

Sample policy source: Hampstead School District (adheres to NHSBA model policy). Additions to the Hampstead policy are in **bold face**.

Policy Code: **EH**

Data Management (Public Use of School Records)

The Superintendent is hereby designated the custodian of all records, minutes, documents, writings, letters, memoranda, **electronic files**, or other written, typed, copied, or developed materials possessed, assembled, or maintained by this District.

General Intent

It is the general policy of the board to maximize transparency of government in the spirit of the New Hampshire constitution Article 8 and statutes guaranteeing that public business be done in public.

1. All requests for public information are to be forwarded to the Superintendent immediately upon receipt. The Superintendent shall thereupon make a determination ~~whether or not the information requested is public in nature.~~ **as to how best to fulfill the request, and if there are any specific obstacles to fulfilling the request.** ~~If public,~~ The Superintendent shall act on the request in a timely manner **as follows:**

- a) **Available public records shall be provided without delay.**
- b) **If the requested records must be physically located, gathered or redacted, the Superintendent may use the latitude provided under RSA 91-A to respond to the requester within 5 days with an estimate of when the information will be provided.**
- c) **If the requested records do not exist, or fall within a specific exemption of RSA 91:A, the Superintendent shall promptly inform the requestor. If records exist, but are exempt from disclosure, specific reasons for nondisclosure shall be provided . In such a case, the Superintendent is expected to advise the requestor as to how the intent of the request might be satisfied by existing public documents.**

2. In accordance with RSA 91-A:4, if the Superintendent finds the information to be public in nature, he or she shall direct that ~~it be reproduced on the premises.~~ it be provided in the least costly manner acceptable to the requestor.

- a) **Electronically available documents will be emailed to the requestor, unless the requestor has asked that such documents be provided via an alternate method. Such an email transmission may contain a link to the source document on the district web site, rather than an embedded file.**
- b) **Paper documents will be copied, unless the requestor has asked to review the original documents in person at the Superintendent's office**
- c) **If paper copies are required, the requestor is to be charged the actual cost of reproduction as allowed by RSA 91-A, and no more than \$0.15 per page.** ~~If the requested-~~

~~record or document is in active use by the district or is otherwise unavailable, the party requesting the information will be informed that the record is not currently available and that he or she will be notified immediately upon it becoming available.~~

- d) **All electronic documents provided in response to public records requests will be published at the same time on the School District web site (if not previously so published) in the expectation that information of interest to one member of the public may also be of interest to others.**
- e) **Electronic records will be provided in the output format most convenient to the requestor, as long as that format is supported by the source system. For example, financial records will normally be provided as a spreadsheet file.**

3. If the Superintendent finds the information not to be public in nature, **even after discussing alternate means of satisfying the request, he or she shall so inform the requestor ~~that the information is not a public record.~~ **in writing, stating the specific exemption under RSA 91-A.****

4. If the Superintendent is unable to ascertain whether or not the information requested is public in nature, he or she ~~is hereby authorized~~ shall seek approval from the School Board to request, on behalf of the Board, an opinion from the Board's attorney as to the nature of the information. Such opinion requests will be made within ten (10) days of the original request for the information. The Superintendent shall notify the person requesting such information that an opinion is to be requested of the attorney and shall notify such person immediately upon receipt of an answer from the attorney. **The approval function of the Board may be delegated by the Board to the Board Chair, but only to the extent that the Board meeting schedule would otherwise fail to honor the 10-day time limit. Any instances of such delegated approval shall be immediately communicated to the full Board.**

5. RSA 91-A defines the basic legal obligation for providing public information, but it is not the policy of this district to use RSA 91-A as a shield against public requests for information.

- a) **If a request calls for a document which might be exempt under RSA 91-A, such as drafts , working papers, and advice from attorneys on procedural matters, the Superintendent shall provide the requested information unless there are specific reasons, such as (but not limited to) student or employee confidentiality, legal liability, or discretion around security matters.**
- b) **If a request calls for answers or assembly of information which would not be fulfilled by providing an existing school district record, the Superintendent shall exercise reasonable efforts within the existing workload of the school district staff to fulfill such a request.**
- c) **If a request cannot be fulfilled, even after discussing alternate means of satisfying the requesting party, the Superintendent shall so inform the requestor in writing, with copies to the full School Board, stating the specific reason.**

6. In the event a request is denied by the Superintendent, the requestor may petition the Board for review. The Board shall review such a petition in public, and may choose to do so as a full board or

by assigning a special board committee. The opportunity for review does not pre-empt any rights of the requestor or of the School District, including the right of the requestor to go to court without exercising the Board review process.

7. In the event the School District is sued for denial of an information request, it is the policy of the board to minimize expenditure of public funds in defending such a suit until the Board has reviewed the issue and determined that it should be defended. Prior to such Board review and approval, the Superintendent is required take legal action only to the extent required to meet immediate filing deadlines and protect the ability of the School District to defend the action should that be the wish of the Board.

8. The Superintendent shall maintain a log of all information requests made, whether under RSA 91-A or otherwise, including the description of the request, date requested, the final disposition of the request, date fulfilled, and the name of the requestor (unless the requestor asks that their name be withheld). The Superintendent shall report regularly, to the School Board and to the public, all details contained in the log.

Legal References:

RSA 91-A:4, Minutes and Records Available for Public Inspection

Article 8 of the NH Constitution

Procedure References:

EH-R: Record retention requirements and procedures

BEDG-R: Procedure for fulfillment of record requests from the public