



Town of Boscawen, NH

Access to Governmental Records Policy

Revised 02/16/2024

PURPOSE

The Town of Boscawen provides access to governmental records in accordance with New Hampshire's Right-to-Know Law, NH RSA 91-A. The purpose of this policy is to provide guidelines and expectations on the accessibility of governmental records.

POLICY

- The Town of Boscawen has implemented a **Public Records Request Form**. All requests for governmental records shall be made using this form. Forms shall include the name of the requestor, their address, and contact phone number for purposes of follow-up.
- A copy of the **Public Records Request Form** can be found on our website or is available in hard copy at the Municipal Office.
- While state law does not require a written Right-to-Know request, written requests which reasonably describe the government record assure all parties have a verifiable copy of the request, and there is no ambiguity as to what is being requested.
- Please reasonably describe the records you are requesting. To the extent clarification of your request is needed, the Town will ask for further description of the records you are requesting.
- The Town is not required to compile, cross-reference, or assemble information into a form in which it is not already kept or reported by that body or agency. Additionally, the Town is only required to produce government records which exist.
- Responsive public records will be available for inspection and copying during the Town's normal business hours at 116 North Main Street, Boscawen, NH 03303. Copies may be provided by the Town of Boscawen for \$.15 per page. There is no charge to inspect documents at the Municipal Office, or for the town to provide unredacted electronic copies of public documents.
- If the Town is unable to make a governmental record available for immediate inspection and copying, it shall, within five (5) business days of request, make such record available, deny the request in writing with reasons, or give written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied, and the reason for the delay.
- If information is to be made available on a USB flash drive, we require the drive be new and sealed in its original package. This ensures the safety of our computers and our data.

Completed **Public Records Request Forms** may be emailed to kphelps@boscowennh.gov or hand delivered to: **Town of Boscowen, Attn: 91-A Compliance Officer, 116 North Main Street, Boscowen, NH 03303.**

RSA 91-A:4 – MINUTES AND RECORDS AVAILABLE FOR PUBLIC INSPECTION

I. Every citizen during the regular or business hours of all public bodies or agencies, and on the regular business premises of such public bodies or agencies, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5. In this section, "to copy" means the reproduction of original records by whatever method, including but not limited to photography, photostatic copy, printing, or electronic or tape recording.

I-a. Records of any payment made to an employee of any public body or agency listed in RSA 91-A:1-a, VI(a)-(d), or to the employee's agent or designee, upon the resignation, discharge, or retirement of the employee, paid in addition to regular salary and accrued vacation, sick, or other leave, shall immediately be made available without alteration for public inspection. All records of payments shall be available for public inspection notwithstanding that the matter may have been considered or acted upon in nonpublic session pursuant to RSA 91-A:3.

II. After the completion of a meeting of a public body, every citizen, during the regular or business hours of such public body, and on the regular business premises of such public body, has the right to inspect all notes, materials, tapes, or other sources used for compiling the minutes of such meetings, and to make memoranda or abstracts or to copy such notes, materials, tapes, or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

III. Each public body or agency shall keep and maintain all governmental records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the governmental records pertaining to such public body or agency shall be kept in an office of the political subdivision in which such public body or agency is located or, in the case of a state agency, in an office designated by the secretary of state.

III-a. Governmental records created or maintained in electronic form shall be kept and maintained for the same retention or archival periods as their paper counterparts. Governmental records in electronic form kept and maintained beyond the applicable retention or archival period shall remain accessible and available in accordance with RSA 91-A:4, III. Methods that may be used to keep and maintain governmental records in electronic form may include, but are not limited to, copying to microfilm or paper or to durable electronic media using standard or common file formats.

III-b. A governmental record in electronic form shall no longer be subject to disclosure pursuant to this section after it has been initially and legally deleted. For purposes of this paragraph, a record in electronic form shall be considered to have been deleted only if it is no longer readily accessible to the public body or agency itself. The mere transfer of an electronic record to a readily accessible "deleted items" folder or similar location on a computer shall not constitute deletion of the record.

IV. (a) Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release.

(b) If a public body or agency is unable to make a governmental record available for immediate inspection and copying the public body or agency shall, within 5 business days of a request:

(1) Make such record available;

(2) Deny the request; or

(3) Provide a written statement of the time reasonably necessary to determine whether the request shall be granted or denied and the reason for the delay.

(c) A public body or agency denying, in whole or part, inspection or copying of any record shall provide a written statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(d) If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. No cost or fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

V. In the same manner as set forth in RSA 91-A:4, IV, any public body or agency which maintains governmental records in electronic format may, in lieu of providing original records, copy governmental records requested to electronic media using standard or common file formats in a manner that does not reveal information which is confidential under this chapter or any other law. If copying to electronic media is not reasonably practicable, or if the person or entity requesting access requests a different method, the public body or agency may provide a printout of governmental records requested, or may use any other means reasonably calculated to comply with the request in light of the purpose of this chapter as expressed in RSA 91-A:1. Access to work papers, personnel data, and other confidential information under RSA 91-A:5, IV shall not be provided.

VI. Every agreement to settle a lawsuit against a governmental unit, threatened lawsuit, or other claim, entered into by any political subdivision or its insurer, shall be kept on file at the municipal clerk's office and made available for public inspection for a period of no less than 10 years from the date of settlement.

VII. Nothing in this chapter shall be construed to require a public body or agency to compile, cross-reference, or assemble information into a form in which it is not already kept or reported by that body or agency.

RSA 91-A:5 - EXEMPTIONS

The following governmental records are exempted:

I. Records of grand and petit juries.

I-a. The master jury list as defined in RSA 500-A:1, IV.

II. Records of parole and pardon boards.

III. Personal school records of pupils, including the name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the assessment under RSA 193-C:6.

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a

licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a public body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

V. Teacher certification records in the department of education, provided that the department shall make available teacher certification status information.

VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

VII. Unique pupil identification information collected in accordance with RSA 193-E:5.

VIII. Any notes or other materials made for personal use that do not have an official purpose, including but not limited to, notes and materials made prior to, during, or after a governmental proceeding.

IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of the members of a public body.

X. Video and audio recordings made by a law enforcement officer using a body-worn camera pursuant to RSA 105-D except where such recordings depict any of the following:

(a) Any restraint or use of force by a law enforcement officer; provided, however, that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.

(b) The discharge of a firearm, provided that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.

(c) An encounter that results in an arrest for a felony-level offense, provided, however, that this exemption shall not apply to recordings or portions thereof that constitute an invasion of privacy or which are otherwise exempt from disclosure.

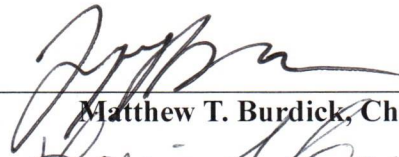
XI. Records pertaining to information technology systems, including cyber security plans, vulnerability testing and assessments materials, detailed network diagrams, or other materials, the release of which would make public security details that would aid an attempted security breach or circumvention of law as to the items assessed.

XII. Records protected under the attorney-client privilege or the attorney work product doctrine.

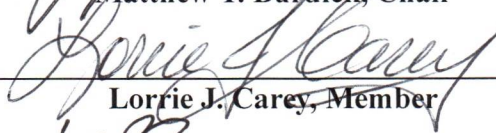
XIII. Records of the youth development center claims administration and the YDC settlement fund pursuant to RSA 21-M:11-a, with the exception of settlement agreements, which shall remain subject to RSA 91-A:4, VI, and, after a claim has been finally resolved, such other records the release of which would not constitute a violation of other provisions of law or an unwarranted invasion of a claimant's privacy.

This policy was adopted at a regular meeting of the Select Board on February 22, 2024.

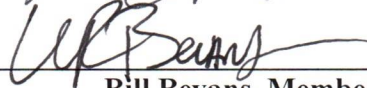
**Town of Boscawen
Select Board**



Matthew T. Burdick, Chair



Lorrie J. Carey, Member



Bill Bevens, Member



Town of Boscawen, NH

PUBLIC RECORDS REQUEST FORM NH RSA 91-A

Thank you for your request. The Town of Boscawen will respond to your request pursuant to the provisions of RSA 91-A. If the records are not immediately available for inspection and copying, your request will be responded to within 5 business days. See RSA 91-A:4, IV(b). Please describe as precisely as possible the records you are requesting. To the extent clarification of your request is needed, the Town will ask for further description of the records you are requesting. Responsive public records will be available for inspection and copying during the Town's normal business hours at 116 North Main Street, Boscawen, NH 03303. Copies may be provided by the Town for \$.15 per page.

I, _____ of _____

am making a request for the following public records described as:

Date Submitted

Name

Date Received *(TOB Use Only)*

Mailing Address

Received By *(TOB Use Only)*

Telephone #

Appt Date & Time *(TOB Use Only)*

Email Address

Submit Forms to: Town of Boscawen, Attn: 91-A Compliance Officer, 116 North Main Street, Boscawen, NH 03303 or via email to kphelps@boscawennh.gov.