



TOWN OF NEWMARKET, NEW HAMPSHIRE  
OFFICE of the TOWN MANAGER

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**POLICY AND PROCEDURE ORDER**

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**SUBJECT:** RIGHT TO KNOW REQUESTS FOR INFORMATION  
**FROM:** STEPHEN R. FOURNIER, TOWN MANAGER  
**DATE:** 10/28/2022

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**1) STATEMENT:**

This policy is intended to provide Town personnel with guidance regarding the requests of citizens and others for information. The Town seeks to balance openness and transparency (in accordance with RSA 91-A) versus staff time and Town resources. To these ends, please familiarize yourself with the Town's Administrative Procedure regarding the Right to Know statute and follow the steps below.

**2) PROCEDURE**

- a) All requests for information per RSA 91-A should be referred to or forwarded to the Town Manager's Office. The intent here is that there is but one point of contact for our offices and one point of information dissemination.
- b) The department receiving the request will ask the person making the request to fill out a "Right to Know" Request form (copy attached). We cannot require citizens to use this form; however, we can use the form for our own purposes to document the request. If a citizen does not fill out the form, the department taking the request will fill out the form on behalf of the person making the request and forward to the Town Attorney's Office.
- c) The Town Manager or designee will review the request and determine how we are to respond (who, what, when, how). Please note that if the information is readily available for immediate inspection, we must allow this to occur.

- d) Any information produced in response to a Right to Know request per RSA 91-A will be copied and kept in a separate file in the Town Manager's Office along with the corresponding Right to Know request form.

**Please know that the statute provides the following important provisions:**

- a) If the Town is unable to make a governmental record available for immediate inspection and copying, the Town must, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgement of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied (the Right to Know form will be used for this purpose). This will be provided by US Mail.
- b) The individual requesting a copy of a governmental record will be charged the actual cost of providing the copy. The Town has established the following rate for all items:
- i) Black and White photocopies of documents and of black and white computer-printed documents will be charged at \$0.50 per page of any document for letters (8.5 x 11) size and legal (8.5 x 14) size.
  - ii) Plan sized copies will be charged at \$5.00 per page. Duplicate copy of tax bills, assessment card copies, and tax map copies will be charged at \$1.00 per page. Property tax list or Assessor reports will be charged at \$35.00. Voter Checklist will be charged at \$27.00. Town Ordinances (Subdivision, Site Plan, Zoning Regs, Master Plan) will be charged at \$10.00 each.
  - iii) Electronic media storage will be provided at the actual cost of the media. Only Town provided electronic media storage devices will be used to make electronic copies of records. Due to security reasons, no outside media storage is allowed.
  - iv) Nothing in the law requires the Town to compile, cross-reference, manipulate or assemble information into a form in which it is not kept or reported by the Town already. The Town shall simply provide the information in the format it currently exists.
  - v) Exempt from disclosure are preliminary drafts, notes, memoranda, and other documents not in their final form and not already disclosed to the public, circulated or available to a quorum or a majority of the members of a public body. The Town has five (5) business days after a public meeting to make the minutes available to the public. If they are not finalized in five (5) days, the Town can release a draft version with the notation "draft version."
  - vi) Nothing in the law requires the Town to provide information to an out of state individual. See McBurney v Young, U.S. Supreme Court, No. 12-17, 4/29/13.



The Town will, however, make records available for public inspection on site during normal business hours to N.H. residents and non-residents.

vii) Nothing in the law requires the Town to provide information electronically. As such, only photocopies of requested information will be provided for inspection.

viii) Nothing in the law requires the Town to answer questions. The law only requires the Town to disclose governmental records.

Ordered:



Stephen R. Fournier  
Town Manager