

AN ACT relative to written reasons for delay or denial of 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; Minutes and Records Available for Public Inspection - Written Reasons for Delay or Denial of 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 **provide the reasons for the delay in writing, and**, 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. **A public body or agency response denying, in whole or in part, inspection or copying of any record shall include a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.** 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. 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.

2 Effective Date. This act shall take effect on January 1, 2020.