

# State Conservation Committee's Guide to New Hampshire's Right-to-Know Laws

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Appendix 1: Template Letter Acknowledging Receipt of Request

Appendix 2: Template Cover Letter for Providing Requested Records

*Objective: As government entities, the State Conservation Committee (SCC) and New Hampshire's conservation districts must provide documents and resources relating to their meetings, programs, and other activities to citizens when requested. This is called a "Right to Know" request and its details are specified in RSA 91-A "Access to Government Records and Meetings." These requests are infrequent for the SCC and districts, but it is important to know what steps to take to comply with state law in a timely fashion. This guide represents important information and template documents that can be used when a Right to Know request is received.*

## What is a "Right to Know" 91A request?

The public is entitled to inspect and make copies of government records. A 91A request is the process by which people request records from public bodies or government agencies.

## What's considered a valid request?

New Hampshire law doesn't specify acceptable methods of submitting requests. Therefore written, emailed, and verbal requests should be considered. Responses to requests should be done in written or email form in order to produce a traceable record of your actions.

## Who can request documents?

New Hampshire law uses the term "citizen" to describe who may request access to government records.

## What can they request?

The public can request any documents used, records, draft or approved meeting minutes (included notes, materials, or tapes used in compiling meeting minutes) that are related to government activity and functioning (91-A:4, I). Requestors can also access records of payments to government employees beyond regular salary and accrued vacation, sick, and other leave, upon resignation, discharge, or retirement of the employee (91-A:4, I(a)).

## What records are **exempt** from Right to Know requests?

New Hampshire law lists a variety of records that are exempt in RSA 91-A:5. Most don't pertain to SCC or conservation district activities, however the following do;

IV. Records pertaining to internal personnel practices; confidential, commercial, or certain financial information.

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.

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

What time requirements must be met?

Requests should be accommodated as quickly as reasonably possible. If the records are not going to be immediately available (within 5 business days), a written statement should be sent to the requestor within 5 business days of receiving the request. This statement should indicate if the request will be granted or not, the time needed to adequately meet the request, and the reason for the delay. If the request is being denied, this statement needs to explain the grounds for the request's denial.

Can we charge the requestor?

Requestors can be asked to pay for the printing costs associated the request. The government cannot bill the requestor for staff time used to complete the request or postage used to delivery it (91-A:4 IV(d)).

How should requested materials be presented to the requestor?

Records can be presented and delivered to the requestor in the same format that your office keeps them. The law states that public bodies and agencies cannot be compelled to "compile, cross-reference, or assemble information" differently from how they are used or stored (91-A:4 VII).

Appendix 1: Template Letter Acknowledging Receipt of Request

DATE

Title,

Thank you for contacting the \_\_\_\_\_ County Conservation District.

This letter serves as an official acknowledgement of your Right to Know request under NH RSA 91-A:4. It does not, by itself, represent a completion of your request.

Your request was received by our office on \_\_\_\_\_.

We appreciate your interest in our activities and are glad to provide you with the requested materials. Your request indicates you would like to receive the following records:

*[Insert list of records requested]*

In accordance with NH RSA 91-A:4 IV(b), we anticipate the following:

- Being able to fulfill the request immediately (within 5 business days of reception).
- Fulfilling the request within a longer period of time, as described below with reasoning (91-A:4 IV(b3)).
- Deny the request for the following reason (91-A:5).

Please respond to this acknowledgement with your delivery preference for the records, either in person or digitally. Please note, requesting persons may be charged the actual cost for printing and/or copying if physical copies of the records are requested (91-A:4 IV (d)). Please also provide any corrections to the provided list of requested materials.

Thank you,

Signature

Appendix 2: Template Cover Letter for Providing Requested Records

DATE

Title,

This cover letter serves as a record of delivery of requested materials (listed below).

Previous Communication

Your request was received by our office on \_\_\_\_\_.

Acknowledgement of your request was sent on \_\_\_\_\_.

*[Other communications can be added]*

Your request indicates you would like to receive the following records:

*[Insert list of records requested]*

Please acknowledge receipt of these documents, and reach out to our office if necessary.

Thank you,

*[Signed]*