

VIA ELECTRONIC MAIL ONLY

December 17, 2014

Lisa Pinsonneault, Special Assistant Attorney General
Rhode Island Office of Attorney General
150 South Main Street
Providence, RI 02903

RE: Complaint Against West Warwick School Department for Violations of APRA

Dear Attorney Pinsonneault:

ACCESS/RI is a broad-based, non-profit freedom of information coalition dedicated to improving citizen access to the records and processes of government in Rhode Island.

I write on behalf of ACCESS/RI to file a complaint against the West Warwick School Department (herein "WWSD") for violating the Access to Public Records Act (herein "APRA"), R.I.G.L. § 38-2-1 et seq.

ACCESS/RI through our contractor Muckrock requested a list from your office of those entities (see Appendix A) that certified employee(s) "who have the authority to grant or deny persons or entities access to records...[and] have been provided orientation and training" (§ 38-2-3.16). The WWSD did not appear on those lists provided by your office.

MuckRock also requested from the WWSD "Written procedures for access to the agency's public records, including any records request forms required or suggested by the agency," required by § 38-2-3(d). As the attached correspondence indicates (Appendix B), the WWSD did not possess written procedures and took 27 business days to respond, violating § 38-2-3(e).

MuckRock also examined compliance with the requirement in § 38-2-3(d) that "a copy of these procedures shall be posted on the public body's website if such a website is maintained and be made otherwise readily available to the public." A MuckRock visual review of the WWSD websites on or before August 21, 2014 and site specific ("site:www.westwarwickpublicschools.com") Google search ("APRA" and "public records") found no such procedures on any WWSD website.

MuckRock also requested from the WWSD "The current contract for the district superintendent" as required by § 38-2-2(4)(A)(I)(b). Though the WWSD ultimately responded to the request, the attached correspondence indicates (Appendix B) it

took 26 business days, violating § 38-2-3(e).

Finally, MuckRock requested from the WWSD, “A full list of the teachers who have received layoff letters for the 2014-2015 school year, as well as the full list of teachers’ names submitted to the Rhode Island Department of Education for possible layoff for the 2014-2015 school year.” As the attached correspondence indicates (Appendix C), the WWSD took 15 business days to respond to the request, despite there being no responsive documents, violating § 38-2-3(e).

ACCESS/RI asks your office to direct the WWSD to correct the issues raised in this complaint. Furthermore we ask that the Attorney General file suit pursuant to § 38-2-8(b) in the Superior Court and seek civil fines for these knowing and willful—or, at a minimum, clearly reckless—violations of APRA pursuant to § 38-2-9(d).

Sincerely,

Linda Lotridge Levin
LLLevin@uri.edu
ACCESS/RI

Attachments (3)