



COUNTY OF CARROLL
OFFICE OF THE COMMISSIONERS
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Policy Title:	Public Access to County Records
Policy Number:	2020-003
Purpose:	To ensure timely and appropriate access to governmental records
Effective Date:	December 22, 2020
Revision Date:	
Reference(s):	NH RSA 91-A

POLICY

Carroll County endeavors to provide an open and accessible municipal government consistent with the provisions of Part I, Article 8 of the New Hampshire Constitution: "All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable, and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted."

The public has the right to inspect, during regular business hours at Carroll County Commissioners' Office, 95 Water Village Road, Ossipee NH or at the appropriate County department location, all public governmental records and request copies except those records that are temporarily unavailable or are specifically exempted by law.

The public does not have to offer a reason or demonstrate a need to inspect a record. If a record is public, it must be disclosed regardless of the motive for the request.

The County is not required to create a record that does not exist, or compile data to create a record in a specific format requested. If a new document is created to provide an answer to a question posed for which there was no previously existing record, this document becomes a public record.

Records that are exempt from public access are cited under various NH laws and generally include personnel records, medical, welfare, vital records or any other confidential record in which disclosure would constitute an invasion of privacy or jeopardize the security or safety of any individual.

PURPOSE

- To provide elected and appointed municipal officials and municipal staff with guidance through defined procedures to ensure that requests for access to governmental records are met in a timely and appropriate manner.
- To provide the public with guidance when requesting access to a governmental record so that their right to access and inspect such records is not unintentionally or otherwise impeded.

PROCEDURE

Requests for governmental records received by Carroll County are to be administered through the Office of the Executive Coordinator in coordination with the County Commissioners and appropriate departments.

Making a Request

Requests may be made verbally or in writing by mail, email, hand delivered during regular business hours, or through the “Contact Us” link on the County website.

Response to Request

When a request for records is received, staff will initiate the “Public Records Request Form”. The purpose of the form is to keep a record of the documents being requested, response to the request, and to ensure compliance with the requirements of NH RSA 91-A.

Document copies will be provided, upon request, for a fee of \$2.00 for the first page and \$.25 per each additional page. The fee schedule will be periodically reviewed by the Commissioners. Fees will apply to all documents, with the exception of those identified by the Registry of Deeds under their published fee schedule.

If the requestor requests the response documents be made available on a USB flash drive, the requestor will provide a new drive sealed in its original package. This assures the safety of our computers and our data.

When Documents Are Immediately Available

If the requested record(s) is subject to disclosure under RSA 91-A and immediately available, staff will ask the requestor to wait while the record is retrieved or schedule an appointment, at the earliest practical convenience of both parties, for the record to be reviewed.

When Documents Are Not Immediately Available

Every effort should be made to provide access to the requested documents immediately or within five (5) business days.

Governmental records may not be immediately available because they are:

- a) already in use
- b) must be reviewed and/or redacted
- c) must be reviewed by legal counsel concerning disclosure

If the record is not immediately available, the reason for the delay will be relayed to the requesting party. Once determined to be available for disclosure, the requested record will be made available within five (5) business days.

If staff is not sure that he/she has responsive documents, or if it not possible to gather the requested documents within five (5) business days, the County's written response must inform the requestor when the County reasonably expects to be able to complete the retrieval and review necessary to determine if the record(s) exists, whether the record(s) are subject to disclosure, and when the process is expected to be complete.

In the event the requested records are not subject to NH RSA 91-A or are exempt from disclosure, staff will provide a written response to the requestor noting the specific reasons for denial of access to the record. If a requested record has been destroyed or lost, the County shall so notify the requestor.

OTHER

The County is not required to create a record that does not exist, or compile data to create a record in a specific format requested, including electronic format; however, it may be easier to create an electronic summary or other report from a database than it would be to copy large volumes to satisfy specific record requests, and may also be necessary to maintain confidentiality.

“Public bodies and public agencies are created to serve the public. While specific statutory duties to inform the public vary, most public entities are generally expected to keep the public informed regarding how the body or agency’s duties are being carried out. At the same time, most are expected to use the public’s resources efficiently to carry out the public entity’s duties and not to divert unreasonable quantities of public resources to satisfy the interests of a single person that are not common to others served by the entity” (NH Attorney General Joseph A. Foster Memorandum on New Hampshire’s Right-to-Know law, RSA Chapter 91-A Updated March 20, 2015)

(This policy replaces the “Carroll County Right to Know Policy Adopted 2/4/15)

Amanda J. Bevard Terry McCarthy

Amanda Bevard
Chairman

Terry McCarthy
Vice-Chairman

David Babson, Jr.

David Babson, Jr.
Clerk