

## EH-R - PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS-PROCEDURES FOR PUBLIC ACCESS TO DISTRICT RECORDS “RIGHT TO KNOW REQUESTS”

### *Category Required*

1. **Board and Staff Member Responsibilities.** All requests for access to or copies of District records should be made through the SAU office. Any board member or staff member who receives a request from a member of the public to see, receive or otherwise inspect any District record(s) (“Right to Know request”) should immediately communicate that request to the SAU office for processing under Board policy EH and these procedures.
2. **Written Requests-Required.** To help ensure common understanding between the requester and the staff responsible for responding to a request, persons making requests for records are required to submit their requests in writing and include a specific description of the desired record(s).
3. **Clarification, Refinement & Modification of Requests.** Carefully tailored requests can often be fulfilled more promptly and help avoid resources being expended retrieving and preparing material which exceeds what the requester is actually seeking. The Superintendent, designee or staff responsible for responding to a request may contact the person making the request if the request is unclear or will be time-consuming or onerous to fulfill to determine if the person will clarify the request or agree to narrow the request. Staff responsible for responding to the request may suggest to the requestor reasonable modifications to the scope or language of the request, but the requester is not required to accept them. Any modification, clarification or narrowing of the request agreed upon by the requester shall be documented in writing and a copy of the re-formed request provided to the person making the request.
4. **Record Availability.** Records requested under the Right-to-Know law which are not exempt under RSA 91-A:5 (or otherwise) will be made available immediately when such records are so available for such release. If such records are not immediately available, if a determination needs to be made if such records exist, or if a determination needs to be made whether such records are exempt from public disclosure, the Superintendent or designee will, within five (5) business days of the request, respond to the requestor, in writing. The response shall acknowledge receipt of the request, provide a statement of the time reasonably necessary to determine whether the request shall be granted or denied, and include an itemized estimate of the cost of making the record available. Records will be reviewed in their entirety by either the Superintendent or his/her designee before they are released in order to ensure that no confidential or exempted information is disclosed. District legal counsel may be consulted as necessary.
5. **Exempt Information and Redaction.** Information exempt from disclosure by RSA 91-A:5 or other law will not be disclosed. The Superintendent may authorize District staff to consult with the District's legal counsel when questions regarding application of exemptions to certain records or information arise.

In some instances, records containing information exempt from disclosure may reasonably be redacted in order to make the remainder of the record accessible.

If a member of the public requests records that are determined to include information exempt from disclosure, the Superintendent/designee will respond to the requestor, in writing, including a statement of the specific exemption authorizing the withholding, and a brief explanation of how the exemption applies to the record(s) or information withheld.

Records will be reviewed in their entirety by either the Superintendent/designee before they are released in

order to ensure that no confidential or exempted information is disclosed.

6. **Copy Fees.** The School District will charge a fee of \$0.25/page for copying/photocopies of records when the person requests a paper copy. This fee reflects the actual cost of producing the copy(ies). No cost or fee shall be charged for the inspection or delivery, without copying of records, whether in paper, electronic, or other form except as described below for certain individual electronic communications. Any costs associated with mailing copies - if available - must be paid for in advance of mailing.
7. **Electronic Records.** Electronic records (including electronic communications as defined in Section 8) may be provided on a portable storage device (thumb drive), if the requestor so requests and if such records can practically be delivered electronically. To protect the integrity of the District's computer system, a thumb drive for this purpose must be provided by the requestor in unopened manufacturer's packaging.  
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8. **Charges for Certain Electronic Communications.** In addition to the copying fees permitted under paragraph 6, the District may charge a reasonable fee prior to disclosing certain electronic communications as set forth in this Section.
  - a. **Definitions.** For purposes of this Policy, the terms below will have the definitions provided.

“Individual electronic communication” includes the communication itself as well as the responses and attachments to each communication, under a single subject line. However, text or chat message threads regarding the same topic shall be considered an individual electronic communication unless the thread exceeds 50 individual messages, at which point each additional group of 50 messages will be a separate individual electronic communication.

“Media requestors” means organizations or individuals who publish information in accepted digital, print, or broadcast formats and to standards generally recognized by professional news organizations that do not serve primarily as a platform to promote the interest and/or opinions of a special interest group, government, individual or cause.
  - b. **Digital Communication Charges.** The District will charge \$0.25/ per individual electronic communication, regardless of whether the records are delivered in hard copy or electronically, subject to the following:
    - i. No charge shall be issued for the first 250 individual electronic communications
    - ii. Multiple requests from any person or entity to the same public body within a 30-day time period (measured from the date of the first request) shall be considered a single request (i.e. in the aggregate;
    - iii. The charge shall be paid prior to any copies of electronic communications exceeding the first 250 individual electronic communications (as described above).
  - c. **Waiver of Digital Communication Charges.** Waiver of digital communication charges is available as set forth below. It is up to the person or entity making the records request to apply for and establish the waiver using the **District's Waiver of Electronic Communication Record Charge Form EH-F(1) ("Waiver Request Form")**. The **Waiver Request Form** may be filed at any time, but it is required after the requester receives the cost estimate for the charges and before the requested records are copied and made available). The waiver is available to requestors falling into one or more of the following categories:

- i. Any individual who can establish indigency as established by the federal poverty line (published each year by the Federal Department of Health and Human Services). For purposes of establishing indigency, individuals may use:
  1. copies of documentation submitted to or received from state or federal benefits agencies dated within 9 months;
  2. a completed "**Financial Affidavit for Waiver of Electronic Communication Charge**" EH-F(2) ; or
  3. other documents or evidence satisfactory to the Superintendent or Superintendent's designee.
- ii. A media requestor or authorized representative of a media requester (satisfactory evidence of the status must be produced with the **Waiver Request Form**).
- iii. Any individual or entity who can establish that the disclosure of requested information requesting information is likely to contribute significantly to public understanding of the operations or activities of the district, its officials and its schools, and is not primarily in the commercial interest of the requestor. For purposes of meeting the criteria, the requestor must complete the pertinent section of the **Waiver Request Form**. In deciding whether the fee should be waived under this criteria, the Superintendent/designee will consider the following factors:
  1. The subject of the request must concern identifiable operations or activities of the District, with a connection that is direct and clear, not remote or attenuated.
  2. The disclosable portions of the requested records must be meaningfully informative about government operations or activities to be "likely to contribute" to an increased public understanding of those operations or activities. Information that is already in the public domain, in either the same or a substantially identical form, would not contribute to such understanding.
  3. The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the requestor's individual understanding.
  4. It should appear likely that the public's understanding of the subject will be enhanced to a significant extent by the disclosure.

***First reading:*** December 17, 2024

***Second reading:*** January 7, 2025

***Third reading/adopted:*** January 21, 2025

***District revision history:***

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***Legal References Disclaimer:*** These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority.

*Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

**NH Statutes**

RSA 91-A

**Description**[New Hampshire Right To Know Law \("Access to Governmental Records and Meetings"\)](#)**Cross References****Code**

BEDG

**Description**[Meeting Minutes](#)

EHB

[Data/Records Retention](#)

EHB-R(1)

[Data/Records Retention - Local Records Retention Schedule](#)

JRA

[Student Records and Access \(FERPA\)](#)

JRA-R(1)

[Student Records and Access \(FERPA\)](#)