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Puerto Rico “Transparency and Expedited Procedure for Public Records Access Act”

Act No. 141 of August 1, 2019, as amended

(Contains amendments incorporated by:

[Act No. 80 of December 30, 2021](#)

[Act No. 156 of December 13, 2025](#))

To adopt the “Transparency and Expedited Procedure for Public Records Access Act,” in order to establish the public policy on access to public records; direct, organize, and implement simple, swift, and economical mechanisms that provide actual access to public documents and records; set forth the principles and tools to guarantee access; direct the designation of Public Records Officers in every government entity; and for other related purposes.

STATEMENT OF MOTIVES

In the context of federal agencies, the [Freedom of Information Act \(FOIA\), 5 United States Code § 552](#), recognizes the citizens’ right to information and establishes the period of time for the Government to respond to a public records request. However, in Puerto Rico said right can be traced back to the constitution as part of the freedom of speech. Currently, we do not have State regulations that provide for a uniform procedure for obtaining public records generated by or under the custody of government entities, in spite of the fact that the Supreme Court of Puerto Rico has repeatedly recognized the right to access public records as a corollary to the freedom of speech, of the press, and the right to assemble explicitly promulgated in Article II, Section 4 of the Constitution of Puerto Rico and the First Amendment to the Constitution of the United States of America. The underlying premise of the relation between the access to public records and the right to freedom of speech is that, if citizens are not duly informed of how public operations are conducted, their freedom to express their satisfaction or dissatisfaction with the persons, rules, and process that govern them by means of a vote or otherwise, shall be restricted. *Ortiz v. Bauermeister*, 152 DPR 161 (2000). “This intrinsically entails ensuring and facilitating the right of all the citizens of our island to inspect the content of files, reports, and documents generated as part of the government’s operations, and which are kept in the State’s agencies.” *Id.* At page 175.

In Puerto Rico, whenever the citizens and the press request public records, they are subjected to discretionary Court proceedings that are costly and may take months. Although this right is protected under the Constitution, it is frequently violated, due to the lack of a procedural mechanism that enables the exercise thereof. Regulating by law the rights enshrined in the Constitution is a normal and oftentimes imperative process. For example, the Constitution of Puerto Rico recognizes the right to organize and bargain collectively in the private sector and public corporations; however, there are several state laws that regulate said right to ensure that workers are able to exercise it, thus curbing employer discretion. There are other rights such as free public education, just compensation, speedy trial, bail, among others, that are also regulated

by law. As for the access to public records, it is critical to understand that the lack of a mechanism to curb the excessive discretion that the Government and judges currently have does not promote government transparency.

In accordance with the foregoing, there is no doubt that in Puerto Rico the right to access public information is a corollary of the right to freedom of speech. The right to access public records, however, is contingent on whether the information requested is of a public nature. To such effect, Section 1(b) of “Puerto Rico Public Documents Administration Act,” provides that:

[a]ny document which originates, or is kept or received in any dependency of the Commonwealth of Puerto Rico according to the law or in relation to the management of public affairs and that pursuant to the provisions of Section 1002 of this Title is required to be permanently or temporarily preserved as evidence of transactions or for its legal value. It includes those documents produced electronically which meet the requirements established by law and regulations.

Precisely, the Supreme Court held that “to recognize the right to access public records, it is necessary to determine whether the records requested may be classified as public records.” *Acevedo Hernández, Ex parte*, 191 DPR 410 (2014). Once a document is classified under one of the categories cited in the definition, it is considered public, therefore, any citizen has the right to access the same. However, our Supreme Court has held that this right is not absolute; it may be restricted if justified by a compelling interest. *López Vives v. Policía de Puerto Rico*, 118 D.P.R. 219 (1987); *Soto v. Secretario de Justicia*, 112 D.P.R. 477 (1982). In keeping with the foregoing, the Supreme Court has recognized instances in which the government may claim, with some probability of success, the secrecy of certain documents or information, to wit, when: “(1) it is provided by law; (2) the communication is protected by one of the evidentiary privileges that citizens may invoke; (3) disclosed information could injure fundamental rights of third persons; (4) the identity of an informer is involved (Rule of Evidence 32); and (5) it is official information” under Evidence Rule 514. *Santiago v. Bobb y El Mundo, Inc.*, 117 DPR 153 (1986); *Angueira Navarro v. Junta de Libertad Bajo Palabra*, 150 DPR 10 (2000).

However, if we are not faced with any of the exceptional circumstances stated above, the State cannot arbitrarily refuse to allow access to information kept by the Government. *Ortiz v. Bauemeister, supra*; *Silva Iglesia v. Panel sobre el FEI*, 137 D.P.R. 821 (1995); *López Vives v. Policía de Puerto Rico, supra*. “Therefore, such denial must be duly supported and justified. If these circumstances arise, the State would be authorized to restrict citizen’s access to public documents.” *Colón Cabrera v. Caribbean Petroleum*, 170 D.P.R. 582 (2007).

Furthermore, the Supreme Court of Puerto Rico has recognized that a petition for a writ of Mandamus is the current tool available to require the Court to order the disclosure, inspection, and reproduction of public records. A Mandamus is the appropriate remedy for compelling the performance of a duty, as it occurs when access to public records is requested. *Dávila v. Superintendente de Elecciones*, 82 D.P.R. 264 (1960). However, this writ has turned out to be costly and long. Even with the right to resort directly to the Court seeking vindication of the right. See, *Ortiz v. Panel sobre el FEI*, 155 D.P.R. 219 (2001). The determining factors to issue the writ include the following: 1) the potential impact that the writ may have on the public interests that may be involved; 2) avoid undue intervention in the Executive Branch procedures; and 3) the act is not misleading or in prejudice of the rights of third parties. See, *Noriega v. Hernández Colón*, 135 D.P.R. 406 (1994).

It is clear that since the early 1980s, the Supreme Court of Puerto Rico has unequivocally recognized the right to access public records as a fundamental constitutional right. This right is based on the democratic principle that citizens must be aware of, oversee, and pass judgment on the State’s affairs. In other words, the right to access public records empowers citizens to hold the government accountable for its actions, which is critical to achieve greater government transparency. In order enable citizens to fully exercise this right, the Government of Puerto Rico is required to adopt clear, economical, simple, and streamlined rules and procedures for accessing public records. It is also of utmost importance that the rules on public records be based on the principle of government transparency.

Through the Plan for Puerto Rico, we made a commitment to guarantee and promote government transparency and to regulate the fundamental right to access the public records of the Government of Puerto Rico. The objective of this Act is to honor that commitment; foster an unequivocal culture of openness in Government; establish a proactive policy on government accountability to citizens; discourage acts of corruption or unethical acts; promote citizen engagement; and establish clear, streamlined, and economical rules and principles that allow for the full exercise of the right to access public records. Furthermore, in implementing these standards, we seek to achieve the necessary uniformity across the government, including the Legislative Assembly, the Judicial Branch, and the Executive Branch, as well as all government entities, public corporations, and municipalities. We must regain the trust of citizens who deserve a transparent and responsible government that provides oversight. The people of Puerto Rico need to receive clear and reliable information and be aware of the decisions being made, because they affect community development and the future of Puerto Rican families.

Many administrations have promised transparency, but they have never committed thereto. This is one of the factors that has contributed to the deterioration of the people’s trust in their government, since it has become a complex, bureaucratic structure that lacks transparency in its decisions. Therefore, for this administration, it is a matter of the utmost importance to set forth as public policy and with force of law the process to ensure the adequate exercise of the constitutional right to access public records, so that all public officials understand that the government has the obligation to inform and educate about the principle and practice of government transparency. In order to implement the afore mentioned public policy, all government entities shall designate from among their employees a Public Records Official, who shall be in charge of promptly producing the public records requested for inspection, copying, or both. These Public Records Officials shall receive training on the scope of this Act and the case law of our Supreme Court in matters of access to public records.

Likewise, the processes for requesting information shall be strictly complied with. Public records shall be delivered as soon as practicable and, at once, if readily available. The denial of this right warrants a legal explanation and a speedy and free court proceeding to question the government action. Courts shall also settle these controversies speedily.

Our Government aspires to implement simple, streamlined, economical, and speedy procedures to access public records and that promote transparency. The foregoing shall foster accountability, citizen participation and control in government affairs. It is important to create an environment of respect, transparency, and effective communication between the government and citizens. Maintaining order is critical, and even more so is government transparency. Citizens have

the right to know how public funds are managed and how the decisions that shall affect the future of Puerto Rico and its inhabitants are made.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1. — Title (3 L.P.R.A. § 9911)

This Act shall be known as the “Transparency and Expedited Procedure for Public Records Access Act.”

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

The provisions of this Act 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 2.1. — Definitions. (3 L.P.R.A. § 9912a)

- 1) **‘Public Record’** means or refers to any public information, whose access is not prohibited by law, that is contained in an existing document prepared by, or under the custody of, the entities listed in Section 2 of this Act.
- 2) **‘Format’** means the manner in which an entity shall provide access to the requested public record. As a general rule, the requester shall be entitled to choose between receiving the public record in hard copy, PDF, or URL, or conducting a physical inspection. No entity shall be required to create or prepare a document that does not exist at the time the request for records is submitted.
- 3) **‘Denial of disclosure’ or ‘Denial of access’** means the act of preventing access to the public records requested under this Act or the denial of a request for public records that are not accessible to the general public without charge.

Section 3. — Public Policy (3 L.P.R.A. § 9913)

It is hereby set forth as the public policy of the Government of Puerto Rico that:

- 1) The public records and documents generated by the government are presumed to be public and equally accessible to everyone.
- 2) The records and documents generated by the government in their studies, transactions, and the exercise of its public authority, whether directly or indirectly, are part of the patrimony and memory of the People of Puerto Rico.
- 3) The constitutional right to access information requires government transparency.

- 4) Any record or document generated, kept, or received by any Government entity, even if it is under the custody of a third-party, shall be presumed public and shall be accessible to the People and the press.
- 5) The right to access public records is a constitutional pillar and a fundamental human right.
- 6) The access to public records and documents must be swift, economical, and streamlined.
- 7) Every person has the right to access public records and documents, subject to the applicable rules and exceptions.
- 8) The Government of Puerto Rico sets forth herein a public policy on open records and documents, including the implementation of modern technology as necessary to uphold the requestor’s right to access public records and documents in a prompt, objective, accurate, complete, reusable, and processable manner, by means of accessible, unaltered, and unabridged formats.

Section 4. — Proactive Disclosure (3 L.P.R.A. § 9914)

The Government of Puerto Rico shall facilitate the access to public records, and proactively disclose information about its operations, actions, and the results of its transactions on a regular basis through its official websites and other means of communications. Government entities are required to periodically and proactively disclose on their official websites updated information about their operations, the performance and control of their delegated functions, as well as all public records generated by the entity on a regular basis. Personnel files or any other similar records shall not be deemed to be public. Public records that, at the time the request for access is submitted, are already published on official government websites and accessible without charge, shall not be subject to the request for records process provided in Sections 5, 6, 7, and 8 of this Act.

Moreover, the government shall establish appropriate mechanisms to facilitate accessibility, quality, reutilization, identification, and localization of the information made available electronically.

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 the Act, the applicable regulations and procedures as well as on their legal obligations as persons responsible for the enforcement of this Act. Also, they shall be 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 Act.

Public Records Officers shall be required to receive and process public records requests, as well as facilitate the access to documents within the period prescribed in this Act. 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 in 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, and the status of the request.

These monthly reports shall be made available to the public on the website of each government entity.

Section 6. — Requests (3 L.P.R.A. § 9916)

Any person may submit a public records request in writing or electronically, without the need to show proof of a private or legal interest. The request for public records shall be submitted to the Head or Director of the agency or government entity, the Presiding Officer of the appropriate Legislative House and/or the Chief Justice of the Judicial Branch, with a copy to the Public Records Officer. Public records requests that are not submitted as provided above shall be deemed to be improper, and the period for disclosure shall not be tolled. The Public Records Officer shall be responsible for sending written notice to the requester of public records or information acknowledging receipt of the request and providing the identification number assigned thereto by email, fax, or regular mail.

The public records request shall include, at least, one mailing address and one email address for notification purposes and a description of the requested records. If the requested document or the record containing the requested information is available in the requested format, the government entity shall provide access thereto in such format, except for good cause.

Section 7. — Time to Deliver or Make Available the Public Record (3 L.P.R.A. § 9917)

If the requested information is contained in a document or record that does not exceed three hundred (300) pages or its equivalent, or that is less than three (3) years old, counted from the date on which it was originally produced, subject to the provisions of this Act, the Public Records Officers of the government entity shall produce the public records for inspection, reproduction, or

both, upon request of any requester, as soon as practicable, but no later than (20) business days. If the requested information is contained in a document or record that exceeds three hundred (300) pages or its equivalent, or is older than three (3) years, counted from the date on which it was originally produced, Public Records Officers shall produce the public records for inspection, reproduction, or both, in accordance with the provisions of this Act as soon as practicable, but no later than (30) business days. In the case of the Executive Branch, the central Office of the government agency or entity shall comply with the aforementioned period. However, if the request is submitted directly to a regional Office of a government agency or entity, the information shall be produced within a period not to exceed thirty (30) business days. In such cases, the regional Public Records Officer shall promptly acknowledge receipt of the request to the central office by email, within a period not to exceed forty-eight (48) hours, and make a determination with respect to the request, as appropriate. The period to produce the information shall commence on the date on which the requester submitted the public records request to the government entity, as shown in the email, postal service postmark, or fax transmission receipt, pursuant to Section 6. If the government entity does not respond within the prescribed period, the request shall be deemed to have been denied, and the requester may resort to Court. The time limit may be extended once for an additional twenty (20) business days, if the Public Records Officer gives the requester written notice of the time extension within the prescribed initial period stating the reason why an extension to produce the requested record or documents is needed.

All decisions denying a public records request shall specify, in writing, the legal basis for the denial or refusal to produce the records within the prescribed period. No public records that have been expressly classified as confidential by law, regulation, or judicial determination prior to the record request shall be disclosed. Public Records Officers act in accordance with the provisions of this Act when they:

- a) Make the records available to the requester at the facilities of the government entities for inspection and reproduction.
- b) Send the records to the requester by email.
- c) Send a copy of the records by First Class mail; provided, that the requester is willing to pay the postage and related costs.
- d) Provide the requester with a URL and the instructions on how to retrieve the requested information.
- e) Allow the requester to inspect the documents or records containing the requested information.

If the information is not available, the Public Records Officers shall be deemed to comply with the provisions of this Act if they provide the requester with access thereto in the manner prescribed herein.

Section 8. — Collection of charges (3 L.P.R.A. § 9918)

As a general rule, the right to access and inspect a public record shall be permanent and free of charge. A reasonable fee or charge may be imposed for the issuance of certified or uncertified copies, recordings, and reproductions. The appropriate charges shall be prescribed by regulations or administrative order. The payment of reproduction costs, regular mail costs, and any fees expressly authorized by law shall be deemed to be reasonable. The foregoing notwithstanding,

any person who shows to be indigent, as prescribed by regulations or administrative order, shall be exempt from the payment of fees or charges in connection with a public records request. In the Executive Branch, the Office of the Secretary of Public Affairs or similar office shall establish uniform guidelines for the adoption of administrative regulations requiring faithful compliance with the provisions of this Act; likewise, it may establish a Code of conduct which shall apply to Public Records Officers in the discharge of their duties. In the case of the Judicial and Legislative Branches, these shall determine internally how they shall draft the uniform guidelines and the aforementioned Code of conduct.

The entity shall expressly notify the requester that the requested public record is not available in the requested format. Furthermore, the entity shall be required to notify requesters of the formats in which the record is readily available. No entity may be required to produce or create a document that does not exist at the time the request is submitted. If the production of the public record places an undue burden on the government entity, it shall disclose the public record in the available or least expensive format. The government entity shall establish the method to confirm the delivery of the requested public record.

Section 9. — Special Petition for Judicial Review before the Court of First Instance (3 L.P.R.A. § 9919)

Any person to whom a government entity has notified its decision not to deliver the record requested or has failed to deliver such record within the established period or an extension thereof, shall be entitled to file, pro se or by counsel, a Special Petition for Public Records Disclosure Order before the Court of First Instance of San Juan Part.

The Judicial Branch shall create and have available to the public a simple fillable form in order to file such petition. The filing of such petition shall not require the cancellation of stamps or the payment of fees. Likewise, except under duly supported special circumstances, citizens shall not be required to hire an attorney to be able to file the petition nor shall they be prevented from filing such petition pro se. The Supreme Court is hereby recommended to establish a process to randomly select the judges who shall hear these cases.

The Court itself shall give notice of the petition to the government entity free of charge. To that effect, the Clerk of the Court of First Instance with which the petition was filed shall give notice to the government entity that notified the petitioner of its decision not to produce the requested records, or that failed to deliver the records within the prescribed period, for the entity to appear in writing, apprising the government entity that failure to do so shall entail the acceptance of the allegations made in the complaint and, thus, the relief sought shall be then granted in accordance with this Act without being further summoned or afforded an opportunity to be heard. The petition in question shall be filed within a non-extendable period of thirty (30) days counted from the date on which the entity notified its determination not to deliver the requested records or the date on which the period prescribed therefor elapsed if no response was given.

A government entity that is notified of a petition filed under this Act shall be required to appear in writing within ten (10) business days from the date notice was given to such effect by the Clerk of the Court of First Instance. For the purposes of the aforementioned time limit, the days on which the government entity operates partially or is in an administrative recess decreed by an executive or administrative order shall not be considered business days.

The Court shall hold a hearing within three (3) business days of the receipt of the answer of the government entity, if it believes that the particular circumstances of the case and the requested records so warrant.

The Court shall resolve the controversy by written judgment stating the legal basis for affirming or denying the public records request within ten (10) days counted from the date on which the government entity filed its answer with the court or from the date of the hearing if such hearing was held. The final judgment disposing of the issue in controversy may be reviewed on appeal by the Court of Appeals.

Section 10. — Penalty.

If an agency or government entity to which this Act applies fails to comply with a Judgment entered by the Court pursuant to the provisions of Section 9, it may be punished by a fine of up to one hundred (100) dollars per day. The total fine shall not exceed eighteen thousand (18,000) dollars.

Section 11. — Protection against Retaliation (3 L.P.R.A. § 9920)

Any person who reports any violation or attempt to circumvent compliance with the obligations set forth in this Act, or who testifies in an administrative or legislative procedure, or court proceeding shall enjoy the broadest protection against retaliation in his employment, in the event that such person is subject to any type of government or workplace harassment or mobbing. The provisions of this Section complement any other whistleblower or witness protection provision in effect in our code of laws, and shall not impair the application thereof.

Any person who retaliates in any manner, whether through government or workplace harassment or mobbing against a whistleblower or a witness in accordance with this Section, shall be guilty of a felony, and upon conviction, shall be punished by a fine in the amount of five thousand dollars (\$5,000) or by imprisonment for a fixed term of three (3) years, or both penalties at the discretion of the court. This offense shall have no statute of limitations.

Section 12. — Rulemaking Authority (3 L.P.R.A. § 9921)

Any government entity of the Government of Puerto Rico shall amend and approve any regulations, administrative order, or circular letter to implement this Act.

Section 13. — Interpretation Clause (3 L.P.R.A. § 9922)

The aforementioned rights shall not be deemed to be restrictive nor shall they entail the exclusion of other rights and procedures pertaining to persons requesting public records and which are not specifically mentioned herein, such as the traditional writ of mandamus.

This Act shall be interpreted liberally and in the manner most beneficial to the person requesting the public records. In the event of a conflict between the provisions of this Act and any other law, the provisions that are most favorable to the person requesting public records or documents shall prevail.

Artículo 14. — Transition Clause (3 L.P.R.A. § 9923)

The process currently available in the Government Branches for citizens to request public records shall continue in effect until the different Government Branches take actions as appropriate to implement the processes provided for herein. Government Branches shall complete all the transactions necessary to comply with the provisions of this Act within six (6) months.

Section 15. — Severability Clause (3 L.P.R.A. § 9911 nota)

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional. If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied. It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective, annuls, invalidates, impairs, or holds to be unconstitutional any part thereof, or even if it renders ineffective, invalidates, or holds to be unconstitutional the application thereof to any person or circumstance. The Legislative Assembly would have approved this Act regardless of any determination of severability that the court may make.

Section 16. — Effectiveness.

This Act shall take effect immediately after its approval.

Note. This compilation was prepared by the [Puerto Rico Office of Management and Budget](#) staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text and the collection of Laws of Puerto Rico Annotated LPRA. The state links acts are property of [Legislative Services Office](#) of Puerto Rico. The federal links acts are property of [US Government Publishing Office GPO](#). Compiled by the Office of Management and Budget Library.

See also the [Original version Act](#), as approved by the Legislature of Puerto Rico.