

1.5 Right to Know Policy

Adopted 12-3-19

I. STATEMENT:

This policy is intended to provide town personnel with guidance regarding the requests of citizens and others for information. The town seeks to balance openness and transparency (in accordance with RSA 91-A) versus staff time and town resources. To these ends please familiarize yourself with the Town's Administrative Procedure regarding the Right to Know statute and follow the steps below.

II. PROCEDURE

1. All requests for information per RSA 91-A should be referred to the Town Administrators Office. The intent here is that there is but one point of contact for our offices and one point of information dissemination.
2. The department receiving the request will ask the person making the request to fill out a "Right to Know" Request for (copy attached). We cannot require citizens to use this form; however, we can use the form for our own purposes to document the request. If a citizen does not fill out the form, the department taking the request will fill out the form on behalf of the person making the request at the time the person makes the request, and forward to the Town Administrator's Office.
3. The Town Administrator will review the request and determine how we are to respond (who, what, when, how). If the information requested is readily available for immediate inspection, we must allow immediate inspection, regardless of whether a form has been filled out and processed.
4. Any information produced in response to a Right to Know request per RSA 91-A will be copied and kept in a separate file in the Town Administrator's office along with the corresponding Right to Know request form.

Please know that the statute provides the following important provisions:

1. If the town is unable to make a governmental record available for immediate inspection and copying, the Town must, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonable necessary to determine whether the request shall be granted or denied (the Right to Know form will be used for this purpose).
2. If permitted by law, the individual requesting a copy of a governmental record will be charged with the actual cost of providing the copy. The town has established the following rate for all items:
 - a. Black and White photocopies of documents and of black and white computer-printed documents will be charged at \$0.50 per page for the first 10 pages of any document for letter (8.5 x 11) size, legal (8.5 x 14) size and ledger (11 x 17) size and \$0.10 per page thereafter. *For example, since each document is treated separately for purposes of these charges, if a person wanted copies of both a 10 page document*

and 20 page document, there would be a \$5.00 charge for the first document (\$0.50 x 10) and a \$6.00 charge for the second document (\$0.50 x 10 + \$0.10 x 10) not a \$7.00 charge for the two documents.

- b. Colored photocopies of letter, legal and ledger size documents and colored computer printed documents will be charged \$1.00 per page for the first 10 pages and \$0.25 per page thereafter. If necessary, employees may need to indicate in writing that a document requested to be reproduced in color will require additional time consistent with the town's personnel and other capabilities within to produce a color copy of the document.
- c. Electronic medial storage will be provided on an unopened, new thumb drive approved by the Town. Thumb drives are available for purchase from the Town.

***NOTE – under the Right to Know Law, “no fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form.” RSA 91-A:4, IV (2020). If the Town is not required to “copy” a record before delivery or inspection, then no copying fee shall be charged. Examples included, but are not limited to, documents delivered in electronic format or documents with multiple copies already in existence at the time of request.

- 3. Nothing in the law required the town to compile, cross reference, manipulate or assemble information into a form in which it is not kept or reported by the Town already. The Town shall simply provide the information in the format it currently exists.
- 4. Exempt from disclosure are preliminary drafts, notes, memoranda and other documents not in their final form and not already disclosed to the public, circulated or available to a quorum or a majority of the members of a public body. The town has five (5) business days after a public meeting to make the minutes available to the public. If not finalized in five (5) days, the Town can release a draft version with the notation “draft version.”
- 5. Nothing in the law required the Town to provide information to an out of state individual. *See McBurney v Young*, U.S. Supreme Court, No. 12-17, 4/29/13. Requests from out of state individuals will be reviewed and analyzed on a case-by-case basis.
- 6. Nothing in the law required the Town to answer questions. The law only requires the Town to disclose governmental records.

-END OF PROCEDURE-

First Reading: November 19, 2019
Second Reading: December 3, 2019
Third Reading: Waived December 3, 2019
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