

TITLE VI

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A

ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:4

91-A:4 Minutes and Records Available for Public Inspection. –

I. **Every citizen during the regular or business hours** of all such bodies or agencies, and on the regular business premises of such bodies or agencies, **has the right to inspect all public records**, including minutes of meetings of the bodies or agencies, and to make memoranda, abstracts, and photographic or photostatic copies of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5.

I-a. Records of **any payment made to an employee of any public body or agency** listed in RSA 91-A:1-a, I(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 such bodies or agencies, **every citizen**, during the regular or business hours of all such bodies or agencies, and on the regular business premises of such bodies or agencies, **has the right to inspect** all notes, materials, tapes or other sources used for compiling the minutes of such meetings, and to make memoranda, abstracts, photographic or photostatic copies, or tape record such notes, materials, tapes or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

III. **Each body or agency shall keep and maintain all public 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 public records pertaining to such body or agency **shall be kept in an office of the political subdivision** in which such body or agency is located or, in the case of a state agency, in an office designated by the secretary of state.

IV. Each public body or agency shall, **upon request** for any public record reasonably described, make available for inspection and copying any such public record within its files when such records are immediately available for such release. If a public body or agency is unable to make a public 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 photocopying machine or other device maintained for use by a body or agency is used by the body or agency to copy the public record or document requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the body or agency. Nothing in this section shall exempt any person from paying fees

otherwise established by law for obtaining copies of public 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 body or agency which maintains its records in a computer storage system may, in lieu of providing original documents, provide a printout of any record** reasonably described and which the agency has the capacity to produce in a manner that does not reveal information which is confidential under this chapter or any other law. 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.

Source. 1967, 251:1. 1983, 279:2. 1986, 83:5. 1997, 90:2, eff. Aug. 2, 1997. 2001, 223:2, eff. Jan. 1, 2002. 2004, 246:2, eff. Aug. 14, 2004.

Emphasis added; Spacing for readability, bolding, color

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