



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Labor and Training
DIVISION OF WORKERS' COMPENSATION

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INFORMATIONAL LETTER 13-04

Replacing letter 00-12

**PUBLIC ACCESS TO DEPARTMENT OF LABOR AND TRAINING
DIVISION OF WORKERS' COMPENSATION RECORDS**

The Department of Labor and Training, Workers' Compensation Unit, is an "agency" or "public body" under the Access to Public Records Act, R.I.G.L. 38-2-1 et seq. All documents, records, and other material received in connection with the transaction of official business by the Workers' Compensation Unit are public records, subject to certain exceptions.

Records NOT Available to the Public

- **R.I.G.L. Section 42-16.1-18** – Records which are identifiable to an individual applicant for benefits may not be publicly disclosed. Persons not directly involved in a workers' compensation claim may not obtain information from the Workers' Compensation Unit.
- **R.I.G.L. Section 28-32-5** – Records of employee injuries and/or fatalities which employers are required to file with the Department under R.I.G.L. Section 28-32-1 (first report of injury) may not be publicly disclosed.
- **R.I.G.L. Section 28-37-31** – The information collected (Data Collecting) under this section for the purpose of conducting program evaluations and studies may only be furnished to interested parties in a form that will not identify individual employees or employers in any manner.
- **R.I.G.L. 38-2-2(4)(B)** - Records of individual self-insurers, other than disclosure of their status as self-insured, will not be made public without the written permission of the self-insured.

Public Information

- **Proof of Coverage** - verification that an employer has workers' compensation insurance and the insurance carrier's name, or information that the employer is self-insured.
- **Independent contractor designations** - verification that an individual has filed a notice with the Department stating they are an independent contractor rather than an employee for purposes of workers' compensation.
- **Employee waivers** - verification that an individual has filed a notice with the Department claiming their common law right of action to sue an employer for an injury and thereby waiving their eligibility for workers' compensation benefits.

All requests for information from the Department will be subject to the following fees:

Copies:	.15 per page
Faxed copies:	.40 per page
Certified copies	\$3.00 per page
Search and retrieval	\$15.00 per hour

Information Available to Parties Involved in Workers' Compensation Claims

Parties directly involved in a workers' compensation claim may request information concerning the claim. The request must be in writing, specific as to the information being requested, and must identify the parties involved in the dispute and the requestor's relationship to the parties. Information will not be provided over the telephone except in cases where an insurer is responding to a Departmental letter requesting information.

Information Available to Claimants

The Department's Education Unit receives requests for information from injured workers, generally by telephone. The Education Unit will provide information to an injured worker provided the injured worker is able to provide sufficient identifying information, including social security number, employer's name and address, date of injury, and date of birth. An injured worker requesting copies of their records must produce, in addition to the foregoing information, picture identification.

Charles J. Fogarty, Director