

Selectmen's Policy

Right to Know Request Procedure

§ 1. Authority

In accordance with the provisions of RSA 41:8, 41:9, and 37:6, the following policy is hereby enacted by the Board of Selectmen and ordered by the Town Manager.

§ 2. Purpose

It is the intent and purpose of this policy to establish the procedure of the Town of Hampton for the dissemination of information under RSA 91-A:4 (Right to Know) to assure fair and equitable treatment.

The purpose of these procedures is to implement the provisions of the Town of Hampton's Right to Know Procedure in order to provide guidance to the various officials, department heads and employees of the Town in the proper procedures that govern requests under RSA 91-A:4, and these procedures are to be strictly adhered to.

§ 3. Procedure

All Right to Know requests received by various officials, department heads, and employees of the Town shall be submitted to the Board of Selectmen's Office in writing or by email. Although written requests are not required by law, it is beneficial to both the Town and the requester to have documentation of the request.

Pursuant to RSA 91-A:4 IV and upon receipt of a Right to Know request, the Town shall within 5 business days make such record available, deny the request in writing with reason, or furnish written acknowledgement of the request and include a statement of the time reasonably necessary to determine whether the request shall be granted or denied.

§ 4. Records Readily Available

A. If upon a request for any governmental record reasonably described, the Town shall make available for inspection and copying any such governmental record within its files when such records are immediately available for such release.

(1) Materials and documentation produced to fulfill a Right to Know request shall be subject to a charge of \$.50 per page when hardcopies are provided.

- (2) No fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form.

§ 5. Records Not Readily Available

- (1) When not readily available, the hardcopy shall be made available within 5 business days excluding holidays of the request and will be available for pick up at the Selectmen's office during normal business hours.

§ 6. Records Request in Electronic Format Procedure

A. For materials that are requested in an electronic format and are maintained or available in electronic format (including but not limited to video recordings) requesters shall provide their own USB (thumb drive, in original, sealed packaging only) or the Town shall provide the USB at the requester's expense (at the Town's cost). Electronic copies shall be retrieved at the Board of Selectmen's office during normal business hours.

- (1) The copying of governmental records requested to electronic media shall be made using standard or common file formats in a manner that does not reveal information which is confidential under this chapter or any other law.
- (2) 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.
- (3) No records shall be emailed due to cybersecurity concerns regarding email communication and email file-sharing. In addition, files are often too big to email, and therefore, the request cannot be completed.

§ 7. Information Not provided

- A. Pursuant to RSA 91-A:4, V, access to work papers, personnel data, and other confidential information under RSA 91-A:5, IV shall not be provided.
- 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.

§ 8. Information Not Created

Pursuant to RSA 91-A:4, VII, nothing in this policy shall be construed to require the Town to compile, cross-reference, or assemble information into a form in which it is not already kept or reported by the Town.

§ 9. Fees established by Law

Pursuant to RSA 91-A:4, IV, nothing in this policy 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.

§ 9. Repeal and Applicability

The adoption of this policy automatically repeals any and all past policies or practices that may have been or currently are in force, but does not apply retroactively to requests previously made to the Town.

§ 10. When Effective

This policy shall become effective upon its adoption by the Board of Selectmen.

Adopted: November 28, 2016



Russell D. Bridle, Chairman



James A. Waddell, Vice Chairman



Richard P. Griffin, Selectmen



Philip W. Bean, Selectmen



Regina M. Barnes, Selectmen