



# Town of Troy

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16 Central Square - PO Box 249 - Troy, New Hampshire 03465

## **POLICY FOR REQUESTS FOR GOVERNMENTAL DOCUMENTS & RECORDS ("Right to Know" Law)**

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### **SECTION 1. INTRODUCTION**

The preamble to RSA 91-A indicates that "Openness in the conduct of the public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions, and records of all public bodies, and their accountability to the people."

### **SECTION 2. PURPOSE**

To ensure the Town of Troy meets not only the letter, but the spirit of the "Right to Know" law (RSA 91-A), the Town of Troy is adopting the following policy to provide guidance to the public seeking access to governmental records so the right to access and inspect such records is not unintentionally impeded. Further, this policy is intended to provide Town of Troy officials and personnel guidance to ensure requests for access to governmental records are met in a timely and appropriate manner.

### **SECTION 3. POLICY & PRINCIPLES**

1. The public has the right to inspect, during regular business hours and at the appropriate department location, all public governmental records, and to request copies of such records, except for those records that are temporarily unavailable or are specifically exempted by law.
2. The term "governmental record" is defined as "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.” The term 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. The terms governmental record and public record are synonymous for purposes of the “Right to Know” law.

3. The public does not have to offer a reason or demonstrate a need to inspect a record, nor should a reason be requested. If a record is public, it must be disclosed if requested, regardless of the motive for the request.
4. The public must reasonably describe the record or records being requested. An overly broad, general request for records will not be deemed to be an appropriate request for public records that can reasonably be fulfilled by the [Municipality Name].
5. The Town of Troy is not required to create a record that does not exist, or to cross-reference or compile data to create a record in a specific format requested, including electronic format. The Town of Troy is simply required to provide the document(s) or record(s) in the format in which the Town of Troy maintains the record. If the Town of Troy maintains materials, such as a recording used to create the minutes of a meeting, this constitutes an accessible public record, unless otherwise exempted under the law. However, only the written, approved minutes are the official record of a meeting, not the recording.
6. Written requests for governmental records which reference “Right to Know”, Freedom of Information Act (FOIA) or RSA 91-A, received by the Town of Troy, are to be administered through the Selectmen’s Office, in coordination with the appropriate department(s), and with Town Counsel, if necessary.
7. Governmental records shall be made available for inspection and/or copying at the municipal office where the record is stored. At no time shall governmental records leave the public facility for any reason, unless it is in the possession of a Town of Troy official or employee with expressed authority to travel with the document(s) for a specified purpose.
8. Any copies of governmental records made by the Town will be charged at the Town’s current copying rate.

#### **SECTION 4. EXEMPTIONS**

1. There is a general presumption favoring disclosure of public records. Exemptions from the mandatory disclosure rule are interpreted narrowly. Records that are exempt from public access are defined under various New Hampshire laws, including RSA 91-A, and generally include personnel records, medical records, welfare, library user, vital records, or other confidential records which the NH Legislature has determined would constitute an invasion of privacy or jeopardize the security or safety of an individual.
2. Records that are generally exempt from disclosure are preliminary drafts, notes, 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. For example, personal notes which a board member uses for his or her own purposes during a public meeting, which are not shared with other board members, are exempt from disclosure.
3. If it is deemed necessary by Town of Troy officials or personnel, Town Counsel will be asked to review a request for public documents or to review the documents requested to determine if they are subject to disclosure, or if redaction of non-public information from documents is an appropriate action. If information is redacted, an explanation of why certain information is redacted shall be provided to the requestor, citing the applicable exemptions(s) of disclosure under NH RSA 91-A.
4. Attorney-client privileged communications are generally exempt from disclosure. All correspondence from and to counsel to any Town of Troy employee or board, or Town of Troy official acting in his or her official capacity, should be deemed privileged and not subject to disclosure in the first instance. Town Counsel should be consulted to determine whether circumstances may warrant consideration of waiver of the attorney-client privilege.

#### **SECTION 5. PROCEDURES**

1. In response to a general request made in person, by mail, or by electronic mail by an individual(s) for access to a governmental record, the Town of Troy shall furnish the record for inspection or, if requested, copying, as long as the record is readily available, and the staff determines that the record is not otherwise exempt. Town of Troy staff shall

- respond to a request for a governmental record regardless of whether the request specifically cites the “Right to Know” law, RSA 91-A.
2. Municipal staff may ask the individual to make an appointment to inspect the record if the record is temporarily unavailable, or the staff receiving the request is unavailable to immediately furnish the record. All requests must be responded to within five (5) business days. In response to the request, Town of Troy staff shall either: (a) produce the record(s); (b) deny the request with written reasons cited; or (c) provide a written acknowledgement of the request stating the reasonable time necessary to determine whether the request will be granted or denied, or, if granted, the time necessary for the Town of Troy to produce the records(s) for inspection and/or copying.
  3. Should staff determine that the requested record is exempt from public inspection, or if there is uncertainty as to whether or not the record is exempt, or if there are associated records outside of the staff member’s direct control, staff shall advise the requestor to furnish a signed written request for the record to the Office of the Town Clerk, citing “Right to Know” request under RSA 91-A.
  4. Subpoena or Interrogatory Requests: All requests for access to governmental records through a “subpoena duces tecum” or by written interrogatory requests shall be immediately brought .

#### **SECTION 6. RECORDS REQUEST FORM**

To assist in ensuring requests for governmental documents and records are complied with accurately and timely, a “Right to Know Request” form is available on the Town of Troy website under forms and is attached to this policy. This form may be used to ensure the Town provided the record(s) or information sought to the extent that it is able to do so. A Town employee accepting a completed request form shall date the form upon receipt. However, a person requesting access to a governmental record shall not be denied access to a record(s) which is subject to disclosure for failure to complete this form.

Approved: June 20, 2024

**TROY SELECT BOARD:**



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TJ Chasse, Chairman



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Curtis Hopkins, Selectman



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Richard H. Thackston, III, Selectman



# Town of Troy

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## “RIGHT TO KNOW REQUEST”

I, \_\_\_\_\_ am requesting the following information:

(Please print name)

Description of records:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I wish only to inspect the public document(s) at this time.
- I would like copies of the public documents and I agree to pay the scheduled fee for copies.

Cost = # of copies \_\_\_\_\_ @ \$ \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_  
Signature of requestor

\_\_\_\_\_  
Telephone #

Under the New Hampshire Right to Know Law, RSA 91- A, the Town has 5 business days from the date of this request to respond.

*Received by Town Office - Date:* \_\_\_\_\_

\_\_\_\_\_  
*Employee*

Form Approved 5/22/17