

**2026 -- S 2393**

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LC004359

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**S T A T E   O F   R H O D E   I S L A N D**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2026**

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**A N   A C T**

**RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS**

Introduced By: Senators Patalano, Ciccone, Tikoian, Famiglietti, Appollonio, Thompson, Raptakis, Burke, Dimitri, and LaMountain

Date Introduced: January 30, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1        SECTION 1. Section 38-2-3 of the General Laws in Chapter 38-2 entitled "Access to Public  
2        Records" is hereby amended to read as follows:

3        **38-2-3. Right to inspect and copy records — Duty to maintain minutes of meetings —**

4        **Procedures for access.**

5            (a) Except as provided in § 38-2-2(4), all records maintained or kept on file by any public  
6        body, whether or not those records are required by any law or by any rule or regulation, shall be  
7        public records and every person or entity shall have the right to inspect and/or copy those records  
8        at such reasonable time as may be determined by the custodian thereof subject to the procedures  
9        set forth in this section.

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

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

17           (d) Each public body shall establish written procedures regarding access to public records  
18        but, Such procedures shall not require written requests for public information available pursuant to  
19        § 42-35-2 or for other documents prepared for or readily available to the public.

1                   (1) These procedures must include, but need not be limited to ~~the:~~

2                   (i) The identification of a designated public records officer or unit~~;~~

3                   (ii) Instruction on how to make a public records request~~;~~ and

4                   (iii) The location where a public record request should be ~~made, and a~~ submitted.

5                   (2) A copy of these procedures shall be posted on the public body's website if such a  
6 website is maintained and be made otherwise readily available to the public. The unavailability of  
7 a designated public records officer shall not ~~be deemed~~ constitute good cause for failure to timely  
8 comply with a request to inspect and/or copy public records pursuant to subsection (e). A written  
9 request for public records need not be ~~made~~ submitted on a form established by a public body ~~if~~;  
10 provided that, the request is otherwise readily identifiable as a request for public records.

11                   (3) All requests to inspect and/or copy public records shall include sufficient identifying  
12 information to permit verification of the requester's identity and to allow the public body to  
13 communicate regarding the request. At a minimum, a requester shall provide the requester's name  
14 and a valid mailing address or electronic mail address. Anonymous public records requests shall  
15 not be accepted or processed.

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

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

29                   (g) Any person or entity requesting copies of public records may elect to obtain them in  
30 any and all media in which the public agency is capable of providing them. Any public body which  
31 maintains its records in a computer storage system shall provide any data properly identified in a  
32 printout or other reasonable format, as requested.

33                   (h) Nothing in this section shall be construed as requiring a public body to reorganize,  
34 consolidate, or compile data not maintained by the public body in the form requested at the time

1 the request to inspect the public records was made except to the extent that such records are in an  
2 electronic format and the public body would not be unduly burdened in providing such data.

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

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

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

14 SECTION 2. 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

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- 1        This act would require all requests for public records to sufficiently identify information to
- 2        permit verification of the requester's identity and would allow the public body to communicate
- 3        regarding the request. This act would not allow for anonymous public records requests.
- 4        This act would take effect upon passage.

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