

# ***TRANSPARENCY IN PUERTO RICO***

**Report on the Government's  
(Non)Compliance with  
Act 141 of 2019**

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## I. Introduction

The right of access to public information was recognized in Puerto Rico as a fundamental human and constitutional right following the Supreme Court's decision in *Soto v. Secretary of Justice* (1982). When we talk about access to information, we are referring to every person's right to request and receive any information and documentation in the government's power.

In Puerto Rico, any document which originates, is kept, or received in any dependency of the government is considered public by its nature and must be accessible. Now, the need to regulate and legislate this right existed before its formal recognition by our Supreme Court in the *Soto* decision. After countless failed attempts, in 2019 the *Transparency and Expedited Procedure for Access to Public Information Act*, Act 141 of 2019, was enacted. This imperfect law, approved without the support of civil society or the press, establishes, among several obligations, how, from whom and within what time period people request public information.

More than three years after its approval, the Center for Investigative Journalism (CPI, in Spanish) evaluated the Executive Branch's compliance with the Transparency Act, its more than 120 agencies, and the 78 municipalities. This report gathers data on the appointment and performance of Public Records Officers, the officials who are legally required to receive public records requests, process them, and facilitate access to documents. The data analyzed in this report was compiled thanks to the volunteer work of law students who are part of the Inter American University of Puerto Rico Faculty of Law's Pro Bono Program.

The report concludes that the Government of Puerto Rico's implementation and execution is deficient and inconsistent. Following the CPI's oversight exercise, most of the island's Public Records Officers were appointed as required by the Transparency Act, an action that should have happened more than two years ago. The report explains the scope of these Officers' responsibilities, the process and methodology of the investigation to collect this data, and the alarming findings of noncompliance with the law. A series of recommendations are also revealed that aim to strengthen the island's public policy on governmental transparency.

In summary, we highlight the report's main findings:

- Even though 98% of the Public Records Officers were appointed in the Executive Branch, **only 39% of the agencies** have their contact information (name, email, and telephone number) **available on their websites**.
- **76%** of the municipalities have appointed their Public Records Officers and only two municipalities have contact information (name, email, and telephone number) **available on their websites**.
- **25%** of the Public Records Officers in the Executive Branch and **64%** in the municipalities were appointed **in response and subsequent** to public record requests sent by the CPI.
- La Fortaleza (the Governor's Office) and the Office of Management and Budget (OGP, in Spanish) have yet to publish on their websites a **centralized directory** with the contact information for every Public Records Officers, as required by the Transparency Act.
- The CPI compiled, centralized, and standardized this information and has published **two directories** containing the contact details of the Public Records Officers in the Executive Branch and the municipalities.
- Of a sample of 22 agencies, only **13** had offered the educational training to their Public Records Officers, as the Transparency Act also requires.
- Since this law came into effect, only **26%** of the agencies have submitted at least one monthly statistical report that includes the number of requests received, the type of information requested, and their status. **Only 18%** have these reports available on their websites.
- No municipality has submitted its monthly reports, as reported.

## II. The Transparency Act and Public Records Officers

Act 141 of 2019 provides in its Article 2 that it applies “to the Government of Puerto Rico, that is, the Legislative, Judicial, and Executive Branches, as well as all government entities, public corporations, and municipalities.”

In other words, all government entities are subject to the procedures and obligations that the Transparency Act establishes, including private third-party custodians of public information or documents.

Public Records Officers have the obligation to receive information requests, assign them an identification number, process them internally, and facilitate access to information in the requested format, within the established time period.

They must also provide needed assistance to any citizen who wishes to make an information request.

However, being the designated central contact to receive requests does not limit the public and the press from requesting information from other officials within the government entity, including the Press Officer.

Section 5 also requires that: “Every government agency or entity that constitutes the Government of Puerto Rico shall identify, except for good cause, at least three (3) public servants from among the existing employees, two (2) of whom shall be career employees. The identified employees shall be designated and certified as Public Records Officers in each government entity.”

The designation of an Public Records Officer does not entail hiring new personnel, nor does it require an additional budgetary expense; the officials selected must already be on the agency’s or the municipality’s payroll.

The requirement that at least two officials be “career employees” seeks, in theory, to provide continuity and stability to the appointments and that they’re not subject to administration changes or political pressures.

The law establishes that “[w]hen the organizational structure, operating complexity, or size of the entity requires a higher or lower number of Public Records Officers, it shall be justified in writing and notified to the Office of the Secretary of Public Affairs of the Office of the Governor or a similar office, which shall determine whether such request shall be approved or denied.”

The Public Records Officers must submit monthly statistical reports on the number of requests received, on the type of information requested, and on the status of the request. These reports may not reveal the applicant's personal information and must be published on each of the government entity's websites.

The Act requires that the Public Records Officers shall complete a training on the Act's contents, the applicable regulations and procedures, and their legal obligations as persons responsible for its enforcement, as well as complete a training on the case law of the Supreme Court in matters of access to public records. However, the Act does not indicate which government entity should coordinate and offer these trainings.

The Public Records Officers' names and contact information must be available on the official websites of each of the government entities, that of the Office of Management and Budget (OGP, in Spanish) and the Office of the Governor according to the law.

They must also be available in a printed document at the integrated service centers throughout Puerto Rico.

Although the statute entered into effect immediately after it was approved, on August 1, 2019, it established that the Government had to appoint the Public Records Officers within six months after the law's approval, that is, by February 1, 2020.

### **III. The research process and study methodology**

In general terms, the Transparency Act does not establish a process for the Government to generate data on its compliance with this public policy; except the monthly statistical reports that the Public Records Officers must submit, which, for the most part, have not been prepared.

The lack of reliable official statistics regarding the implementation of the Transparency Act constituted a limitation for the preparation of this report. Furthermore, it is a systemic barrier and an ongoing challenge for people, journalists, academics, and activists who are interested in monitoring the execution of the government of Puerto Rico's public policy on transparency.

Despite this reality, with the help of volunteer law students and participants in the Inter American University of Puerto Rico Faculty of Law's Pro Bono Program, over the past nine months the CPI has gathered data using the mechanisms that Act 141 of 2019 establishes for submitting public information requests. The methodology used is outlined below.

### *A. Executive Branch*

#### **1. Appointment of Public Records Officers**

On July 12, 2021, Chief of Staff Noelia García Bardales issued Circular Letter No. OSG-2021-015, through which she required different government entities to comply with several provisions of Act 141 of 2019. The Circular Letter, which was not and is not available on La Fortaleza's website, requested that every entity of the Executive Branch identify, on or before July 16, 2021, at least three officials designated and certified as Public Records Officers.

In response to this Circular Letter, in January 2022, the CPI sent requests to La Fortaleza, the Office of Management and Budget (OGP, in Spanish), and the Puerto Rico Innovation and Technology Services (PRITS) petitioning the contact information (name, position, emails and telephone numbers) of the appointed Public Records Officers and all communications (emails and letters) in response to the Circular Letter, among other information.

In response to these requests, in February 2022, the CPI received charts with the contact information of some of the Public Records Officers for the 121 government entities, as well as hundreds of emails from the agencies responding to the Circular Letter.

As a result of this effort, the CPI created a directory that compiles the information produced in an accessible way.

Between August and September 2022, the CPI reviewed the websites of every Executive Branch government entity, called, and sent emails to Public Records Officers to update the contact information in the directory, as well as to confirm how many agencies had published the information on their own websites.

#### **2. Monthly statistical reports and educational training**

Between June and September 2022, the CPI verified the websites of every Executive Branch government entity to identify how many had published at least one monthly statistical report required by the Transparency Act.

A sample of 22 agencies among those that did not have these reports available or updated were selected and sent an information request asking for all the monthly reports available since the law came into effect. If the agency had not prepared any of these monthly reports, we requested an official certification confirming it.

Among the 22 agencies chosen are those with the biggest budget assigned annually and several departments that exist by virtue of the Constitution of Puerto Rico. For example, information requests were made to the Departments of Education, Health, Natural Resources, Public Safety, Housing, the Electric Power Authority, and the Aqueduct and Sewer Authority, among others.

In the requests sent, the CPI also asked if the entity had provided the required training to its Public Records Officers as the Transparency Act mandates, as well as the date, place, modality (virtual or in-person), the name and professional background of the resource that provided the training, and who attended it. If the agency had not provided the training, we requested an official certification indicating it. Finally, we asked for all communications, including emails or letters, that they had received or sent regarding the coordination of these training sessions.

## *B. Municipalities*

### **1. Public Records Officers' Appointment**

As opposed to the Executive Branch's government entities, beyond the legal mandate, no Circular Letter has been sent to the 78 municipalities of Puerto Rico, nor has the central government monitored the appointment of their Public Records Officers.

Between June and September 2022, the CPI sent petitions to all municipalities requesting the contact information of their Public Records Officers (name, position, email, and telephone number), and any document or letter certifying their designation. If a municipality was in noncompliance, we asked for an official certification confirming it.



Multiple telephone calls were made to each municipality to ask about their compliance with this provision of the law and to further verify the email addresses to which the written public records requests and follow-up messages would be sent.

## IV. Report Findings and Analysis of the Data Collected

### A. Executive Branch

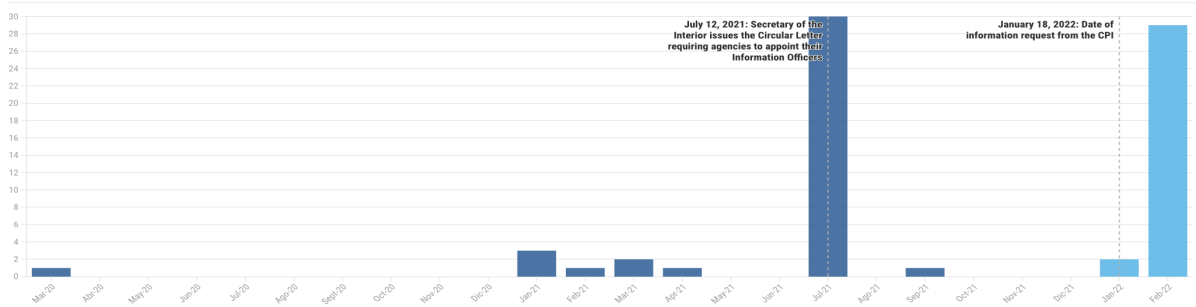
#### 1. Appointment and announcement of Public Records Officers

About 98% of government entities or agencies have appointed at least one Public Records Officer with their corresponding contact information (email and telephone number). While 88% appointed at least three Public Records Officers.

It was confirmed that at least 25% of these appointments occurred after the CPI sent a request for information in January 2022. Among the agencies that had not appointed officers before the CPI’s request are the Women’s Advocate Office, the Planning Board, the Department of Sports and Recreation, the Department of Health, the Tourism Company, and the PRITS. The latter is responsible for implementing the island’s open data public policy.

#### When were information officers appointed in government agencies?

Two events prompted the appointment of Information Officers: The circular letter sent by La Fortaleza and the request for information from the CPI.



Source: CPI Database • Graph by Gabriela Carrasquillo Piñeiro

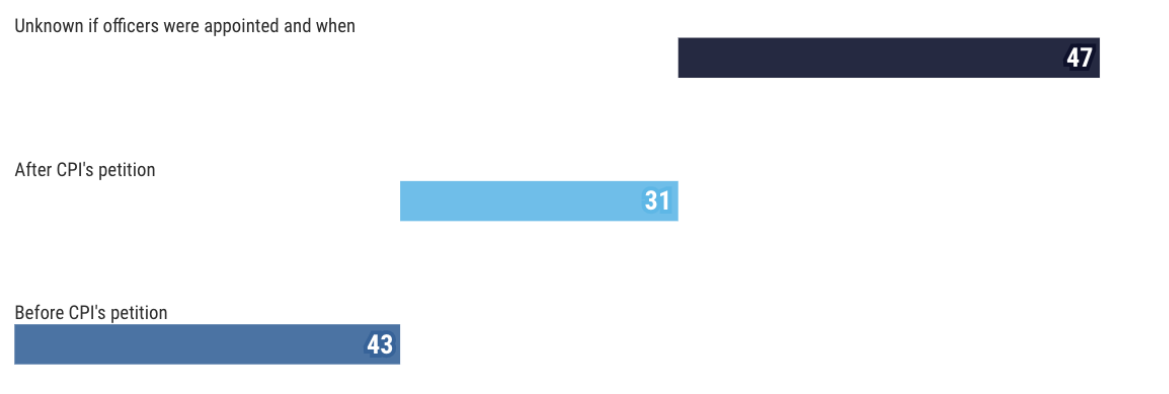
Out of all the agencies and governmental entities, 23% appear to have more than three Public Records Officers. Some even included agency directors as if they were Public Records Officers, which is not consistent with the law.

Currently, only two government entities have not designated their Public Records Officers: The Public Service Appeals Commission (CASAP, in Spanish) and the Teachers' Retirement System Office.

It was possible to confirm the appointment date of the Public Records Officers after receiving official communications (emails or official letters) from 60% of the entities. For the remaining agencies, it was not confirmed when these officials were appointed and if they are even aware that they hold the position.

### Appointments of Public Records Officers in government agencies

Most of the agencies had not appointed their Public Records Officers when the CPI requested their contact information. Following the petition, at least 31 agencies named these officers.



Graphic by Gabriela Carrasquillo Piñeiro



About 41% of the entities only provided the name of the Public Records Officer, without indicating the regular position held. The inconsistency as to how their position is described, beyond the title of “Public Records Officer,” has not made it possible to verify if the agencies are complying with the requirement that at least two officials be career employees.

Most of the appointed Public Records Officers hold positions such as attorneys, public relations officers, press officers, information technology officers, human resources personnel, finance personnel, and special aides, among others.

Certain entities do not have their own Public Records Officers and are under the jurisdiction of other dependencies. This is the case of the Permits Management Office (OGPe, in Spanish), whose Public Records Officers are designated by the Department of Economic Development and Commerce (DDEC, in Spanish), or the Highways and Transportation Authority (ACT, in Spanish) whose Public Records Officers are designated by the Department of Transportation and Public Works (DTOP, in Spanish).

This set-up is not consistent across entities. For example, the Child Support Administration (ASUME, in Spanish) and the other administrations attached to the Department of Family do have their own Public Records Officers, different from those of the Department of Family. The same happens with the Department of Public Security (DSP), where all its “umbrella” agencies have the same Public Records Officers, except for the 911 Emergency System Bureau, which has its own Officers.

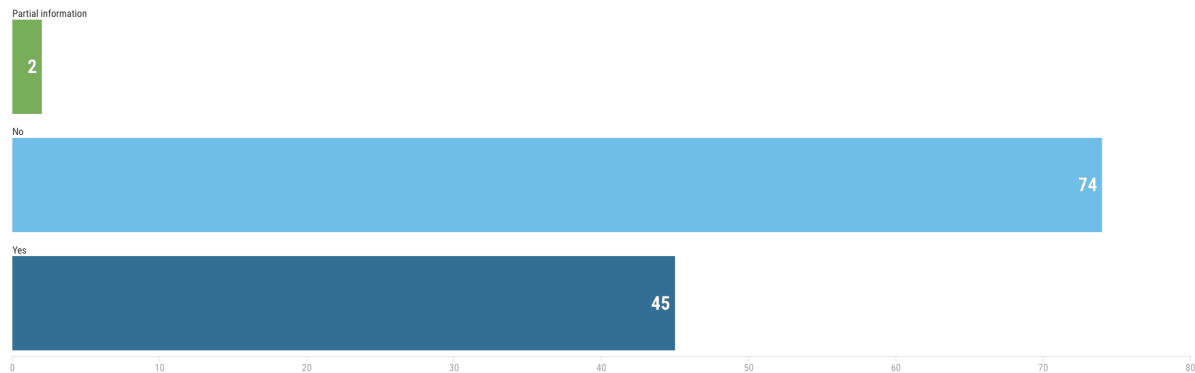
In response to the request for information sent during the summer of 2022, the Family Department’s Socio-Economic Development Administration (ADSEF, in Spanish) said that this structure responds to the fact that the Department of Family established a central committee to address information requests prior to the approval of Act 141 of 2019. They said the Public Records Officers of their respective administrations must report every request sent to this committee.

More than nine months after receiving responses to these public records requests, following corroboration by visiting agency websites, making telephone calls, and sending emails, CPI has updated the contact information of Public Records Officers in the published directory.

Even though almost all agencies have appointed their Public Records Officers, only 39% of the entities’ web pages have published, completely or partially, their names and contact information.

### Do agencies publish information from their Information Officers?

Most government agencies do not publish the contact details of their Information Officers.



Graph by Gabriela Carrasquillo Piñeiro

CPI PERIODISMO INVESTIGATIVO

The Transparency Act does not require creating public records request forms. However, 18% of the agencies have created forms, regulations, or guidelines to enforce their policy on access to public information. Specifically, 18 agencies have created forms and 11 have established regulations or guidelines. Several of the forms created by these entities establish additional requirements to those contemplated in the law itself.

For example, to fill out the Puerto Rico Institute of Culture’s public records request form, an applicant must provide: (1) a current valid official identification; (2) identify themselves in one of the several categories of petitioner, and (3) indicate the purpose for requesting public documents, among other requirements. By completing the form, an applicant is required to sign a “Certification of Acceptance and Restrictions” agreeing to the following: “The request for public records made here is for the use set forth herein. If I make use of the content, I will give the credit of origin to the Puerto Rico Institute of Culture, as required. I understand that confidential documents, with information from third parties, will not be provided to me, nor will I be able to consult them.”

These additional requirements and the required certification are contrary to the Transparency Act and infringe the constitutional right of access to public information in Puerto Rico.

## 2. Training sessions on the scope of the Transparency Act and the constitutional right of access to information

Of the 22 agencies to which the CPI sent a request between June and September 2022 regarding whether the entity had provided the required training to its Public Records

Officers as required by the Transparency Act, it was confirmed that only 13 had complied. Among them are the Department of Health, the Department of Corrections and Rehabilitation, and the Department of Family. 10 agencies offered or scheduled those workshops after and in response to the CPI's request.

The Office of the Governor has not offered training to its own Public Records Officers because, they mentioned, that they believe that the law is not clear on this matter. On the contrary, they chose to include one of the Governor's Legal Advisors in the group of Officials to instruct and train the other officials "in an informal and ongoing manner."

The Puerto Rico Institute of Statistics and the Department of Economic Development and Commerce explained that they had not offered the training because the law does not clearly establish which entity is responsible for the training and how it should be coordinated.

The Patient's Advocate Office stated that, on its own initiative, it had asked the Office of the Governor if they were planning to offer training and never got a response.

Of the agencies that did offer training, most used internal agency resources or attorneys.

Four agencies, the PRITS, the Treasury Department, the Highway and Transportation Authority, and the Department of Family, resorted to hiring external law firms and attorneys to offer them, including Construction Law Group, Sánchez Limardo Law Office, Atty. Carlos J. Sagardia Abreu, Atty. Guillermo Somoza Colombani, and Atty. Arlene R. Pérez Borrero.

PREPA, the Treasury Department, and the Department of Family provided a copy of the materials used in the training. All three agencies used materials that explain the scope of this constitutional right and the legal responsibilities of Public Records Officers. PREPA provided their officials with a copy of the most recent Supreme Court decisions on access to public information and law review articles on the matter.

As of the date of this report, three of the agencies consulted, the Department of Public Safety, the Department of Housing, and the Department of Education, had not responded or informed whether they offered, or were in the process of offering, these training sessions.

### 3. Monthly reports on requests for access to information

About 26% of Executive Branch agencies have generated their monthly statistical reports, but only 18% are available on their websites.

Among the agencies that have the reports available on their websites are the Government Ethics Office, the Lands Administration, the Department of Justice, the Office of the Commissioner of Financial Institutions (OCIF, in Spanish), and the Fiscal Agency and Financial Advisory Authority (AAFAF, in Spanish).

Of a sample of 22 agencies to which the CPI sent a request between June and September 2022, 16 of them generated or updated their reports after and in response to the request. Among them are the Office of the Governor, the Department of Labor and Human Resources, the Department of Health, and the Puerto Rico Aqueduct and Sewer Authority.

Of the agencies that have generated reports, few indicate whether the request has been granted or denied, as part of the “status of the request.” They usually only indicate that the request has been “processed or addressed.”

As of August 2022, the Department of Justice, which has received 67 requests since the law came into effect, has denied, totally or partially, 35 of them, that is, 53%.

After reviewing the “Case Consultation” section from the Judiciary’s Unified Case Management and Administration System (SUMAC, in Spanish), it shows that the Department of Justice or its Secretary have been sued for access to public information at least 10 times since the law was passed and it was forced to deliver the information requested in four of those lawsuits.

### *B. Municipalities*

During the data collection process, initial calls were made and most of the municipalities indicated that they were unaware that the Transparency Act existed or that it applied to them.

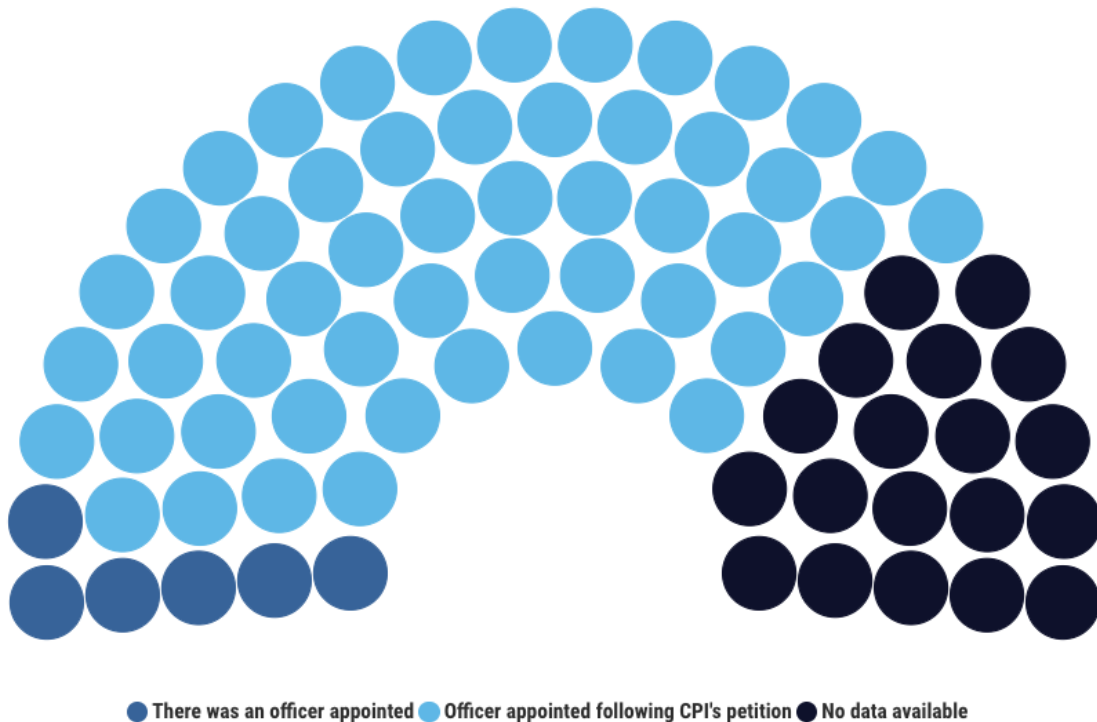
Calls were frequently redirected to the Human Resources offices or to the Municipal Secretary, and in many cases, the role of the Public Records Officer was confused with that of IT and Technology Officers.

In several instances, municipal employees alluded to the COVID-19 pandemic as the reason why their mayor had not yet complied with Act 141 of 2019.

When this report was prepared, 76% of the municipalities certified the appointment of their Public Records Officers. Of these, 90% of the municipalities appointed their Public Records Officers in response to and after the CPI requested this information by phone or through a written request. Only six municipalities had designated their Public Records Officers prior to the CPI requesting this information: Isabela, Ponce, Gurabo, Comerío, Ceiba, and San Juan.

### Most municipalities had not designated their Information Officers

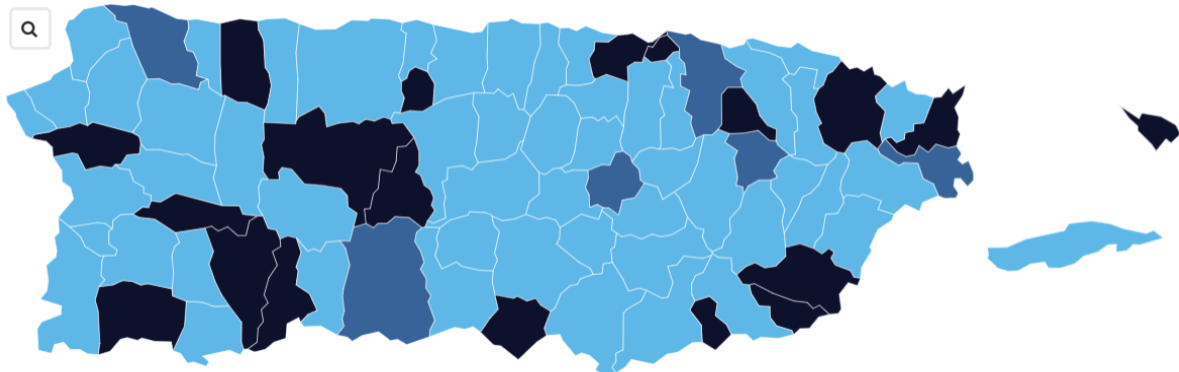
Only six municipalities had appointed an Information Officer when the Center for Investigative Journalism requested the data. Most did so later. In some cases, days later.



In other words, to date, the CPI has forced the appointment of 68% (53 of 78) of the Public Records Officers of Puerto Rico's municipalities.

## Appointments of Information Officers in municipalities

After CPI's petition Not available Before CPI's petition



Source: CPI Database • Graph by Gabriela Carrasquillo Piñeiro



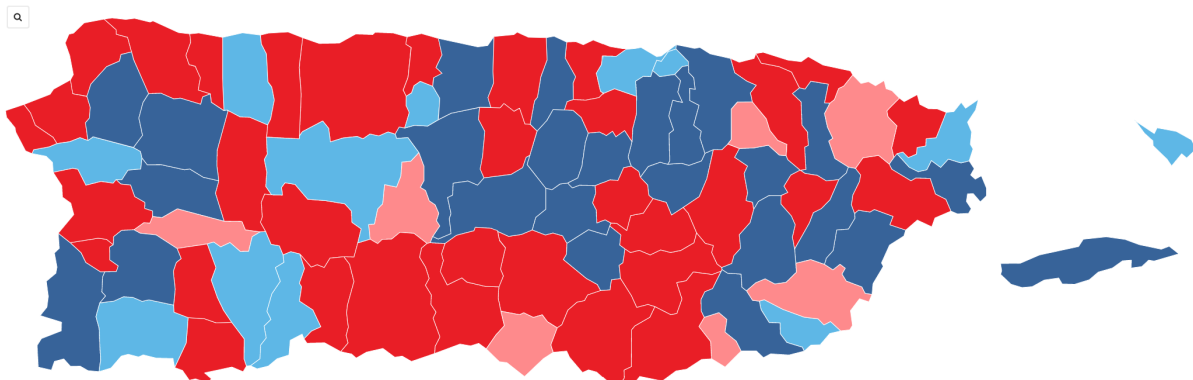
About 83% of the municipalities that have mayors affiliated with the Popular Democratic Party (PPD, in Spanish) have appointed their Public Records Officers. While 68% of the municipalities that have mayors affiliated with the New Progressive Party (PNP, in Spanish) have designated their Public Records Officers.

The municipalities of Culebra and Maricao, which have PNP mayors, provided an official certification indicating that they were in noncompliance with the Transparency Act.

Another 17 municipalities have not responded or indicated whether they appointed their Public Records Officers.

### Map of available data from Information Officers, by municipality

PPD - Available PNP - Available PNP - Not available PPD - Not available



Source: CPI Database • Graph by Gabriela Carrasquillo Piñeiro





Of the 59 municipalities in compliance, 57 (except Barceloneta and Luquillo) provided the name, email, and telephone number of at least one of their Public Records Officers.

Eight municipalities only have one Public Records Officer, including San Juan, Guaynabo, Isabela, and Salinas. Seven municipalities have two Officers, including Coamo, Corozal and Manatí. The remaining 44 municipalities have three Public Records Officers. Only Arecibo and Caguas have designated more than three Public Records Officers.

55 municipalities provided the official position of at least one of these officers.

Positions include, for example, attorneys, auditors, a deputy mayor, a police sergeant, human resources personnel, press officers, special aides, systems technicians, social workers, a mayor's chauffeur, and an "executive confidential secretary," among others.

As in the Executive Branch, the lack of reliable data has made it impossible to confirm whether the municipalities are complying with the requirement that at least two Public Records Officers be career employees.

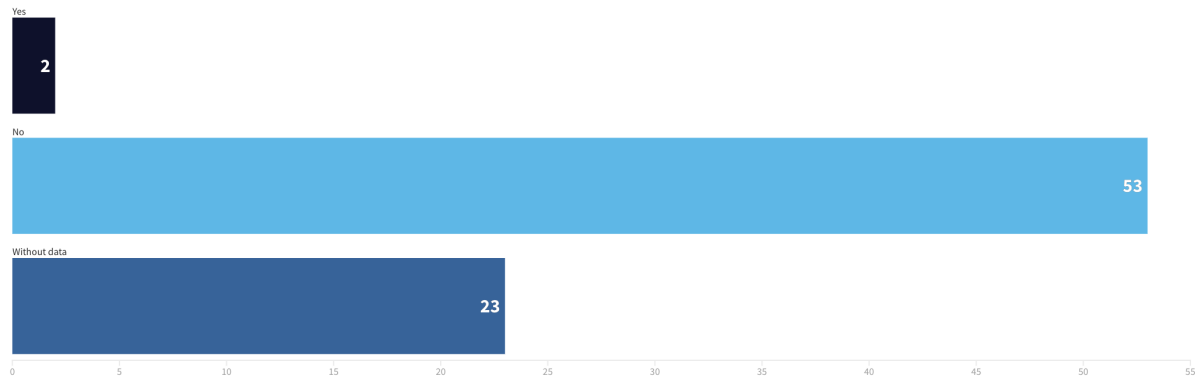
It was possible to corroborate the date of appointment of the Public Records Officers of 68% of the municipalities after receiving official certifications (letters, executive orders, and emails).

Only 12 municipalities have acknowledged, through official certifications, the legal obligation to train their Public Records Officers. Only the municipality of Cidra certified having trained these officials.

Caguas and Carolina are the only municipalities that published general information on the Transparency Act and its Public Records Officers on their respective websites.

**Do municipalities publish the information of their Information Officers?**

Only two municipalities, Caguas and Carolina, have the information published on their websites.



Graph by Angélica Serrano-Román



Carolina and Comerío are the only municipalities that require the completion of a form to request public information. It must be noted that the Transparency Act does not require the creation of public records request forms.

Caguas, Carolina, Comerío, and Patillas have regulations, guidelines or municipal ordinances that govern requests for access to information, including in relation to the costs of producing public documents.

Some municipalities responded to CPI’s requests through external law firms. In Orocovis, for example, a public official never responded and all communications were handled through the law firm Aldarondo, López-Brás LLC.

**V. Conclusions**

The CPI published part of the findings of this report in March 2022 and, according to the data collected, the current administration has done little to nothing to improve the island’s state of transparency. It has not followed up on the only official Circular Letter sent in July 2021.

There are compelling examples: the Office of the Governor and the Office of Management and Budget have yet to publish the directory with the contact information of all the Public Records Officers as required by law. Currently, this directory can only be found on the CPI website, along with the newly added directory for the 78 municipalities. There have also

been changes and updates in about 39% of the agencies' Officers and these changes have not been proactively reported to the public.

There has been no direction or uniformity on the Government's behalf regarding the educational training that these officials must receive. Appointments in practically all agencies are of little use if these Officials don't know that they have been appointed, don't know their responsibilities under the law, or are unaware of the Supreme Court's decisions on this constitutional right.

Most agencies are not producing monthly statistical reports, so there is no reliable data to monitor compliance with the law and propose changes in public policy in an informed way and based on trustworthy information. Another shortcoming of these reports is that Public Records Officers are not required to include the grounds for denying an information request. Knowing the reasons for denial is essential to limit and fight against the culture of secrecy that still prevails in the Government.

The Government's lack of commitment to an agenda in favor of transparency has resulted in citizens still not knowing how and from whom they can request public information. Each agency is developing its own unnecessary and erroneous regulations and forms in a piecemeal and erratic manner, hindering rather than facilitating access to information and accountability.

Meanwhile, Puerto Rico's municipalities, which have recently been under greater public scrutiny after countless corruption scandals, had no idea until the summer of 2022 that they are subject to a law that regulates every detail regarding public information requests. Despite this reality, the efforts to prepare this report achieved within three months, that most municipal governments recognize and comply with their legal responsibilities.

The fact that the municipalities have been receptive and open on this transparency issue is a step in the right direction. However, it is concerning that after multiple follow-up messages, there are still 17 municipalities that have not provided the requested information.

In summary, the importance of appointing and having the contact information of these Public Records Officers available is that it allows for a governmental structure that is prepared and able to facilitate the exercise of the citizens' constitutional right to access public information. Otherwise, the means to vindicate this guarantee are restricted.

On April 5, 2022, House Bill 1303 was filed with multi-party support and it introduced substantial amendments to the current Transparency Act. The CPI has actively participated in the entire public deliberation process in relation to this bill and is convinced that its approval, with the amendments that the organization proposed, has the potential to strengthen the current rule of law regarding access to public information in Puerto Rico. Several of the amendments contemplated in this piece of legislation address many of this report's findings and recommendations.

## **VI. Recommendations**

Considering the results of this report, the CPI presents the following recommendations:

1. The immediate appointment of the Public Records Officers who have not yet been appointed both in the agencies and the municipalities.
2. The immediate publication, by the Office of the Governor and the OGP, on their websites, of the central directory with the contact information of the Public Records Officers of the Executive Branch and establishing a process for updating this data on a monthly basis.
3. The immediate publication, by all government entities, of the contact information of their Public Records Officers on their websites.
4. The immediate publication, by all municipalities, of the contact information of their Public Records Officers on their websites and social media channels.
5. The immediate publication, by all government entities, of monthly statistical public records request reports on their websites.
6. The immediate training of all designated Public Records Officers in Puerto Rico.
7. Training Public Records Officers through resources that have experience dealing with the right of access to public information.
8. In the case of the municipalities, explore the possibility that the Mayors Federation and the Mayors Association assume responsibility and a leading role in coordinating these efforts.
9. Guide government entities to include the following data points in the monthly statistical reports that allow generating reliable statistics to adequately oversee compliance and execution of the law: (1) whether the request was granted or denied, and (2) in the case of a denial, the reason given for not providing the information. These reports must also be limited to information requests that comply with the

parameters of Act 141 and must not include other data, such as press releases and press conferences or radio and television appearances by the head of the agency.

## **VII. Afterword and acknowledgements**

Atty. Carlos Francisco Ramos Hernández, Equal Justice Works fellow at the CPI, prepared this report. The law students, participants in the Inter American University of Puerto Rico Faculty Law's Pro Bono program, who worked voluntarily in the collection of data and statistics for this report are: Gabriela M. Vélez Martínez, Lia Sophia Di Fiore Tavárez Cortés, Adriana M. Muñoz Mena, Génesis S. Rivera Carrasquillo, Jorge A. Flores Torres, and Abner M. Otero Rosario.

CPI Executive Director Carla Minet and Atty. Oscar J. Serrano, co-founder, and Coordinator of the CPI Transparency Program edited this report.

## **VIII. Reference to the Transparency Act**

Transparency and Expedited Procedure for Access to Public Information Act,  
Act 141 of Aug. 1, 2019

### Section 2. — Applicability (3 L.P.R.A. § 9912)

The provisions of this chapter shall apply to the Government of Puerto Rico, that is, the Legislative, the Judicial, and the Executive Branches, as well as all government entities, public corporations, and municipalities. Likewise, it shall apply to third-party custodians of public records or documents.

### Section 5. — Public records officers (3 L.P.R.A. § 9915)

Every government agency or entity that constitutes the Government of Puerto Rico shall identify, except for good cause, at least three (3) public servants from among the existing employees, two (2) of whom shall be career employees. The identified employees shall be designated and certified as Public Records Officers in each government entity. When the organizational structure, operating complexity, or size of the entity requires a higher or

lower number of Public Records Officers, it shall be justified in writing and notified to the Office of the Secretary of Public Affairs of the Office of the Governor or a similar office, which shall determine whether such request shall be approved or denied. In the case of the Legislative and the Judicial Branches, these shall appoint personnel as Public Records Officers and establish an internal process to evaluate the number of Officers to be appointed, as appropriate.

The Public Records Officers shall complete a training on the contents of this chapter, the applicable regulations and procedures as well as on their legal obligations as persons responsible for the enforcement of this chapter. Also, they shall complete a training on the case law of the Supreme Court in matters of access to public records. These officers and the official in charge of the government entity shall share the responsibility of ensuring compliance with this chapter.

Public Records Officers shall be required to receive and process public records requests, as well as facilitate the access to documents in the format requested within the period prescribed in this chapter. Public Records Officers shall maintain a log of the public records requests in the order they are received and shall assign a number thereto. This number shall serve as a reference for any transaction or review process in connection with the requests. Likewise, the Officers shall provide citizens who wish to submit a public records request with the necessary assistance.

Public Records Officers shall also be the main contact in the government entity to receive public records requests and offer assistance to any individual requesting public records. The foregoing shall not impair in any manner whatsoever the option of citizens and the press to request public records to other entity officials, including the Press Officer of the government entity. The names and contact information of the Public Records Officers shall be available on the official websites of the concerned government entities, the Office of Management and Budget (OMB), and La Fortaleza. A hardcopy of the document shall also be available at the integrated service centers across Puerto Rico.

Public Records Officers shall submit monthly reports on the number of requests received, the type of information requested therein, and the status of the request. The personal information of the requestor shall not be disclosed. The reports shall be made available to the public on the website of each government entity.

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