

NORTH CONWAY WATER PRECINCT  
BOARD OF COMMISSIONERS

POLICY: PUBLIC RECORDS AND THE RIGHT TO KNOW

Public Records Defined

Any information concerning Precinct business, in any format, is a public record.

Non-Public Records Defined

Under the Right to Know Law (NHRSA 91-A:5) and other statutes, the following types of records **are not** available to the public:

- Tapes or notes made by a Commissioner, or the Superintendent, for personal use are not Public records and are not subject to disclosure under the Right to Know Law.
- Records pertaining to internal personnel files or practices, including police internal Investigation documents.
- Confidential or commercial information, if its release would result in an invasion of someone's privacy.
- Medical or welfare information.
- Written legal advice.

**Request for Public Records**

- All public records shall be made available to the public **unless** there is a specific statutory Exemption (see, RSA 91-A: 5, as amended).
- Public records shall be available for inspection during the Precinct's regular business hours, Unless a record is temporarily unavailable because it is being used by another.
- When the employee receiving the request is busy, the employee may ask the citizen making the inquiry **to** make an appointment, during business hours, to review the requested records. The maximum time the citizen can be required to wait is five days.
- If the requested records are not immediately available, for whatever reason, Precinct Officials must respond within five days to inform the citizen, making the request, as to when the requested records can be made available for inspection.

- Any person may take notes, tapes, photographs, or photocopies of any public record at their own expense, as set forth below.
- The law **does not** give citizens the right to receive copies of records at the Precinct's expense.
- RSA 91-A:4, III AND RSA 41:6 prohibit the official custodian of some types of records from loaning them out. Precinct officials should not hand over any such records. In this instance, the Precinct Official receiving the request for such records, shall make copies for the person making the request, and charge that person the actual cost of reproduction, as set forth below.
- Pursuant to RSA 91-A:4, V, if records are maintained in a computer storage system, Precinct officials may provide a printout of such a record **in lieu** of providing original documents.
- If only part of a public record is subject to any exemption, the part that is not subject to the exemption should be released.
- If the information requested exists in a more convenient form, then the more convenient form must be also be made available.
- The motives of a person requesting public information are not important to the Precinct, and are not relevant, and should not be asked about.
- Materials (tapes, rough notes, etc.) used to compile the official minutes are public records. Citizens may inspect them or copy them, unless they are subject to one of the exceptions described above. These materials may be destroyed after the official minutes are prepared. However, they are public records until such time as they are destroyed.
- If any Precinct official is unsure if a records is a public record, or if you have any questions prior to releasing such records, such Precinct official shall contact the Superintendent for direction. If necessary, the Superintendent shall contact the Precinct's counsel for a legal determination
- Any person requesting to inspect public records shall fill out and sign a form indicating Which documents are being requested. (See Exhibit A, attached hereto) by signing the the request form, the individual acknowledges the fee schedule in effect for copies, etc. at the time of the request. The Precinct official to whom the request is made, shall also sign the form indicating that the requested records were provided.

## **Review Procedures**

- Citizens who come in to review files should be asked to maintain the contents of the files Being reviewed in the order in which they were filed.
- Citizens reviewing such files should not remove the staples from the official documents. If copies are required, they may use a sticky note, provided by the Precinct, to mark the pages that they wish to copy. In some cases, it may be necessary for a Precinct employee to sit down with the individual (s) while they are reviewing the files.

- Whenever possible, copies of official documents, marked “True Copies Attest:”, should be provided in lieu of the official document.
- Upon returning the files to the appropriate Precinct Official, the official shall review the files to ensure that the guidelines, set forth above, have been followed, and that all official materials remain in the file.

### **Costs Defined**

“Actual Cost” may include an amount for staff time needed to retrieve documents, make the copies (if necessary), as well as the actual mechanical costs of copying (i.e. the per page fee). If documents can be produced without extensive time spent, staff time shall not be charged.

“Copy Fee” shall be Fifty (50) Cents, per page for the first five pages of any request, and Fifteen (15) Cents per page for all pages thereafter that are part of the same request.

Each request will require a signed request form, as indicated above. Separate requests for copies shall be billed separately pursuant to the rates set forth above. Separate jobs shall not be billed cumulatively.

**All fees, required above are subject to change by the Precinct, at any time, without notice. Applicable fees shall be made available to the person requesting copies prior to any copies being made.**

### **Privacy Statutes Law**

There are many privacy statutes and laws in the State of New Hampshire which effect the disclosure of certain records and materials. Requests for certain materials protected by these laws or Statutes (RSA 106-H:14, regarding enhanced 911; RSA 165:2-c concerning local welfare recipients; RSA 151-D:2, concerning confidentiality of healthcare quality assurance ) phone records and other material, which by the release thereof would constitute an “invasion of privacy” will be kept confidential.

**EXHIBIT A**

**REQUEST FOR INSPECTION OF PUBLIC RECORDS**

**NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**TELEPHONE NUMBER: DAY:** ( ) \_\_\_\_\_ **Evening:** ( ) \_\_\_\_\_

**PLEASE IDENTIFY THE RECORDS BEING REQUESTED (Use as much detail as possible)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE OF APPLICABLE FEES**

“Actual Costs” may include an amount for staff time needed to retrieve documents, make the copies (if necessary), as well as the actual mechanical costs of copying (i.e., the per page fee). If documents can be produced without extensive time spent, staff time shall not be charged.

“Copy Fee” shall be Fifty (50) Cents, per page, for the first five pages of any request, and Fifteen (15) Cents per page for all pages thereafter that are part of the same request.

Each request will require a signed request form, as indicated above. Separate requests for copies shall be billed separately pursuant to the rates set forth above. Separate jobs shall not be billed cumulatively. I hereby acknowledge receipt of the North Conway Water Precinct Board of Commissioners Policy “Public Records and the Right to Know Law.”

**All fees, required above are subject to change by the Precinct, at any time, without notice. Applicable fees shall be made available to the person requesting copies prior to any copies being made.**

**Signature:** \_\_\_\_\_

**Number of Copies Made:** \_\_\_\_\_ **Fee:** \_\_\_\_\_

**Certificate of Delivery of Records**

I, \_\_\_\_\_, certify that the documents requested above were provided to the above-named individual for inspection and/or copying.

\_\_\_\_\_  
Signature of Precinct Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Person Making Request

\_\_\_\_\_  
Date