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Town of Weare

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Request for Public Records

Under RSA 91-A, New Hampshire Right-to-Know Law

Governmental records must be made available to the public on request (RSA 91-A:4) unless they are exempt from disclosure (RSA 91-A:5).

Records must be available during business hours at the premises of the public body. If not immediately available, [the public body] must respond within five (5) business days to: provide the record, deny it in writing with reasons, or acknowledge it in writing with a note of the time needed to respond (RSA 91-A:4).

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.

Date and time of request: _____

Your name (please print): _____

Address: _____

E-mail: _____

Telephone number: _____

Signature: _____

Clear description of Town of Weare, NH, records requested (use additional pages as needed):

Type of document or record: _____

Date of meeting, document, or record: _____

Topic of document or record: _____

Additional information:

How would you like to obtain the information?

- _____ I would like to inspect the information, document or record ONLY. You will be required to make an appointment.
- _____ I would like the electronic information e-mailed or saved on a USB drive. You must make an appointment, and the USB drive must be new and in an unopened package. (Charges apply.)
- _____ I would like hard copies mailed to me (Copying charges and USPS rates apply).
- _____ I would like hard copies held for me to pick up at the Weare Town Office, Town Administrators Office (Copying charges apply).

To Be Filled in by Town Records Personnel:

Fulfilled by: _____

Records Provided to Requestor – date/time: _____

Additional Time Needed: _____

State Statute (RSA 91-A:4) requires that within five days the request be granted, denied, or an estimate be provided by additional time to fulfill the request.

Access to requested material denied at this time for the following reasons:

(Please see reason codes below) _____

Additional Information:

Reasons for denial as directed by RSA 91-A:

1. RSA 91-A:5, IV Internal Personnel Practices
2. RSA 91-A:5, IV Examination Information
3. RSA 91-A:5, IV Personnel Information
4. RSA 91-A:5, IV Medical Information
5. RSA 91-A:5, IV Welfare Information
6. RSA 91-A:5, IV Other Invasion of Privacy
7. RSA 91-A:5, IV Confidential, commercial, or financial information
8. RSA 91-A:2, I (b) Collective Bargaining
9. RSA 91-A:3, II (a) Executive Session – Personnel
10. RSA 91-A:3, II (b) Executive Session – Hiring
11. RSA 91-A:3, II (c) Executive Session – Personal
12. RSA 91-A:3, II (d) Executive Session – Property
13. RSA 91-A:3, II (e) Executive Session – Pending Claims
14. Failure to Adequately and Reasonably Describe Records
15. Legal Advice from Town Counsel
16. Other (reason below)

New Hampshire 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. 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. If a public body or agency is unable to make a governmental record available for immediate inspection and copying, it shall, 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 reasonably necessary to determine whether the request shall be granted or denied. 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 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.

For further information on the New Hampshire Right-to-Know State statutes, go to:
<http://www.gencourt.state.nh.us/rsa/html/vi/91-a/91-a-mrg.htm>