

**KENT COUNTY WATER AUTHORITY
PROCEDURES
RELATING TO ACCESS TO ITS PUBLIC RECORDS**

I. **AUTHORITY**

The authority to promulgate this document is set forth in Rhode Island General Laws, Title 42, Chapter 35, et seq., Title 38, Chapter 2, §1 et seq. and Chapter 3, et seq. and Title 42, Chapter 8.1.

II. **INTRODUCTION/PURPOSE**

This Document establishes this procedure to fully comply with Chapter 35 of Title 42, Chapter 2 of Title 38, Chapter 8 of Title 42, Chapter 8.1 of Title 42 and Chapter 3 of Title 38 of the Rhode Island General Laws concerning access to Public Records held by Kent County Water Authority.

III. **DISCLOSURE OF RECORDS**

All Public Records (as defined in R.I.G.L. §38-2-2) maintained or held by Kent County Water Authority shall be subject to inspection and reproduction by Members of the Public in accordance with the Rules enunciated herein and the provisions of Chapter 2 of Title 38 of the Rhode Island General Laws, unless exempt or prohibited from disclosure by state or federal law or by order of a court competent jurisdiction.

IV. **DELETION OF NONDISCLOSABLE INFORMATION**

Kent County Water Authority shall determine if information contained in a document, which is the basis for its nondisclosure, can be deleted. If so, the document shall be made available to the Requesting Member of the Public once the necessary deletions have been completed.

V. **PROCEDURES FOR OBTAINING ACCESS**

A. The requestor is not required to provide identification or the reason seeking the information, and the right to access public records will not depend upon providing identification or reasons.

B. A Request to Inspect and/or Copy Public Records of the Kent County Water Authority (the "Request") shall be presented orally or in writing (fax or email) to

Kent County Water Authority at The Office of the Kent County Water Authority during weekday and only during normal business hours from 8:00 a.m. to 4:00 p.m. We ask that the requestor complete the Public Records Request Form obtained at the office of the Kent County Water Authority or on our website <http://www.kentcountywater.org>.

- C. With regard to documents which R.I.G.L. §42-35-2 does not apply or that are not readily available to the public. Kent County Water Authority will exert reasonable efforts to honor a written Request within ten (10) business days of receipt of the Request. If said request can't be honored within ten (10) business days, Kent County Water Authority will so notify the requestor, in writing, and may extend the response time by an additional twenty (20) business days and will set forth the good cause for such an extension in the written notice to the requestor.
- D. Kent County Water Authority shall not be obligated to produce for inspection or copying records that are not in the possession of Kent County Water Authority.
- E. Kent County Water Authority shall use reasonable efforts to notify the requestor, with ten (10) business days of the submission of the request, if the Public Record is in active use or in storage and is therefore not available inspection.
- F. If the request of the person seeking access to the Public Record is granted, he/she shall be notified by letter when the Public Record will be available and shall be provided with an appointment to examine or pick up the Public Record or shall be forwarded the record by mail with said ten (10) business days and the Requestor will be presented with the estimate of cost which must be paid in full before delivery of the document.
- G. Printouts of properly identified and disclosable data maintained by Kent County Water Authority in a computer storage system shall be available to persons following the above-stated procedures.
- H. Kent County Water Authority is not required to reorganize, consolidate, or compile data that is not maintained by Kent County Water Authority in the form requested except to the extent that such records are in an electronic format and the public body will not be unduly burdened in providing such data.
- I. Kent County Water Authority or its designee, may restrict access to specified items and days, consistent with these Rules, if it is determined that this is

necessary or appropriate to prevent unnecessary disruption of the work of Kent County Water Authority.

VI. **COSTS OF COPIES**

- A. Subject to the provisions of R.I.G.L. §38-2-3, Kent County Water Authority will provide copies of Public Records. The cost per copy will not exceed fifteen cents (\$.15) per page for documents copies on common business or legal size paper. Kent County Water Authority will only charge the reasonable actual cost for providing electronic records.
- B. Kent County Water Authority may impose a reasonable charge for the search or retrieval of documents. Hourly costs for a search and retrieval will not exceed fifteen dollars (\$15.00) per hour and no costs will be charged for the first hour of a search or retrieval.

VII. **DENIAL OF ACCESS**

- A. Kent County Water Authority shall deny access to records requested only in accordance with the provisions of the Access to Public Records Act (“Act”). Once denied access to a record of Kent County Water Authority, any person may apply to Kent County Water Authority Board for a review of the denial by contacting Kent County Water Authority or its designee either orally or in writing at Kent County Water Authority to request a review of the subordinate’s actions.
- B. The Kent County Water Board determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Department of the Rhode Island Attorney General or exercise any and all other rights said Requestor may have pursuant to R.I.G.L. §38-2-8.

VIII. **SEVERABILITY**

If any provision of this Procedure or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of this Procedure which can be given effect, and to this end, the provisions of this Procedure are declared to be severable.