PUBLICATION RECORDS

- **Defined:** Any information created, accepted or obtained by a quorum of a public body, or by a public agency (for example, the clerk's office, police department or other municipal office), in any physical format, received in or out of a meeting, in furtherance of its official function.
- **Availability:** Just like paper records, electronic governmental records must be made available to the public upon request unless an exemption applies.
- **Retention:** Electronic governmental records must remain accessible to the public for the same length of time as their paper counterparts. Check RSA 33-A:3-a for a list of retention periods for certain categories of municipal records. If a record must be kept for more than 10 years, it must also be transferred to paper or microfilm.
- **When Is an Electronic Record No Longer Subject to Disclosure Under the Right to Know Law?** When it has been “initially and legally deleted” so that it is no longer readily accessible to the public body. Simply deleting it is not enough; the “Deleted Items” or “Recycle Bin” folder must also be emptied. A record is “legally” deleted if the retention period has ended and there are no outstanding or disputed requests for that item.

**Important note:** This is a very simplified overview of the Right to Know Law. It is not intended to be legal advice and is provided for convenience only. Please refer to RSA Chapter 91-A or legal counsel for further information.

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