

## **KBA-2**

### **PUBLIC'S RIGHT TO KNOW**

(Public Access to Records)

#### **1. STATEMENT:**

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

#### **11. PROCEDURE**

1. All requests for information per RSA 91 -A should be referred to the Superintendent's Office. The intent here is that there is but one point of contact for the District and one point of information dissemination.
2. Citizens making a request will be asked to fill out a "Right to Know" Request form. The RSD cannot require citizens to use this form; however, the District can use the form for our own purposes to document the request. If a citizen does not fill out the form, Superintendent or designee will fill out the form on behalf of the person making the request and forward to the Superintendent's Office.
3. The Superintendent will forward all requests to the School Board attorney to 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.
4. 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 Superintendents' s Office along with the corresponding Right to Know request form.]
5. All Right to Know requests will be recorded in the Right to Know Law Request Log, which will be posted on the RSD webpage. The Log will contain the following information:
  - a Date of Request
  - b Name of Requestor
  - c Address
  - d Information Requested
  - e Date Fulfilled
  - f Number of Employees Involved in Completing the Request
  - g Total Hours to Complete Request

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

1. If the RSD is unable to make a governmental record available for immediate inspection and copying, the RSD 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).
2. The individual requesting a copy of a governmental record will be charged the actual cost of providing the copy. The RSD has established the following rate for all items:
  - a. Black and White photocopies of documents and of black and white computer—printed documents will be charged at \$0.50 per page for the first 10 pages of any document for letters (8.5 x 11) size, legal (8.5 x 14) size and ledger (11 x 17) size and \$0.10 per page thereafter. For example, since each document is treated separately for purposes of these charges, if a person wanted copies of both a 10-page document and a 20-page document, there would be a \$5.00 charge for the first document (\$0.50 x 10) and a \$6.00 charge for the second document (\$0.50 x 10 + \$0.10 x 10), not a \$7.00 charge for the two documents.
  - b. Colored photocopies of letter, legal and ledger size documents and colored computer printed documents will be charged \$1.00 per page for the first 10 pages and \$0.25 per page thereafter. If necessary, employees may need to indicate in writing that a document requested to be reproduced in color will require additional time consistent with the RSD's personnel and other capabilities within which to produce a colored copy of the document.
  - c. Electronic media storage will be charged at a cost of \$1.00 per recordable disc or the actual cost of a thumb drive. Only RSD provided electronic media storage devices will be used to make electronic copies of records.
3. Nothing in the law requires the RSD to compile, cross-reference, manipulate or assemble information into a form in which it is not kept or reported by the RSD already. The RSD shall simply provide the information in the format it currently exists.
4. 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 RSD 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 RSD can release a draft version with the notation "draft version. "
5. Nothing in the law requires the RSD to provide information to an out of state individual. See McBumey v Young, U.S. Supreme Court, No. 12-17, 4/29/13. The RSD will, however, make records available for public inspection on site during normal business hours to N.H. residents and non-residents.

6. Nothing in the law requires the RSD to answer questions. The law only requires the RSD to disclose governmental records.

**Legal Reference:**

[RSA 91-A](#)

**Adopted:** April 8, 1993

**Amended:** October 8, 1998, April 9, 2020, September 8, 2022