



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

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March 19, 2024

The Honorable Evan P. Shanley  
Chairman  
House Committee on State Government and Elections  
82 Smith Street  
Providence, Rhode Island 02903

**Re: H 7181 An Act Relating to Public Records – Access to Public Records**

Dear Chairman Shanley,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on H 7181, which proposes several amendments to the Access to Public Records Act (APRA). DEM has concerns with this legislation.

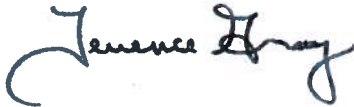
DEM is one of the top recipients of APRA requests among state agencies and, while we welcome the opportunity to provide transparency in our work, it is an extremely resource-intensive process to comply even under existing law. The amendments proposed in H 7181 would add to this burden by requiring that state agencies maintain a “privilege log” which lists all documents, or portions of documents, withheld from disclosure along with the statutory exemption claimed and an explanation of how disclosure would damage the interests protected by the exemption (see page 6, lines 27-32 of the bill). Although DEM doesn’t object to this idea conceptually, our concern is that we don’t have the staff resources available to maintain such a log for the many APRA requests we receive.

A second concern is language on page 5, lines 14-15 of the bill which would amend a current exemption from disclosure afforded to investigatory records to allow disclosure upon a showing of good cause. Producing investigatory records prematurely may jeopardize investigatory activity. The bill also does not clearly define what constitutes “good cause” for releasing these documents.

Finally, a third concern with the bill is that it would inhibit the ability of state agencies to charge for the redaction of documents (see page 10, lines 2 and 8-9 of the bill). Redacting documents is one of the most time-consuming aspects of responding to an APRA request. Reducing the ability to cover a portion of the cost associated with this work by charging the requestor means that DEM and other agencies will have to use resources intended for other important programs to handle redactions.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. For further information, please contact Mary Kay, DEM Assistant Director and Chief Legal Counsel, at [mary.kay@dem.ri.gov](mailto:mary.kay@dem.ri.gov) should you have any additional questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "Terrence Gray".

Terrence Gray, P.E.  
Director

cc: Members of the House Committee on State Government and Elections  
The Honorable Patricia Serpa  
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House  
Lynne Urbani, House Policy Director