

AN ACT relative to access to electronic records under the right-to-know law.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Right-to-Know; Right to be Provided Electronic Records. Amend RSA 91-A:4, I to read as follows:

I. Every citizen during the regular or business hours of all public bodies or agencies, and on the regular business premises of such public bodies or agencies, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, **and to be provided copies of governmental records in electronic format**, except as otherwise prohibited by statute or RSA 91-A:5. **A citizen shall not be required to appear at the regular business premises of such public bodies or agencies or other location to be provided copies of governmental records in electronic format over the Internet.** In this section, "to copy" means the reproduction of original records by whatever method, including but not limited to photography, photostatic copy, printing, or electronic or tape recording.

2 Right-to-Know; Cost of Electronic Records. Amend RSA 91-A:4, IV to read as follows:

IV. Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release. If a public body or agency is unable to make a governmental record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. No fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. **No cost or fee shall be charged to provide governmental records in a readily available electronic format over the Internet.** Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

3 Right-to-Know; Media and Format of Electronic Records. Amend RSA 91-A:4, V to read as follows:

V. In the same manner as set forth in RSA 91-A:4, IV, any public body or agency which maintains governmental records in electronic format may, in lieu of providing original records, copy governmental records requested to electronic media using standard or common file formats in a manner that does not reveal information which is confidential under this chapter or any other law. **If feasible, governmental records provided in electronic format shall be provided on the requester's preferred media and in the requester's preferred format. In the absence of a preferred media, the records shall be sent to the electronic mail address of the person making such request or made available on the public body's or agency's**

public Internet website. In the absence of a preferred format, the records shall be provided in a searchable machine-readable format. If none of the feasible media and formats are acceptable to the requester~~[If copying to electronic media is not reasonably practicable, or if the person or entity requesting access requests a different method]~~, the public body or agency may provide a printout of governmental records requested, or may use any other means reasonably calculated to comply with the request in light of the purpose of this chapter as expressed in RSA 91-A:1. Access to work papers, personnel data, and other confidential information under RSA 91-A:5, IV shall not be provided.

4 Effective Date. This act shall take effect upon passage.