



State of Rhode Island and Providence Plantations

**OFFICE OF THE ATTORNEY GENERAL**

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**VIA EMAIL ONLY**

April 28, 2020  
PR 20-36

Mr. Kevin G. Andrade  
The Providence Journal

Patrick J. McBurney, Esquire  
Legal Counsel, Central Falls Detention Facility Corporation

**RE: The Providence Journal v. Central Falls Detention Facility Corporation**

Dear Mr. Andrade and Attorney McBurney:

We have completed an investigation into the Access to Public Records Act (“APRA”) complaint filed by Mr. Kevin Andrade on behalf of The Providence Journal (“Complainant”) against the Central Falls Detention Facility Corporation (“CFDFC”). For the reasons set forth herein, we find that the CFDFC did not violate the APRA.

**Background and Arguments**

The Complainant requested “relevant records and documents regarding the medical treatment of [an inmate] starting August 22, 2019 through August 26, 2019.” The Complainant alleges that the CFDFC violated the APRA when it withheld the documents pursuant to R.I. Gen. Laws § 38-2-2(4)(A)(I)(a), § 38-2-2(4)(A)(I)(b), and § 38-2-2(4)(S). The Complainant contends that the death of this particular inmate while in custody is high profile and that disclosure is in the public interest.

The CFDFC maintains that nondisclosure was permissible under all three cited exemptions. First, the CFDFC asserts that the requested records relate to a doctor/patient relationship and thus fit under R.I. Gen. Laws § 38-2-2(4)(A)(I)(a). Second, the CFDFC maintains that disclosure of the requested records would result in an unwarranted invasion of personal privacy under R.I. Gen. Laws § 38-2-2(4)(A)(I)(b). Finally, the CFDFC contends that the requested records are protected health information under the Health Insurance Portability and Accountability Act (“HIPAA”) and thus must be withheld under R.I. Gen. Laws § 38-2-2(4)(S).

The Complainant did not file a rebuttal.

Relevant Law and Finding

When we examine an APRA complaint, our authority is to determine whether a violation of the APRA has occurred. *See* R.I. Gen. Laws § 38-2-8. In doing so, we must begin with the plain language of the APRA and relevant caselaw interpreting this statute.

The APRA provides that all records maintained by public bodies are subject to public disclosure unless the document falls within one of the twenty-seven (27) enumerated exemptions. *See* R.I. Gen. Laws § 38-2-2(4)(A)-(AA). Among other exemptions, the APRA permits nondisclosure of “[a]ll records relating to a \*\*\* doctor/patient relationship, including *all medical information relating to an individual* in any files.” R.I. Gen. Laws § 38-2-2(4)(A)(I)(a) (emphasis added).

Here, it is undisputed that the Complainant’s request specifically sought documents “regarding the medical treatment” of a particular individual. It is also undisputed that any documents responsive to the Complainant’s request would necessarily include “medical information relating to an individual[.]” We therefore conclude that the documents may be permissibly withheld under R.I. Gen. Laws § 38-2-2(4)(A)(I)(a). Indeed, nondisclosure in this instance comports with our Supreme Court’s guidance, albeit in another context, that “medical records are not subject to public scrutiny, but are confidential documents.” *Fiore v. Lynch*, 637 A.2d 1052, 1055 (R.I. 1994). We find no violations.<sup>1</sup>

Conclusion

Although this Office has found no violations, nothing within the APRA prohibits an individual from instituting an action for injunctive or declaratory relief in Superior Court. *See* R.I. Gen. Laws § 38-2-8(b). Please be advised that we are closing this file as of the date of this letter.

We thank you for your interest in keeping government open and accountable to the public.

Sincerely,

PETER F. NERONHA  
ATTORNEY GENERAL

By: /s/ Sean Lyness  
Sean Lyness  
Special Assistant Attorney General

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<sup>1</sup> Because we determine that nondisclosure was permissible under R.I. Gen. Laws § 38-2-2(4)(A)(I)(a), we need not address the other claimed exemptions. We do note, however, that both state and federal health care laws generally provide privacy protections regarding a decedent’s healthcare information. *See* 45 C.F.R. § 160.103; *see also* R.I. Gen. Laws § 5-37.3-3(1)(iii).