

**REQUESTS FOR ACCESS TO GOVERNMENTAL RECORDS
TOWN OF TUFTONBORO - POLICY & PROCEDURES**

I. SUBJECT

Right-to-Know Requests for Access to Governmental Records and General Requests for Information.

II. AUTHORITY

New Hampshire Revised Statutes (RSA) Chapter 91-A

III. PURPOSE

A. To provide elected and appointed Town officials and Town staff with guidance through defined procedures to ensure that requests for access to governmental records are met in a timely and appropriate manner.

B. To provide the public with guidance when requesting access to a governmental record so that their right to access and inspect such records is not unintentionally or otherwise impeded.

IV. RESPONSIBILITY FOR RESPONDING TO RIGHT-TO-KNOW REQUESTS

All Town departments and staff are responsible for responding to requests for governmental documents.

V. POLICY

A. Openness in the conduct of public business is essential to a democratic society to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

B. The public has the right to inspect, during regular business hours and at the appropriate department location, all public governmental records and request copies except those records that are temporarily unavailable or are specifically exempted by law.

C. The public does not have to offer a reason or demonstrate a need to inspect a record. If a record is public, it must be disclosed regardless of the motive for the request.

D. The public must reasonably describe the record being requested.

E. The Town is not required to create a record that does not exist, or compile data to create a record in a specific format requested, including electronic format; however, it may be easier to create an electronic summary or other report from a database than it would be to copy large

volumes to satisfy specific record requests, and may also be necessary to maintain confidentiality.

F. Records that are exempt from public access are cited under various New Hampshire laws and generally include personnel records, medical, welfare, library user, vital records or any other confidential record in which disclosure would constitute an invasion of privacy or jeopardize the security or safety of any individual. Any question as to whether a record or portion of a record may be exempt from disclosure shall be addressed to the Town Attorney prior to release.

G. Although the Town is not required to respond to requests under the Freedom of Information Act (FOIA) which applies only to Federal Governmental Agencies, any requests cited under this Federal law shall be treated as a right to know request and shall be forwarded to the appropriate Town department for processing.

VI. PROCEDURES

A. VERBAL AND WRITTEN REQUESTS

1. A request made verbally by an individual for access to a governmental record, whether or not RSA Chapter 91-A is cited, shall be furnished for inspection or, if desired, copied, as long as the record is reasonably described and readily accessible, and the staff determines that the record is not otherwise exempt.

2. A written request shall be required in the event that any of the following conditions apply to the requested governmental record:

- a. The governmental record is not reasonably described;
- b. The governmental record is not readily available;
- c. The volume of documents requested will require more time than is currently available to the staff member at the time of the request; or
- d. The request may involve the disclosure of information which is exempt from disclosure under RSA Chapter 91-A.

B. PROCESSING A WRITTEN REQUEST

1. If a written request is required, the requestor shall provide his or her full name, address, telephone number or contact information, and describe, in detail, the document or documents requested. The request shall be signed by the requestor. A sample "Request for Access to a Governmental Record" form is found at the end of this Policy and Procedures.

2. Staff shall date stamp, note the time of the receipt of the request, and initial it.

3. Within 5 business days of the request, a status response shall be sent to the requestor, providing the following information:

- a. The request is granted; or

- b. The request is denied, with written reasons for denial; or
- c. Acknowledgment of the receipt of the request, stating a reasonable time necessary to determine whether the request will be granted or denied; and
- d. Any costs that may be associated with copying the documents.

In the alternative, staff may establish a mutually agreed upon date and time for the document or documents to be inspected.

4. Upon receipt of any payments due, including postage, staff may provide the requested record by mail. If it is determined that the requested documents are too voluminous or require special handling to be mailed, then staff may notify the requestor that the documents are ready for pickup.

5. Staff shall complete a final response letter, closing out the request, the original of which shall be filed in the office of the Selectmen.

C. PROCEDURES DURING ON-SITE INSPECTION

1. If the requestor knows specifically what governmental record they would like to review, it is recommended that the requestor be advised to schedule an appointment with the appropriate department so that those records can be assembled ahead of time in preparation for the inspection.

2. Supervision by a Town employee must be provided at all times during records inspection.

3. Inspected records must remain in their present arrangement; documents shall stay in order.

4. Only one record series shall be inspected at a time.

5. To preserve the original record for future use, no marks, erasures or other changes to the record shall be allowed when accessed for inspection.

6. In order to preserve the original record from physical damage, hand held scanners are not permitted. Photocopying is permitted unless the appropriate staff considers the item to be fragile, exceptionally valuable, or too large to photocopy safely. Duplication shall be performed by staff or through an approved qualified professional. Additional security and procedures as determined by the appropriate staff may be required for fragile, one-of-a-kind, or historically significant records.

D. REDACTION OF NON-PUBLIC INFORMATION

1. Although redaction of non-public information is not specifically addressed in New Hampshire RSA Chapter 91-A, there may be certain governmental records that contain some information that must be disclosed and some information that is exempt from disclosure and which the public body or agency has a duty not to disclose.

2. Under these circumstances, the governmental entity may have an obligation to produce the non-exempt portion of the requested record if the exempt portion can be reasonably redacted or separated from the requested record.
3. Redaction must effectively block out the exempt portion of the record so that it is unreadable.
4. A copy of both the redacted and un-redacted record should be retained along with an explanation of why certain information is redacted. Citing the application exemptions of disclosure under New Hampshire RSA Chapter 91-A is helpful for the requestor to assess the appropriateness of the redaction.
5. Town staff responding to a request for information that requires redacting information should consult the Town Attorney for assistance, as appropriate.

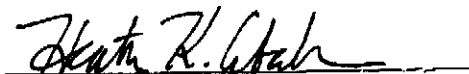
VII. FEES AND CHARGES

- A. The Town is authorized to charge the requestor for any fees otherwise established by law for providing copies of governmental records prior to the commencement of the work. The appropriate administrative fee for providing copies is set periodically by the Board of Selectmen, and is set forth in the attached Schedule A.
- B. If a computer, photocopy machine, camera, scanner or other device is to be used to copy a requested governmental record, the person requesting the copy may be charged the established fee prior to the commencement of work.
- C. The Town charges the actual cost of postage and required envelope(s) for any postal mailing associated with record requests and the actual cost of electronic media storage (i.e. DVD, CD, thumb drive, memory stick, etc.), if available. Only Town-provided electronic media storage devices will be used to make electronic copies of records.
- D. Records or documents shall not be emailed, except emailing of tax assessment cards to the property owner, real estate agents, banks, lawyers and title companies in connections with real estate transfers is permitted.

Effective Date:

This Policy and Procedure was adopted on February 8, 2016 at a meeting of the Tuftonboro Board of Selectmen. *Fees adopted March 8, 2016.*

Received and recorded with the Town Clerk's Office on March 9, 2016.



Town Clerk

Request for Access to a Governmental Record

PLEASE COMPLETE THE FOLLOWING:

I _____, hereby request access under
Print full name

NH RSA 91-A to the following governmental record:

Record Date: _____ Record Name: _____

Other Information: _____

Signature _____ Request Date: _____

Mailing address: _____

Email address: _____


Telephone #: _____

IN ACCORDANCE WITH RSA 91-A, THE TOWN WILL DETERMINE WHETHER THE REQUESTED GOVERNMENTAL RECORD IS AVAILABLE FOR PUBLIC INSPECTION. UPON SUCH DETERMINATION IT SHALL, WITHIN 5 BUSINESS DAYS OF THE DATE OF REQUEST, MAKE THE RECORD AVAILABLE, DENY THE REQUEST IN WRITING WITH SPECIFIC REASONS, OR ACKNOWLEDGE THE RECEIPT THE REQUEST WITH STATEMENT OF THE TIME REASONABLY NECESSARY TO DETERMINE WHETHER THE REQUEST WILL BE GRANTED OR DENIED.

Amendment to Requests for Access to Governmental Records
Town of Tuftonboro-Policy & Procedures

Schedule A - Fees for Right to Know Requests was revised per the Board of Selectmen's meeting March 14, 2016.

Received and recorded with the Town Clerk's office on March 16, 2016.



Town Clerk

Amendment to Requests for Access to Governmental Records
Town of Tuftonboro-Policy & Procedures

Schedule A - Fees for Right to Know Requests was revised per the Board of Selectmen's meeting April 10, 2017.

Received and recorded with the Town Clerk's office on April 17, 2017.

A handwritten signature in black ink, appearing to read "Heath K. Allen", written over a horizontal line.

Town Clerk

Schedule A - Fees for Right to Know Requests

	Item	Fee	Notes
1	Standard 8.5 x 11 Document	\$0.15 per page/side	Payable upon receipt of copy
2	Standard 8.5 x 14 Document	\$0.50 per page/side	Payable upon receipt of copy
3	Standard 11 x 17 Document	\$1.00 per page/side	Payable upon receipt of copy
4	Assessment Card (if requested by property owner)	None	Can be emailed or picked up. If mailed, actual postage can be charged.
5	Assessment Card (if requested by realtor, bank, or title company/attorney)	\$1.00	Can be emailed or picked up. If mailed, actual postage can be charged.
6	Mailed Copy	Actual Postage Cost plus Copy Cost	Mailing to requestor is optional and not required. Town can require payment in advance.
7	Research by Town Staff	None	
8	Other Requests	Actual Cost	

Other:

Reduced Size Tax Map-Complete Set	\$50
Full Size Tax Map	May be borrowed to be copied off premises, with the understanding that the original will be returned to the Town's records the following day.
Current Zoning Ordinance Book/Sub-Division Book/Site Plan Book and Zoning Map	\$5 each
Owner's List CD	\$20

Revised 3/14/16

Revised 4/10/17 (8.5 x 11 price reduced from \$0.25 to \$0.15)