



CITY OF PROVIDENCE

Brett P. Smiley, Mayor

VIA EMAIL ONLY

June 21, 2023

Special Assistant Attorney General Adam Roach
150 South Main Street
Providence, RI 02903

RE: Solas v. Providence Public School District

Dear Special Assistant Attorney General Roach:

This office is in receipt of your June 1, 2023, correspondence, in which you conveyed an Access to Public Records Act (the "APRA" or "Act") complaint (the "Complaint") against the Providence Public School Department (the "School Department") by Ms. Nicole Solas (the "Complainant"). Below is our response to the Complaint.

On April 17, 2023, Complainant submitted a request for records through the City's Public Records Portal. *See, Exhibit A, Request No. 23-511*. The request sought "[c]ommunications between Aarav Sundaresh and staff from Youth Pride RI." *Id.* After conducting a reasonable search, roughly ninety-eight pages of correspondence was determined to be responsive to the request. On May 30, 2023, we released all ninety-eight pages of responsive communications with limited redactions. Complainant now alleges that she was improperly denied access to records responsive to her request. Specifically, personal email addresses and the names of two volunteer-employees serving as Genders & Sexualities Alliances (GSA) advisors at Classical High School.

A. Background on Genders & Sexualities Alliances.

Genders & Sexualities Alliances (the "GSA") (formerly Gay-Straight Alliance Network) are student-run organizations that unite LGBTQ+ and allied youth to build community and organize around issues impacting them in their schools and communities. *See GSA Network Advisor Handbook* (2018).

GSAs are covered by the Equal Access Act ("EAA"), which prohibits denial of equal access or a fair opportunity to, or discrimination against, any students of a secondary school that received public funding who wished to conduct meetings on basis of religious, political, philosophical, or other content of the speech at such meetings. 20 U.S.C.A. §§ 4071 to 4074. For purposes of the EAA, the GSAs are student-initiated clubs, and all meetings are voluntary. Student members of

CITY SOLICITOR'S OFFICE

444 Westminster Street, Suite 220, Providence, Rhode Island 02903

401 680 5333 ph | 401 680 5520 fax

www.providenceri.com

GSAs select an adult to serve as an advisor to offer advice and assistance while supporting students in taking on leadership and making their own decisions. *Id.*

Any participating employee of the School Department who becomes a GSA Advisor does so on a purely voluntary basis, is not compensated, is not acting in the scope of their employment, and therefore should not be considered employees for purposes of serving in that role.

B. Balancing Test Favors Non-Disclosure of the Redacted Information.

The “Rhode Island Supreme Court has held the APRA requires public bodies apply a case-by-case balancing test.” *R.I. Foundation for Fair Contracting v. University of Rhode Island*, PR 11-29 (Oct. 27, 2011) (citing *Providence Journal Co. v. Kane*, 577 A.2d 661, 663 (R.I. 1990)). “[W]hen conducting the balancing test, the proper inquiry is whether the public interest—“official information that sheds light on an agency’s performance of its statutory duties”—outweighs individual privacy interests.” *NBC 10 v. R.I. Dep’t of Public Safety*, PR 16-30 (July 28, 2016). The purpose of the APRA is not fostered, however, “by disclosure of information about private citizens that is accumulated in various governmental files but that reveals little or nothing about an agency’s own conduct.” *Providence J. Co. v. Pine*, C.A. 96-6274 (R.I. Super. June 24, 1998) (citing *United States Department of Justice v. Reporters Committee for the Freedom of the Press*, 489 U.S. 769, 772, 109 S.Ct. 1469, 1481, 103 L.Ed2d 793 (1989)).

In identifying the existence of a privacy interest, the Rhode Island Superior Court has stated that consideration should be given, in part to “whether disclosure would result in personal embarrassment to an individual of normal sensibilities...” *Providence J. Co. v. Pine*, C.A. 96-6274 (R.I. Super. June 24, 1998) (stating that the Supreme Court’s opinion in *Direct Action for Rights and Equality v. Gannon*, 713 A.2d 218 (R.I. 1998) “lends support to the idea that ... Rhode Island law recognizes that an individual has a privacy interest in his or her name”).

Furthermore, the Office of the Attorney General has consistently reiterated that a public agency may withhold under the APRA “[p]ersonnel and other personal individually identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. R.I. Gen. Laws § 38-2-2(4)(A)(I)(b); see, e.g., *Burke vs. City of Warwick*, PR 22-03 (March 9, 2022); *Taylor v. City of Providence*, PR 20-32 (April 20, 2020); *Durand v. Scituate Police Department Durand v. Scituate School Committee*, PR 23-35 (March 31, 2023).

In response to the Complainant’s request, the Providence Public School Department fully complied with the APRA. First, all requested records were provided to Complainant, with minor redactions for legal and privacy considerations. However, the School Department is wary of releasing information that could be considered “doxing;” the publicizing of an individual’s personal contact information for the purposes of intimidation or harassment. Notably, Complainant has previously posted to her social media account information regarding employee Aarav Sundaresh including his medical information. The School Department wishes to protect

Special Assistant Attorney General Roach
Solas v. Providence School Department
June 21, 2023
Page 3 of 3

volunteers, employees, and stakeholders from similarly being targeted by Complainant or her numerous social media account followers. *See, Exhibit B, from Complainants' social media account.* In essence, the information Complainant is requesting, private email addresses as well as the identity of GSA advisors, is not information that has a legitimate public interest, but rather will likely be used to “dox” or otherwise intimidate and harass volunteers, employees, and stakeholders.

For the foregoing reasons, the Providence School Department has not violated the APRA. To the extent that the Attorney General reaches a different conclusion and determines that the City has violated the APRA, the City respectfully requests that any such violation not be treated as reckless, knowing, or willful.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Charles A. Ruggiero', with a long horizontal flourish extending to the right.

Charles A. Ruggiero, Esq.
General Counsel & Deputy City Solicitor

Enclosures
cc: Nicole Solas