

Filing a Right-to-Know Request with the Town of Candia

The Town Candia has implemented a Right-To-Know Law Request Form (the “Form”) to assist the public and the town with Right-to-Know Law (“RTK”) requests. The Form will help assure that the Town and requester understand the information being sought. The Form is available on our website and town hall. While state law does not require a written RTK request, written requests assure all parties have a verifiable copy of the request, and there is no ambiguity as to what is being requested. All official correspondences regarding RTK requests from the town will be in writing and strongly urge that all parties adhere to this practice.

Any RTK request will be followed up with by contact from a Town of Candia representative.. The representative will confirm the information requested, how you would like to receive such information, the potential time frame to fulfill your request, and what costs will apply to the request (if applicable). The representative will also inform you of information readily available on our website, such as minutes, agendas, and annual reports. This can reduce your printing costs if you request written documentation.

There is no charge to inspect documents at the Candia Town Offices, or for the town to provide unredacted electronic copies of public documents. If requesting information be made available on a USB flash drive, **we require the drive be new and sealed in its original package**. This assure the safety of our computers and our data.

There is a charge for hard copies as well as electronic documents that require redaction of information (because of exceptions as stated by RSA 91-A). The town representative will inform the requester of the number of redacted documents and cost, and must receive permission from the requester before proceeding.

When the documents are ready – and all costs associated with the request have been paid – a town representative will inform the requester.

Questions regarding this policy should be directed to town staff during regular business hours (Monday-Friday; 8:00 a.m. to 3:00 p.m.) at 74 High St.; Candia, NH 03034. The actual text of the law is available here: www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-VI-91-A.htm

To better assist the public with RTK requests, the below information has been compiled from NH Revised Statutes Annotated (RSA 91-A), previous Town Meeting votes, and from the NH Municipal Association.

Governmental records mean any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term “governmental records” includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body.

Availability: Upon request for any governmental record reasonably described, the town will make available for inspection and copying any such governmental record within its files when such records are immediately available for such release. If the Town is unable to make a governmental record available for immediate inspection and copying, it shall, within five (5) business days of request, make such record available, deny the request in writing with reasons, or give 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. (RSA 91-A4, IV)

Copies: If a computer, photocopying machine, or other device maintained for use by the town is used by the town to copy the governmental record requested, the person requesting the copy will be charged the actual cost of providing the copy. Pursuant to the 2004 Town Meeting, this cost is \$0.50 cent per copy. This cost includes copies of electronic information that has information requiring redaction. This is because the electronic information must be printed and manually redacted. No fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. A representative from the town will make copies of public records. 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. Records will never be handed over for copying or loaned out.

Any information that exists in electronic format that does not have redactable information (i.e. information that would fall under exceptions of the NH Right-to-Know law), may be provided free-of-charge through electronic mail or the delivery of a portable hard drive that conforms to the town’s computer system (i.e. a USB flash drive). The requestor is responsible for providing the portable hard drive.

If the record has information that must be redacted, the town will inform the requester of information of the cost for said information. At that point, the requester may amend their request to exclude that information or pay the \$0.50 per copy cost.

Raw Materials and Working Documents: Raw materials (tapes, notes) used to compile official minutes are public records so long as they are retained. Preliminary documents are public documents even if they are not in final form unless they are exempt for some other reason (see exceptions list below).

Partial List of Exemptions to RSA 91-A (see NH RSA 91-A:5):

- Records pertaining to internal personnel practices,
- Medical, welfare, library user and videotape sales or rental records,
- Confidential, commercial or financial information and any other records whose disclosure would be an invasion of privacy,
- Notes or materials made for personal use which do not have an official purpose, including notes and materials made prior to, during or after a public proceeding,
- Preliminary drafts, notes and memoranda and other documents not in their final form and not disclosed, circulated or available to a quorum of a public body,
- Some law enforcement files (**our office will confer with legal counsel before authorizing the release of any documents regarding law enforcement files**), and
- Written legal advice.