of chapters 17.12 and 17.13 of this title and chapter 41 of title 27
21 that are not made consistent with the three (3) part form described in subsection (c) shall, except as
22 otherwise prohibited by state or federal law, be deemed "public records" under the provisions of
23 chapter 2 of title 38.

24 SECTION 3. Section 28-36-12 of the General Laws in Chapter 28-36 entitled "Workers'
25 Compensation - Insurance" is hereby amended to read as follows:

26 **28-36-12. Notice of issuance, cancellation, or failure to renew policies.**

27 (a) Every insurance company having written a policy insuring against liability for personal
28 injuries to employees shall notify the director of the issuance of the policy within five (5) days of
29 the effective date of this policy in a manner determined by the director. Upon the cancellation of
30 the policy or failure to renew it, every insurance company having written the policy shall
31 immediately notify the director of the cancellation or failure to renew. The director shall have
32 discretion to assess an administrative penalty of not more than two hundred fifty dollars (\$250) per
33 offense against any insurance company that fails to notify the director as required in this section.
34 The director, in his or her discretion, may bring a civil action to collect all assessed civil penalties.

1 The workers' compensation court shall have jurisdiction to enforce compliance with any order of
2 the director made pursuant to this section. Additionally, any insurance company that willfully fails
3 to notify the director as required in this section shall be subject to prosecution for a misdemeanor
4 and upon conviction may be punished by a fine of not more than two hundred fifty dollars (\$250)
5 for each offense. All criminal actions for any violation of this section shall be prosecuted by the
6 attorney general at the request of the director.

7 (b) Cancellation of the policy or non-renewal shall not be deemed effective until written
8 notice of the cancellation or non-renewal is received by the director.

9 (c) All penalties and fines collected pursuant to this section shall be deposited in the general
10 fund.

11 (d) Except for workers' compensation insurance coverage verification, all information
12 required to be provided to the director under chapter 36 of title 28 shall be considered confidential
13 under § ~~38-2-2(4)(B)~~ [38-2-2](#).

14 SECTION 4. Sections 31-21.2-5 and 31-21.2-8 of the General Laws in Chapter 31-21.2
15 entitled "Comprehensive Community-Police Relationship Act of 2015" are hereby amended to read
16 as follows:

17 **31-21.2-5. Law enforcement practices.**

18 (a) Unless there exists reasonable suspicion or probable cause of criminal activity, no motor
19 vehicle stopped for a traffic violation shall be detained beyond the time needed to address the
20 violation. Nothing contained herein shall prohibit the detention of a motor vehicle for a reasonable
21 period of time for the arrival of a canine unit or subsequent criminal investigation if there is
22 reasonable suspicion or probable cause of criminal activity.

23 (b) No operator or owner-passenger of a motor vehicle shall be requested to consent to a
24 search by a law enforcement officer of his or her motor vehicle, that is stopped solely for a traffic
25 violation, unless there exists reasonable suspicion or probable cause of criminal activity. No
26 pedestrian shall be requested to consent to a search by a law enforcement officer of his or her
27 person, unless there exists reasonable suspicion or probable cause of criminal activity. No juvenile
28 shall be requested to consent to a search by a law enforcement officer unless there exists reasonable
29 suspicion or probable cause of criminal activity. In those instances in which a warrant would be
30 required, a law enforcement officer must advise the juvenile that he or she may refuse to consent
31 to, or limit the scope of, any requested search. The determination of age of the individual shall be
32 based on the perception of the officer making a good faith effort in advance of requesting consent.
33 Nothing contained in this subsection shall be construed to prohibit a law enforcement officer from
34 conducting a pat down search for weapons based upon a reasonable belief that the officer's personal

1 safety may be jeopardized.

2 (c) Each search conducted by a law enforcement officer that does not result in criminal
3 charges shall be documented in a computer-aided dispatch (CAD) entry or other police-generated
4 report. Each search conducted by a law enforcement officer that results in criminal charges shall
5 be documented in a police-generated report. The CAD entry or formal police report shall include
6 the date, time, and location of the stop/search, along with the "reasonable suspicion" or "probable
7 cause" leading to the search. The CAD entry or formal police report shall also include the race, age,
8 and gender of the individual(s) searched and the results of the search. The document, exclusive of
9 information identifying the law enforcement officer, shall be a public record, subject to the access
10 to public records act, § ~~38-2-2(4)(D)~~ 38-2-2, law enforcement exemptions. For purposes of this
11 section, "computer-aided dispatch" (CAD) means an electronic system used by public safety
12 agencies to facilitate incident response and communications in the field that electronically records
13 information on call taking, dispatching, location verification, mapping, and other functions for
14 public safety.

15 (d) With the exception of operators who are subject to federal motor carrier regulations, no
16 operator of a motor vehicle shall be requested to provide any documentation or identification other
17 than a driver's license, motor vehicle registration, and/or proof of insurance when the motor vehicle
18 has been stopped solely for a traffic violation, unless there exists reasonable suspicion or probable
19 cause of criminal activity or the operator has failed to produce a valid driver's license.

20 (e) If a violation of the traffic laws in this title is used to stop a motor vehicle for non-
21 related investigatory reasons, the law enforcement officer shall document in writing or
22 electronically the investigatory basis for the stop. The documentation of such stops shall commence
23 no later than twelve (12) months after passage of this act and shall be assessed every six (6) months
24 by the respective police department as to whether the suspicion was justified and the data be made
25 publicly available, subject to the access to public records act, § ~~38-2-2(4)(D)~~ 38-2-2, law
26 enforcement exemptions.

27 (f) Any evidence obtained as a result of a search prohibited by subsection (a) or (b) shall
28 be inadmissible in any judicial proceeding. Nothing contained herein shall be construed to preclude
29 any search otherwise based upon any legally sufficient cause.

30 (g) Law enforcement agencies using video and/or audio surveillance cameras in their
31 vehicles shall adopt written policies and procedures regarding the use of such cameras, which shall
32 be public records, and which shall include, but not be limited to, the following standards:

33 (1) All motor vehicle stops conducted by police vehicles with such equipment shall be
34 recorded barring exceptions outlined below. In an effort to objectively memorialize relevant

1 observations, the recording shall begin no later than when an officer first signals the vehicle to stop;
2 and, barring conditions that could compromise a sensitive investigation, jeopardize the safety of a
3 vehicle occupant or cooperating victim/witness and/or unforeseen equipment malfunction, the
4 recording shall continue until the motor vehicle stop is completed and the stopped vehicle departs,
5 or until the officer's participation in the motor vehicle stop ends;

6 (2) Law enforcement agencies that acquire video and/or audio surveillance cameras for use
7 in their vehicles shall:

8 (i) Notify the office of highway safety of the Rhode Island department of transportation
9 that such equipment has been acquired and will be in use and the department of transportation shall
10 post notice of such use on its website;

11 (ii) Issue a press release advising the public that such equipment will be in use; and

12 (iii) Post notice on its website that such equipment will be in use;

13 (3) A chain of custody of the video/audio recordings, hereafter referred to as "recording(s),"
14 shall be maintained;

15 (4)(i) A driver of a motor vehicle who was recorded by a video/audio surveillance camera,
16 and/or his or her legal counsel, shall have the right to view the in-car recording at the police station,
17 provided that the viewing does not compromise an active investigation;

18 (ii) A passenger of a motor vehicle who was recorded by a video/audio surveillance camera,
19 and/or his or her legal counsel, shall have the right to view the in-car recording at the police station
20 if that passenger became the subject of the police interaction recorded, provided that the viewing
21 does not compromise an active investigation;

22 (5) The policy shall address the period of retention for such recordings, and procedures to
23 be used to ensure that the recording equipment is in proper working order, and shall bar the
24 destruction of any recording of an incident that is the subject of a pending complaint, misconduct
25 investigation, or civil or criminal proceeding. Such recordings shall be retained for a minimum of
26 ten (10) days after the final resolution of such investigation or proceeding, including the time for
27 any appeal;

28 (6) The policy shall explicitly prohibit any violation of these requirements, including any
29 attempts to disengage or tamper with the video/audio surveillance equipment, deliberately and
30 prematurely erase or alter a recording, or to otherwise fail to record stops as specified herein barring
31 the aforementioned limited exceptions; and

32 (7) The video/audio surveillance recordings regulated by this section shall not be deemed
33 public records under the access to public records act, § 38-2-1 et seq. A court may impose any
34 appropriate remedy in any civil or criminal proceeding where a knowing and willful violation of

1 these standards is found to have been committed.

2 (h) Law enforcement officers shall advise any motorist who is stopped of the reason for
3 the stop.

4 (i) Law enforcement agencies with mobile display terminals in police vehicles shall adopt
5 policies and procedures governing their use that shall include the criteria necessary to initiate a
6 record check on a motor vehicle license or registrant. All law enforcement agencies must comply
7 with state and federal guidelines related to the use and access of Rhode Island law enforcement
8 telecommunication system (RILETS) and National Criminal Identification Center (NCIC).

9 (j) The policies and procedures established by this section shall be added to, and
10 prominently placed in, all relevant departmental policy and training manuals. Other appropriate
11 training about the requirements of this chapter shall also be provided to all officers.

12 **31-21.2-8. Complaint procedures.**

13 (a) Each state and municipal law enforcement agency shall establish a procedure to
14 investigate complaints of police misconduct by members of the public against personnel of these
15 agencies, and shall make a written description of the procedure available to the public. Copies of
16 any departmental complaint forms shall be available in at least one governmental location other
17 than the police department. The procedure and forms shall also be made available on any website
18 of a law enforcement agency.

19 (b) At a minimum, complaints shall be accepted in person by mail or by facsimile.

20 (c) Information on the complaints received by each law enforcement agency shall be
21 compiled on an annual basis by the state police and each municipal law enforcement agency and
22 published in each agency's annual report and/or on its website. The information compiled by each
23 department shall include the total number of complaints received from the public, a breakdown by
24 category of the type of complaint, and a further breakdown by category of the disposition of the
25 complaints.

26 (d) The state police and all municipal law enforcement agencies shall make available as a
27 public record subject to the access to public records act, § ~~38-2-2(4)(D)~~ [38-2-2](#), law enforcement
28 exemptions:

29 (1) Copies of any formal or informal arrangements between the state police or a municipal
30 law enforcement agency and the bureau of immigration and customs enforcement/homeland
31 security investigations concerning the questioning, detention, investigation, arrest, apprehension,
32 stopping, referral or processing of individuals within the state of Rhode Island, including copies of
33 any agreements entered into pursuant to 8 U.S.C. § 1357(g); and

34 (2) Any policies or procedures governing the circumstances under which an inquiry to

1 federal authorities is made to determine a person's immigration status.

2 SECTION 5. Section 31-41.2-8 of the General Laws in Chapter 31-41.2 entitled
3 "Automated Traffic Violation Monitoring Systems" is hereby amended to read as follows:

4 **31-41.2-8. Security of records.**

5 (a) The recorded images produced by an automated traffic violation detection system shall
6 not be deemed "public records" subject to disclosure pursuant to ~~subsection 38-2-2(4)(i)~~ § 38-2-2.

7 (b) All recorded images that do not identify a violation shall be destroyed within ninety
8 (90) days of the date the image was recorded, unless ordered by a court of competent jurisdiction.

9 (c) All recorded images that identify a violation shall be destroyed within one year after
10 the citation is resolved by administrative payment, trial or other final disposition of the citation,
11 unless ordered by a court of competent jurisdiction.

12 (d) The privacy of records produced pursuant to this chapter shall be maintained; provided,
13 that aggregate data not containing personal identifying information may be released.

14 SECTION 6. Section 36-3-16 of the General Laws in Chapter 36-3 entitled "Division of
15 Personnel Administration" is hereby amended to read as follows:

16 **36-3-16. Authority to conduct state and national background checks for applicants**
17 **and employees in state positions with access to federal tax information.**

18 (a) Definitions. As used in this section, the following terms are hereby defined as follows:

19 (1) "Access," shall mean the direct use, contact, handling or viewing of federal tax
20 information, as defined herein, in paper or electronic form, regardless of the frequency, likelihood
21 or extent of such access.

22 (2) "Agency" or "state agency," shall mean a Rhode Island state agency within the
23 executive branch.

24 (3) "Agency head," shall mean the director or designee of a state agency holding the
25 position with access (as defined herein).

26 (4) "Applicant for employment," shall mean an individual who has applied for or may be
27 offered employment, transfer or promotional opportunities with a state agency, including
28 employment as a full-time or part-time employee, intern, temporary or seasonal employee, or
29 volunteer, in a position with access (as defined herein).

30 (5) "Current agency employee," shall mean a full-time or part-time state employee, intern,
31 temporary or seasonal employee or volunteer in a position with access (as defined herein).

32 (6) "Federal tax information" or "FTI" shall mean:

33 (i) Federal tax returns or information created or derived from federal tax returns that is in
34 an agency's possession or control, which is covered by the confidentiality protections of the Internal

1 Revenue Code and subject to 26 U.S.C. § 6103(p)(4) safeguarding requirements, including
2 oversight by the Internal Revenue Service ("IRS"); and received directly from the IRS or obtained
3 through an authorized secondary source, such as the Social Security Administration (SSA), Federal
4 Office of Child Support Enforcement (OCSE), Bureau of the Fiscal Service (BFS), Centers for
5 Medicare and Medicaid Services (CMS), or another entity acting on behalf of the IRS pursuant to
6 an Internal Revenue Code ("IRC") 6103(p)(2)(B) agreement; and

7 (ii) FTI shall expressly not include federal tax returns or information created or derived
8 from federal tax returns received from taxpayers or other third-parties.

9 (7) "Law enforcement authorized agency" shall mean a government entity authorized to
10 conduct national background checks using the federal bureau of investigation's fingerprinting
11 national background check system.

12 (b) The personnel administrator or designee shall require to be obtained a state and national
13 fingerprint-based criminal background check initially and at least every ten years, as authorized by
14 Public Law 92-544, to determine the suitability of an applicant for employment prior to hiring or a
15 current agency employee, if the position applied for or held requires or includes access to FTI.

16 (c) An applicant for employment or current agency employee who refuses to comply with
17 the fingerprint-based background check requirements shall be considered unsuitable for serving in
18 a position requiring or involving, or which may require or involve, access to FTI.

19 (d) The national fingerprint-based criminal background check shall be facilitated through
20 the office of the attorney general or another law enforcement authorized agency and forwarded to
21 the federal bureau of investigation for a national criminal history check, according to the policies,
22 procedures, and/or regulations established by the office of the attorney general or another law
23 enforcement authorized agency.

24 (1) For current agency employees, the agency shall pay the applicable fee charged through
25 the office attorney general or other law enforcement authorized agency to conduct state and national
26 background checks. However, applicants for employment shall be required to pay the fee charged
27 through the office attorney general or other law enforcement authorized agency.

28 (2) Fingerprint submissions may be retained by the Federal Bureau of Investigation and
29 the office of the attorney general or other law enforcement authorized agency to assist the personnel
30 administrator authorized pursuant to this section to ensure the continued suitability of an applicant
31 for employment or a current agency employee for access to FTI.

32 (3) The office of the attorney general or other law enforcement authorized agency may
33 disseminate the results of the state and national criminal background checks to the personnel
34 administrator or designee of the personnel administrator.

1 (4) Notwithstanding any law to the contrary, solely for the purposes of this chapter, the
2 personnel administrator, agency head and authorized staff of an agency may receive criminal
3 offender record information to the extent required by federal law and the results of checks of
4 national criminal history information databases under Public Law 92-544.

5 (5) Upon receipt of the results of state and national criminal background checks, the
6 personnel administrator, agency head and other authorized staff shall treat the information as non-
7 public and exempt from disclosure in accordance with the Rhode Island access to public records
8 act, § ~~38-2-2(4)(A)(i)(b)~~ [38-2-2](#). Information acquired by any agency in the background check
9 process pursuant to this section shall be used solely for the purposes of making a determination as
10 to the suitability of a particular current employee or applicant for employment for and assignment
11 to duties in a position that requires or includes, or may require or include, access to FTI.

12 (e) If the office of the attorney general or other law enforcement authorized agency receives
13 criminal record information from the state or national fingerprint-based criminal background
14 checks that includes no disposition or is otherwise incomplete, the office of the attorney general or
15 other law enforcement authorized agency shall notify the personnel administrator and the subject
16 person. The applicant for employment or the current agency employee shall be responsible for
17 resolving any issues in other jurisdictions causing an incomplete background check. Within fifteen
18 (15) business days from being notified, the applicant for employment or current agency employee
19 must resolve any incomplete background check. For the purposes of this chapter, the personnel
20 administrator, in his or her sole discretion, may extend the amount of time to resolve an incomplete
21 report. Once resolved, the applicant's suitability for employment in a position requiring or
22 involving, or which may require or involve, access to FTI shall be determined in accordance with
23 subsection (f).

24 (1) In the event that an applicant for employment fails to resolve an issue with an
25 incomplete background check by the deadline stated herein, the person shall no longer be
26 considered for employment to the position with access.

27 (2) In the event that a current agency employee fails to resolve an issue with an incomplete
28 background check by the deadline provided herein, along with any extension, the employee may
29 be terminated or discharged from employment; provided, however, that a current agency employee
30 may be placed on administrative leave or reassigned to a position that does not require access to
31 FTI if that position is available and subject to the business needs of the agency at the discretion of
32 the personnel administrator and agency head. Any such employment action shall be subject to the
33 same appeal or grievance procedures as normally authorized.

34 (f) The personnel administrator or designee shall review the results to determine the

1 suitability of the applicant for employment or current agency employee, based on criteria
2 established through regulation, to serve in a position requiring or involving, or which may require
3 or involve, access to FTI. In making such a determination of suitability, the personnel administrator
4 or designee may consult with the agency head and consider mitigating factors relevant to the current
5 agency employee's employment and the nature of any disqualifying offense.

6 (1) In the event that an applicant for employment receives a final determination that the
7 person is unsuitable, the person shall no longer be considered for employment into a position with
8 access.

9 (2) A current employee may appeal a determination of unsuitability to the personnel
10 administrator. While the appeal is pending, the employee may be placed on administrative leave in
11 the discretion of the personnel administrator. A final determination of unsuitability after appeal
12 may result in termination or discharge from employment; provided, however, that subject to the
13 discretion of the personnel administrator and the agency head, a current agency employee may be
14 reassigned to a position that does not require access to FTI if that position is available and subject
15 to the business needs of the agency. Any such employment action shall be subject to further appeal
16 or grievance procedures as normally authorized.

17 (g) Nothing in this section shall limit or preclude an agency's right to carry on a background
18 investigation of an applicant for employment or a current agency employee using other authorized
19 means.

20 (h) The Department of Administration is hereby authorized to promulgate and adopt
21 regulations necessary to carry out this section.

22 (i) The judicial branch is hereby authorized to comply with the provisions herein related to
23 employees with access to FTI.

24 SECTION 7. Section 37-2-81 of the General Laws in Chapter 37-2 entitled "State
25 Purchases" is hereby amended to read as follows:

26 **37-2-81. Authority to conduct state and national background checks for vendors with**
27 **access to federal tax information.**

28 (a) Definitions. As used in this section, the following terms shall be defined as follows:

29 (1) "Access," shall mean the direct and indirect use, contact, handling or viewing of federal
30 tax information, as defined herein, in paper or electronic form, regardless of the frequency,
31 likelihood or extent of such access or whether the access is intentional or inadvertent.

32 (2) "Agency" or "state agency," shall mean a Rhode Island state department within the
33 executive branch.

34 (3) "Agency head" shall mean the director or designee of a state department for which the

1 vendor is providing services.

2 (4) "Division" shall mean the division of purchases.

3 (5) "Federal tax information" or "FTI" shall mean:

4 (i) Federal tax returns or information created or derived from federal tax returns that is in
5 an agency's possession or control, which is covered by the confidentiality protections of the Internal
6 Revenue Code and subject to 26 U.S.C. § 6103(p)(4) safeguarding requirements, including
7 oversight by the Internal Revenue Service ("IRS"); and is received directly from the IRS or obtained
8 through an authorized secondary source, such as the Social Security Administration (SSA), Federal
9 Office of Child Support Enforcement (OCSE), Bureau of the Fiscal Service (BFS), Centers for
10 Medicare and Medicaid Services (CMS), or another entity acting on behalf of the IRS pursuant to
11 an Internal Revenue Code ("IRC") 6103(p)(2)(B) agreement; and

12 (ii) Shall not include federal tax returns or information created or derived from federal tax
13 returns received directly from taxpayers or other third-parties.

14 (6) "Vendor" shall mean any individual, firm, corporation, partnership or other corporate
15 entity, including employees, subcontractors, who are performing services for the state and has
16 access, as defined herein, to FTI.

17 (b) The agency head shall require a vendor to complete a state and national fingerprint-
18 based criminal background check, as authorized by Public Law 92-544, to determine the suitability
19 of a vendor's employees and subcontractors if the services to the state require or include, or may
20 require or include, access to FTI. This requirement for a vendor shall be incorporated by reference
21 into the vendor's agreement with the state. No new vendor employee or subcontractor who has or
22 may have access to FTI shall perform services for the State until the person is deemed suitable by
23 the agency head. Existing vendor employees and subcontractors, as of September 1, 2019, shall
24 complete the background check requirement within a reasonable time as approved by the agency
25 head.

26 (c) The national fingerprint-based criminal background check shall be facilitated through
27 the Rhode Island office of the attorney general or other law enforcement authorized agency, using
28 the same criteria established under § 36-3-16 for applicants and current state employees. The
29 information shall be forwarded to the Federal Bureau of Investigation (FBI) for a national criminal
30 history check, according to the policies, procedures, and/or regulations established by the office of
31 the attorney general or other law enforcement authorized agency. The office of the attorney general
32 or other law enforcement authorized agency may disseminate the results of the national criminal
33 background checks to the Department of Administration and/or the agency head where the services
34 are being provided.

1 (d) Reciprocity. Nothing herein shall prevent the agency head, at his or her discretion, from
2 accepting a recent national fingerprint-based criminal background check for a vendor related to FTI
3 access conducted in another suitable jurisdiction.

4 (e) The agency head may receive criminal offender record information to the extent
5 required by federal law and the results of checks of national criminal history information databases
6 under Public Law 92-544. Upon receipt of the results of state and national criminal background
7 checks, the agency head shall treat the information as non-public and exempt from disclosure in
8 accordance with the Rhode Island access to public records act, § ~~38-2-2(4)(B)~~ 38-2-2. Information
9 acquired by any agency in the background check process pursuant to this section shall be used
10 solely for the purpose of making a determination as to the suitability of a vendor in a position which
11 requires or includes, or may require or include, access to FTI.

12 (f) The state shall not be responsible for any fees charged through the office attorney
13 general, other law enforcement authorized agency or other jurisdiction to conduct the state and
14 national background check for vendor.

15 (g) A vendor who refuses to comply with the fingerprint-based background check
16 requirement shall be considered unsuitable for services requiring or involving, or which may
17 require or involve, access to FTI. Refusal to comply by the vendor may result in termination of the
18 contract with the State and/or other procurement sanctions if appropriate. Nothing herein shall
19 prevent the vendor from replacing an employee or subcontractor who refuses to comply with this
20 requirement, subject to written approval by the agency head.

21 (h) Upon receipt of the results of a state and national criminal background check for the
22 vendor the agency head shall review the results and determine the suitability of the person with
23 regard to service in a position requiring or involving, or which may require or involve, access to
24 FTI. In making a determination of suitability, the agency head may consider mitigating factors
25 relevant to the vendor's scope of work and the nature of any disqualifying offense. Unsuitability of
26 a vendor may result in termination of the contract with the state and/or a requirement that the vendor
27 replace the employee or subcontractor, with a suitable person, subject to written approval by the
28 agency head.

29 (i) If the office of the attorney general or other law enforcement authorized agency receives
30 criminal record information from the state or national fingerprint-based criminal background
31 checks that includes no disposition or is otherwise incomplete, the subject person shall be
32 responsible for resolving any issues in other jurisdictions causing an incomplete background check.
33 The vendor shall immediately notify the state in writing the name and circumstances of any
34 employees or subcontractors who have received an incomplete background check. Failure to

1 establish suitability of a vendor employee, subcontractor or other agent may result in termination
2 of the contract with the state and/or a requirement that the vendor replace the employee,
3 subcontractor or other agent with a suitable person, subject to written approval by the agency head.

4 (j) Nothing in this section shall limit or preclude an agency's right to carry on a background
5 investigation of a vendor using other authorized means.

6 (k) The department of administration is hereby authorized to promulgate and adopt
7 regulations necessary to carry out this section.

8 (l) The judicial branch is hereby authorized to comply with the provisions herein related to
9 vendors working on behalf of the judiciary receiving access to FTI.

10 SECTION 8. Sections 38-2-2 and 38-2-3 of the General Laws in Chapter 38-2 entitled
11 "Access to Public Records" are hereby amended to read as follows:

12 **38-2-2. Definitions.**

13 As used in this chapter:

14 (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or
15 administrative body of the state, or any political subdivision thereof; including, but not limited to:
16 any department, division, agency, commission, board, office, bureau, authority; any school, fire, or
17 water district, or other agency of Rhode Island state or local government that exercises
18 governmental functions; any authority as defined in § 42-35-1(b); or any other public or private
19 agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of
20 any public agency.

21 (2) "Chief administrative officer" means the highest authority of the public body.

22 (3) "Law enforcement agency" means a police agency or department of the state of any
23 political subdivision thereof.

24 (4) "Law enforcement disciplinary proceeding" means the commencement of any
25 investigation and any subsequent hearing or disciplinary action conducted by a law enforcement
26 agency.

27 (5) "Law enforcement disciplinary records" means any record created in furtherance of a
28 law enforcement disciplinary proceeding, including, but not limited to:

29 (i) The complaints, allegations, and charges against an employee;

30 (ii) The name of the employee complained or charged;

31 (iii) The transcript of any disciplinary trial or hearing, including any exhibits introduced at
32 such trial or hearing;

33 (iv) The disposition of any disciplinary proceeding; and

34 (v) The final written opinion or memorandum supporting the disposition and discipline

1 [imposed including the agency's complete factual findings and its analysis of the conduct.](#)

2 ~~(3)~~(6) "Public business" means any matter over which the public body has supervision,
3 control, jurisdiction, or advisory power.

4 ~~(4)~~(7) "Public record" or "public records" shall mean all documents, papers, letters, maps,
5 books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data
6 processing records, computer stored data (including electronic mail messages, except specifically
7 for any electronic mail messages of or to elected officials with or relating to those they represent
8 and correspondence of or to elected officials in their official capacities), or other material regardless
9 of physical form or characteristics made or received pursuant to law or ordinance or in connection
10 with the transaction of official business by any agency. For the purposes of this chapter, the
11 following records shall not be deemed public:

12 (A)(I)(a) All records relating to a client/attorney relationship and to a doctor/patient
13 relationship, including all medical information relating to an individual in any files.

14 (b) Personnel and other personal individually identifiable records otherwise deemed
15 confidential by federal or state law or regulation, or the disclosure of which would constitute a
16 clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.; provided,
17 however, with respect to employees, and employees of contractors and subcontractors working on
18 public works projects that are required to be listed as certified payrolls, the name, gross salary,
19 salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other
20 remuneration in addition to salary, job title, job description, dates of employment and positions
21 held with the state, municipality, or public works contractor or subcontractor on public works
22 projects, employment contract, work location, and/or project, business telephone number, the city
23 or town of residence, and date of termination shall be public. For the purposes of this section
24 "remuneration" shall include any payments received by an employee as a result of termination, or
25 otherwise leaving employment, including, but not limited to, payments for accrued sick and/or
26 vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision.

27 (II) Notwithstanding the provisions of this section, or any other provision of the general
28 laws to the contrary, the pension records of all persons who are either current or retired members
29 of any public retirement systems, as well as all persons who become members of those retirement
30 systems after June 17, 1991, shall be open for public inspection. "Pension records" as used in this
31 section, shall include all records containing information concerning pension and retirement benefits
32 of current and retired members of the retirement systems and future members of said systems,
33 including all records concerning retirement credits purchased and the ability of any member of the
34 retirement system to purchase retirement credits, but excluding all information regarding the

1 medical condition of any person and all information identifying the member's designated
2 beneficiary or beneficiaries unless and until the member's designated beneficiary or beneficiaries
3 have received or are receiving pension and/or retirement benefits through the retirement system.

4 (B) Trade secrets and commercial or financial information obtained from a person, firm,
5 or corporation that is of a privileged or confidential nature.

6 (C) Child custody and adoption records, records of illegitimate births, and records of
7 juvenile proceedings before the family court.

8 (D) All records maintained by law enforcement agencies for criminal law enforcement and
9 all records relating to the detection and investigation of crime, including those maintained on any
10 individual or compiled in the course of a criminal investigation by any law enforcement agency.
11 Provided, however, such records shall not be deemed public only to the extent that the disclosure
12 of the records or information (a) Could reasonably be expected to interfere with investigations of
13 criminal activity or with enforcement proceedings; (b) Would deprive a person of a right to a fair
14 trial or an impartial adjudication; (c) Could reasonably be expected to constitute an unwarranted
15 invasion of personal privacy; (d) Could reasonably be expected to disclose the identity of a
16 confidential source, including a state, local, or foreign agency or authority, or any private institution
17 that furnished information on a confidential basis, or the information furnished by a confidential
18 source; (e) Would disclose techniques and procedures for law enforcement investigations or
19 prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or
20 (f) Could reasonably be expected to endanger the life or physical safety of any individual. Records
21 relating to management and direction of a law enforcement agency and records or reports reflecting
22 the initial arrest of an adult and the charge or charges brought against an adult shall be public.

23 (E) A law enforcement agency responding to a request for law enforcement disciplinary
24 records shall redact any portion of such record containing the information specified in this section
25 prior to disclosing such record. For records that constitute law enforcement disciplinary records, a
26 law enforcement officer shall redact the following information prior to disclosing the record:

27 (I) Items involving the medical history of a person employed by a law enforcement agency
28 such as a police officer, peace officer or firefighter/paramedic, not including records obtained
29 during the course of an agency's investigation of such person's misconduct that are relevant to the
30 disposition of such investigation;

31 (II) The home addresses, personal telephone numbers, cell phone numbers, email addresses
32 of a person employed by a or any other person named in a law enforcement disciplinary record;

33 (III) Any social security numbers;

34 (IV) Disclosure of the use of an employee assistance program, mental health service, or

1 [substance abuse assistance service by a person employed by a law enforcement agency.](#)

2 ~~(E)~~(F) Any records that would not be available by law or rule of court to an opposing party
3 in litigation.

4 ~~(F)~~(G) Scientific and technological secrets and the security plans of military and law
5 enforcement agencies, the disclosure of which would endanger the public welfare and security.

6 ~~(G)~~(H) Any records that disclose the identity of the contributor of a bona fide and lawful
7 charitable contribution to the public body whenever public anonymity has been requested of the
8 public body with respect to the contribution by the contributor.

9 ~~(H)~~(I) Reports and statements of strategy or negotiation involving labor negotiations or
10 collective bargaining.

11 ~~(I)~~(J) Reports and statements of strategy or negotiation with respect to the investment or
12 borrowing of public funds, until such time as those transactions are entered into.

13 ~~(J)~~(K) Any minutes of a meeting of a public body that are not required to be disclosed
14 pursuant to chapter 46 of title 42.

15 ~~(K)~~(L) Preliminary drafts, notes, impressions, memoranda, working papers, and work
16 products, including those involving research at state institutions of higher education on commercial,
17 scientific, artistic, technical, or scholarly issues, whether in electronic or other format; provided,
18 however, any documents submitted at a public meeting of a public body shall be deemed public.

19 ~~(L)~~(M) Test questions, scoring keys, and other examination data used to administer a
20 licensing examination, examination for employment or promotion, or academic examinations;
21 provided, however, that a person shall have the right to review the results of his or her examination.

22 ~~(M)~~(N) Correspondence of or to elected officials with or relating to those they represent
23 and correspondence of or to elected officials in their official capacities.

24 ~~(N)~~(O) The contents of real estate appraisals, engineering, or feasibility estimates and
25 evaluations made for or by an agency relative to the acquisition of property or to prospective public
26 supply and construction contracts, until such time as all of the property has been acquired or all
27 proceedings or transactions have been terminated or abandoned; provided the law of eminent
28 domain shall not be affected by this provision.

29 ~~(O)~~(P) All tax returns.

30 ~~(P)~~(Q) All investigatory records of public bodies, with the exception of law enforcement
31 agencies, pertaining to possible violations of statute, rule, or regulation other than records of final
32 actions taken, provided that all records prior to formal notification of violations or noncompliance
33 shall not be deemed to be public.

34 ~~(Q)~~(R) Records of individual test scores on professional certification and licensing

1 examinations; provided, however, that a person shall have the right to review the results of his or
2 her examination.

3 ~~(R)~~(S) Requests for advisory opinions until such time as the public body issues its opinion.

4 ~~(S)~~(T) Records, reports, opinions, information, and statements required to be kept
5 confidential by federal law or regulation or state law or rule of court.

6 ~~(P)~~(U) Judicial bodies are included in the definition only in respect to their administrative
7 function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt
8 from the operation of this chapter.

9 ~~(U)~~(V) Library records that, by themselves or when examined with other public records,
10 would reveal the identity of the library user requesting, checking out, or using any library materials.

11 ~~(V)~~(W) Printouts from TELE -- TEXT devices used by people who are deaf or hard of
12 hearing or speech impaired.

13 ~~(W)~~(X) All records received by the insurance division of the department of business
14 regulation from other states, either directly or through the National Association of Insurance
15 Commissioners, if those records are accorded confidential treatment in that state. Nothing
16 contained in this title or any other provision of law shall prevent or be construed as prohibiting the
17 commissioner of insurance from disclosing otherwise confidential information to the insurance
18 department of this or any other state or country, at any time, so long as the agency or office receiving
19 the records agrees in writing to hold it confidential in a manner consistent with the laws of this
20 state.

21 ~~(X)~~(Y) Credit card account numbers in the possession of state or local government are
22 confidential and shall not be deemed public records.

23 ~~(Y)~~(Z) Any documentary material, answers to written interrogatories, or oral testimony
24 provided under any subpoena issued under Rhode Island general law § 9-1.1-6.

25 ~~(Z)~~(AA) Any individually identifiable evaluations of public school employees made
26 pursuant to state or federal law or regulation.

27 ~~(AA)~~(BB) All documents prepared by school districts intended to be used by school
28 districts in protecting the safety of their students from potential and actual threats.

29 **38-2-3. Right to inspect and copy records -- Duty to maintain minutes of meetings --**
30 **Procedures for access.**

31 (a) Except as provided in § ~~38-2-2(4)~~ 38-2-2, all records maintained or kept on file by any
32 public body, whether or not those records are required by any law or by any rule or regulation, shall
33 be public records and every person or entity shall have the right to inspect and/or copy those records
34 at such reasonable time as may be determined by the custodian thereof.

1 (b) Any reasonably segregable portion of a public record excluded by § ~~38-2-2(4)~~ [38-2-2](#)
2 shall be available for public inspection after the deletion of the information which is the basis of
3 the exclusion. If an entire document or record is deemed non-public, the public body shall state in
4 writing that no portion of the document or record contains reasonable segregable information that
5 is releasable.

6 (c) Each public body shall make, keep, and maintain written or recorded minutes of all
7 meetings.

8 (d) Each public body shall establish written procedures regarding access to public records
9 but shall not require written requests for public information available pursuant to § 42-35-2 or for
10 other documents prepared for or readily available to the public.

11 These procedures must include, but need not be limited to, the identification of a designated
12 public records officer or unit, how to make a public records request, and where a public record
13 request should be made, and a copy of these procedures shall be posted on the public body's website
14 if such a website is maintained and be made otherwise readily available to the public. The
15 unavailability of a designated public records officer shall not be deemed good cause for failure to
16 timely comply with a request to inspect and/or copy public records pursuant to subsection (e). A
17 written request for public records need not be made on a form established by a public body if the
18 request is otherwise readily identifiable as a request for public records.

19 (e) A public body receiving a request shall permit the inspection or copying within ten (10)
20 business days after receiving a request. If the inspection or copying is not permitted within ten (10)
21 business days, the public body shall forthwith explain in writing the need for additional time to
22 comply with the request. Any such explanation must be particularized to the specific request made.
23 In such cases the public body may have up to an additional twenty (20) business days to comply
24 with the request if it can demonstrate that the voluminous nature of the request, the number of
25 requests for records pending, or the difficulty in searching for and retrieving or copying the
26 requested records, is such that additional time is necessary to avoid imposing an undue burden on
27 the public body.

28 (f) If a public record is in active use or in storage and, therefore, not available at the time a
29 person or entity requests access, the custodian shall so inform the person or entity and make an
30 appointment for the person or entity to examine such records as expeditiously as they may be made
31 available.

32 (g) Any person or entity requesting copies of public records may elect to obtain them in
33 any and all media in which the public agency is capable of providing them. Any public body which
34 maintains its records in a computer storage system shall provide any data properly identified in a

1 printout or other reasonable format, as requested.

2 (h) Nothing in this section shall be construed as requiring a public body to reorganize,
3 consolidate, or compile data not maintained by the public body in the form requested at the time
4 the request to inspect the public records was made except to the extent that such records are in an
5 electronic format and the public body would not be unduly burdened in providing such data.

6 (i) Nothing in this section is intended to affect the public record status of information
7 merely because it is stored in a computer.

8 (j) No public records shall be withheld based on the purpose for which the records are
9 sought, nor shall a public body require, as a condition of fulfilling a public records request, that a
10 person or entity provide a reason for the request or provide personally identifiable information
11 about him/herself.

12 (k) At the election of the person or entity requesting the public records, the public body
13 shall provide copies of the public records electronically, by facsimile, or by mail in accordance
14 with the requesting person or entity's choice, unless complying with that preference would be
15 unduly burdensome due to the volume of records requested or the costs that would be incurred. The
16 person requesting delivery shall be responsible for the actual cost of delivery, if any.

17 SECTION 9. Section 40-6-12.1 of the General Laws in Chapter 40-6 entitled "Public
18 Assistance Act" is hereby amended to read as follows:

19 **40-6-12.1. Warrants -- Release of information.**

20 (a) The department of human services shall provide to the statewide warrant squad the
21 current address of any individual if all of the following conditions are met:

22 (1) There is an outstanding arrest warrant or body attachment issued by a state court in
23 Rhode Island for the individual; and

24 (2) The individual is a fugitive felon as defined by the department in accordance with 42
25 U.S.C. § 608(a)(9); and

26 (3) The individual is receiving general public assistance, or cash assistance under chapter
27 5.1 of this title either for himself or herself or his or her dependents; and

28 (4) The law enforcement officer seeking the information certifies in writing that an attempt
29 by the warrant squad to locate and apprehend that individual has been unsuccessful; and

30 (5) The warrant squad provides the department the name, date of birth, and social security
31 number of the individual.

32 (b) If all the above conditions are met, the department shall release the address upon the
33 request and certification of the officer, and a release pursuant to this section shall not constitute a
34 violation of §§ 40-6-12, 40-5.1-31 [repealed], or ~~38-2-2(4)~~ [38-2-2](#).

1 SECTION 10. Section 42-64.11-6 of the General Laws in Chapter 42-64.11 entitled "Jobs
2 Growth Act" is hereby amended to read as follows:

3 **42-64.11-6. Regulatory authority.**

4 (a) The Rhode Island economic development corporation may promulgate such regulations
5 as it deems necessary and appropriate to carry out its functions under this chapter.

6 (b) The tax administrator may adopt such regulations as he or she deems necessary and
7 appropriate in connection with the taxes imposed and modifications granted herein. Appropriate
8 adjustments shall be made for short taxable years.

9 (c) All submissions made by an eligible company hereunder shall be subscribed under
10 penalties of perjury.

11 (d) By filing an application, the eligible company authorizes the department of labor and
12 training and the division of taxation to disclose to the Rhode Island economic development
13 corporation such data relating to the eligible company and its affiliated entities as may be necessary
14 to verify the information in the initial application or an updated application. Information submitted
15 by an eligible company under this chapter to the Rhode Island economic development corporation,
16 the division of taxation, or the department of labor and training shall be deemed tax return
17 information exempt from disclosure under § ~~38-2-2(4)(i)(O)~~ 38-2-2 (relating to tax returns).

18 SECTION 11. Section 42-66-10 of the General Laws in Chapter 42-66 entitled "Office of
19 Healthy Aging" is hereby amended to read as follows:

20 **42-66-10. Confidentiality of records.**

21 Any records of the department or other agency pertaining to a person reported to be abused,
22 neglected, exploited or self-neglecting shall be confidential. The records shall not be deemed public
23 and shall be considered records under § ~~38-2-2(4)(i)~~ 38-2-2. The director may, however, disclose
24 to the attorney general, any local state; or federal police officials, appropriate courts, state
25 departments, public or private agencies, or medical personnel, pertinent information that is
26 necessary to investigate reports of abuse, neglect, exploitation, or self-neglect, the coordination of
27 needed services, the protection of the elderly victim or criminal prosecution.

28 SECTION 12. Section 42-140-10 of the General Laws in Chapter 42-140 entitled "Rhode
29 Island Energy Resources Act" is hereby amended to read as follows:

30 **42-140-10. Collection of energy data.**

31 The commissioner of energy resources shall have the authority to collect price, inventory
32 and product delivery dates, including amounts and types of product sold, and other information
33 which is necessary and material regarding petroleum products, natural gas and other fuels available
34 for supply within the state from wholesalers and resellers of petroleum products, natural gas and

1 suppliers of other fuels, doing business in the state. Except as herein provided, all energy
2 information collected by the office under this section shall be maintained for the sole and
3 confidential use of the state, its agencies, and offices. Such information shall not be deemed public
4 record as defined in ~~subdivision 38-2-2(4)~~ [§ 38-2-2](#); provided, however, that aggregates of such
5 information may be prepared and such aggregates shall be public records. Information collected
6 under this section may be shared with the energy offices of other states which afford such
7 information similar protection from public disclosure. All wholesalers, resellers, and end-users of
8 petroleum products and other fuels doing business in the state with a total storage capacity of over
9 fifty thousand (50,000) gallons shall provide information to the office upon request and in such
10 form as the office shall require.

11 SECTION 13. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS

- 1 This act would provide that the reference to the definition of public records include the
- 2 section designation only and provides for redacted law enforcement disciplinary records.
- 3 This act would take effect upon passage.

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