

State of New Hampshire
Revised Statutes Annotated
Chapter 91-A
Access to Public Records

91-A:1 PREAMBLE Openness in the conduct of 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.

91-A:1-a DEFINITION OF PUBLIC PROCEEDINGS The term “public proceedings” as used in this chapter means the transaction of any functions affecting any or all citizens of the state by any of the following:

- I. The general court including the executive sessions of committees;
- II. The governor’s council;
- III. Any board or commission of any state agency or authority;
- IV. Any board, commission, agency or authority, of any county, town municipal corporation, school district, or other political subdivisions, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto.

91-A:2 MEETINGS OPEN TO PUBLIC

- I. For the purpose of this selection, a “meeting” shall mean the convening of a quorum of the membership of a public body, as provided in section 91-A:1-a, to discuss or act upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power.
- II. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Except for town meetings, school district, meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions shall be promptly recorded and open to public inspection within 144 hours of the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including an executive session, shall be posted in two appropriate places or shall be printed in a newspaper of circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate un-delayed action is deemed to be imperative by the chairman or presiding officer of the body or agency who shall employ whatever means are available to

inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need of the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the House of Representatives shall be sufficient notice. If the charter of any city or guidelines or rules of order of any body or agency described in RSA 91-A:1-a requires a broader public access to provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

91-A:3 EXECUTIVE SESSIONS

- I. Bodies or agencies may meet in executive session for deliberations only after a majority vote of members present, which shall be recorded in the minutes of the meeting. All sessions at which information, evidence or testimony in any form is received, except as provided in paragraph II, shall be open to the public. No ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official actions shall be finally approved in executive session except as provided in paragraph II.
- II. A body or agency may exclude the public only if a recorded roll call vote is taken to go into executive session. A motion to go into executive session stating which exemption under this paragraph is claimed shall be made only when the body or agency is considering or acting upon the following matters:
 - (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected requests an open meeting.
 - (b) The hiring of any person as a public employee.
 - (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting.
 - (d) Consideration of the acquisition, sale or lease of property which, if discussed in public, likely would benefit a party or parties whose interests are averse to those of the general community.
- III. Minutes of Executive Sessions. Minutes of proceedings in executive session shall be kept, at least to the extent of recording any decisions made therein. Decisions reached in executive session must be publicly disclosed within 72 hours of the meetings, unless, in the opinion of 2/4 of the members present, divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself or render the proposed action ineffective. In event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

91-A:4 MINUTES AND RECORDS AVAILABLE FOR PUBLIC INSPECTION

- 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 tapes or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

91-A:5 EXEMPTIONS The records of the following bodies are exempted from the provisions of this chapter:

- I. Grand and petit juries.
- II. Parole and pardon boards.
- III. Personal school records of pupils
- IV. Records pertaining to internal personnel practices, confidential, commercial, or financial information, personnel, medical, welfare and other files whose disclosure would constitute invasion of privacy.

91-A:6 EMPLOYMENT SECURITY This chapter shall apply to RSA 282-A, relative to employment security; however, in addition to the exemptions under RSA 91-A:5, the provisions of RSA 282-A:117-123 shall also apply, this provision shall be administered and construed in the spirit of that selection, and the exemptions from the provisions of this chapter shall include anything exempt from public inspection under RSA 282-A:117-124 together with all records and data developed from RSA 282-A:117-123.

91-A:7 VIOLATION Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. The courts shall give proceedings under this chapter priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his counsel with the clerk of court or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. When any justice shall find that time probably is of the essence, he may order notice by any reasonable means, and he shall have authority to issue an order ex parte when he shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

91-A:8 REMEDIES If any body or agency or employee or member thereof, in violation of the provisions of this chapter, refuses to provide a public document or refuses access to a public proceeding to a person who reasonably requests the same, such body, agency or person may be liable for reasonable attorney's fees and costs incurred in making the information available or the proceeding open to the public, at the discretion of the court. In addition to any other relief awarded pursuant to this chapter, the court may issue an order to enjoin future violations of this chapter.