

# GOVERNMENT OF PUERTO RICO

20th Legislative  
Assembly

1st Ordinary  
Session

## SENATE OF PUERTO RICO

### Senate Bill 63

January 2, 2025

Presented by Senator Rivera Schatz  
*Referred to the Committee on Government*

#### LAW

To amend Articles 5, 6, 7, 8, and 9, to add a new Article 10, and to renumber current Articles 10, 11, 12, 13, 14, and 15 as Articles 11, 12, 13, 14, 15, and 16 of Law 141-2019, known as the Transparency and Expedited Procedure for Access to Public Information Act, in order to facilitate its implementation and ensure the Government of Puerto Rico complies with its obligation to adhere to the public policy established by said statute; to set penalties for noncompliance; and for other related purposes.

#### STATEMENT OF MOTIVES

Law 141-2019, known as the Transparency and Expedited Procedure for Access to Public Information Act ("Law 141"), establishes the legal framework by which any citizen can request public information from the Government of Puerto Rico. The primary purpose of this statute is to recognize citizens' right to access public information and to adopt mechanisms that facilitate the application and implementation of this right. According to the statement of motives for Law 141, its drafting was based on the U.S. federal Freedom of Information Act (FOIA).

This bill proposes amendments that improve compliance with Law 141 by the Government of Puerto Rico, clarifying the process a citizen must follow to correctly submit an information request. It also expressly establishes the penalties to which a government entity will be subjected to for noncompliance. Finally, it includes the use of accessible technological tools as an alternative for fulfilling information requests.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:**

Section 1: Article 5 of Law 141-2019, known as the Transparency and Expedited Procedure for Access to Public Information Act is amended to read:

"Article 5 — Information Officers"

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...

The Information Officers shall have the obligation to receive information requests, process them and facilitate access to documents **[in the requested format]** within the timeframes established by this Law. Officers must register requests in the order they are received and assign a number to each request, which will serve as a reference in any proceedings or reviews. Officers must also provide necessary assistance to any citizen wishing to submit an information request.

...

The Information Officers must submit monthly reports detailing the number of requests received, the types of information requested and the status of the requests. **[The applicant's personal information cannot be revealed.]** These reports must be made public on each government entities' website.

Section 2: Article 6 of Law 141-2019, known as the Transparency and Expedited Procedure for Access to Public Information Act is amended to read:

"Article 6 – Requests"

Any person may request public information in writing or electronically, without needing to demonstrate a particular legal interest. *The request must be notified to the Head or Director of the agency or government entity, the President of the corresponding Legislative Branch, and/or the Judiciary, with copy to the Information Officer. Information requests that are not notified in compliance with the aforementioned requirements will be considered defective and will not have the effect of tolling the deadline for disclosing the information.* The Information Officer shall be responsible for notifying, by email, fax or regular mail all requesters of public information or documentation that their request has been received and the request's identification number.

Requests for information must include at least a postal address **[or]** and an email address for notifications, **[the format in which the information wants to be received]** and a description of the information requested.

Section 3: Article 7 of Act 141-2019, known as the Transparency and Expedited Procedure for Access to Public Information Act is amended to read:

"Article 7 – Deadline to provide or make public information available"

Subjected to the provisions of this Law, the Information Officers of a government entity shall produce any public information for inspection, reproduction or both, at the request of any requester, within a period not exceeding **[ten (10)]** *twenty (20)* business days. In the case of the executive branch, the central-level office of the agency or

government entity must comply with the aforementioned term. However, if the request is made directly at the level of a regional office of the agency or government entity, the term for delivering the information may not exceed **[fifteen (15)]** *thirty (30)* business days. In the above case, the Information Officer at the regional level shall diligently, within a period **[of]** no more than forty-eight (48) hours, inform the central level office via email of the request received, in order to determine the procedure to be followed, as appropriate. The term for delivering the information shall begin to run from the date on which the applicant has sent the request for information to the government entity, as shown in the email, the postmark or the facsimile receipt, *in accordance with the provisions of Article 6*. If the government entity does not respond within the established period, it will be understood that it has denied the request and the applicant may appeal to the Court. This period is extendable for a single term of **[ten (10)]** *twenty (20)* business days if the Information Officer notifies the applicant of the request for an extension within the initial established period and explains in the request the reason why additional time is required to deliver the requested information or documentation.

Any decision to deny the disclosure of public information must specify in writing the legal grounds for the denial or refusal to provide it within the established timeframe. *Information that has been expressly classified as confidential by law or regulation prior to the information request may not be disclosed.*

Information Officers comply with the parameters of this Law if **[, depending on the requester's preferences,]** they perform one of these actions:

- a) Make the information available to the requester at the government entity's offices for inspection and reproduction;
- b) Send the information to the requester by email;
- c) Send a copy of the information by federal mail (First Class), provided the requester is willing to pay for postage and other associated costs; or
- d) Provide the requester with a web page URL with instructions for accessing the requested information.
- e) Allow the requester to inspect the documents or records from which the requested information is derived.*

Section 4: Article 8 of Act 141-2019, known as the Transparency and Expedited Procedure for Access to Public Information Act is amended to read:

"Article 8 — Fees"

...

**[The requested public information will be delivered in the requested format and through the channel indicated by the requester, provided that this does not entail a greater cost than delivery in paper or in the format usually used by the government entity, nor does it pose a risk to the integrity of the document.]** If the delivery of the requested information entails an extraordinary expense, the government entity will disclose it in the available or lowest-cost format. The government entity will establish the method for confirming the effective delivery of the requested information.

Section 5: Article 9 of Act 141-2019, known as the Transparency and Expedited Procedure for Access to Public Information Act is amended to read:

"Article 9 – Special Appeal of Judicial Review before the Court of First Instance"

Any person who has been notified by a government entity of its decision to deny the requested information, or who has not provided the information within the statutory period or its extension, shall have the right to file, in their own right or through their legal representative, a Special Appeal for Access to Public Information before the Court of First Instance of the Judicial Region of San Juan.

To file the appeal, the judiciary must create and make available to the public a simple form to be filled. Filing the appeal will not entail the payment of stamps or fees. Likewise, except in specifically justified extraordinary circumstances, no citizen will be required to hire an attorney to file the appeal and may not be prevented from pursuing their case in their own right. The Supreme Court is recommended to establish a random process to select the judges who will hear these cases.

The Court itself shall notify the appeal to the government entity at no cost. For this purpose, the Clerk of the Court of First Instance where the action was filed shall issue a notice to the government entity that either notified the requester of its determination not to disclose the information or failed to provide the information within the established timeframe, requiring it to respond in writing. The notice shall warn that failure to do so will result in the entity being deemed to have accepted the allegations of the complaint, and the requested remedy will be granted in accordance with this law without further notice or hearing.

The appeal in question must be filed within the strict compliance period of thirty (30) days, counted from the date on which the government entity has notified its determination not to deliver the requested information or from the date on which the term available for this purpose expired if there was no response.

The government entity notified with an appeal under this Law shall be required to appear in writing within a period of ten (10) working days, **[unless there is just cause, in which case the term may not be less than five (5) working days,]** counted from the date of the notification issued for such purposes by the Secretary of the Court of First Instance. **[The Court shall have the discretion to shorten the established term of ten (10) days whenever it understands that there is just cause to do so in protection of the interests of the applicant.]** *For the purposes of the aforementioned term, those days in which the government entity is partially operating or when the government entity is in administrative recess decreed by executive order or administrative order shall not be considered working days.*

The Court must hold a hearing within three (3) business days of receiving the government entity's response if it believes the particular circumstances of the case and the information requested so required.

The Court must resolve the dispute in writing, through a legally grounded resolution declaring the request for production of public information admissible or inadmissible, within ten (10) days from the date the government entity issued its response to the court or from the date the hearing was held, if one was held. *The resolution disposing of the dispute may be reviewed before the Court of Appeals through an Appeal.*

Section 6.- A new Article 10 is added and the current Articles 10, 11, 12, 13, 14 and 15 are renumbered as Articles 11, 12, 13, 14, 15 and 16 of Law 141-2019, known as the Transparency and Expedited Procedure Law for Access to Public Information, to read as follows:

*“Article 10. – Penalty*

*In the event that any government agency or entity to which this Law applies fails to comply with a Resolution issued by the Court as a result of the process described in Article 9, it may be sanctioned with a fine of up to one hundred (100) dollars per day, which may not exceed eighteen thousand (18,000) dollars in total.*

Article **[11]** 12. -- ...

Article **[12]** 13. -- ...

Article **[13]** 14. -- ...

Article **[14]** 15. -- ...

Article **[15]** 16. -- ...”

Section 7. – Effective Date

This Act shall take effect immediately upon its approval. Amendments to Article 10 shall apply retroactively to any imposed penalty that has not been satisfied as of the effective date of this Law.