

Storing Library Records: *State Requirements, Local Policies*

By Margaret L. Byrnes, Attorney at Law, Executive Director
NH Municipal Association (NHMA)

We have stacks of library records taking up space, and we would like to organize or potentially discard these records. What do we need to keep—and for how long?

RSA 91-A says, in part, that each public body or agency “shall keep and maintain all governmental records in its custody at its regular office or place of business in an accessible place . . .” However, a different statute, RSA 33-A, addresses how long — and in what format — those records must be kept.

In that chapter, RSA 33-A:3-a is probably the section we turn to most: It sets forth the length of time that more than 150 different categories of municipal records must be retained. Therefore, it is a relatively easy task to turn to this section, find the type of record you’re dealing with, and see how long that record must be kept. For example, library registration cards must be kept for the current year *plus* one year, under paragraph LXVI. (As a side note, this statute is a great exercise in testing your knowledge of Roman Numerals!)

Sometimes, a record is not specifically mentioned in section :3-a. In that case, there may not be a specific *statutory* time period for keeping the record. Instead, there may be a local rule or policy, perhaps set by the municipal records committee, that addresses the length of time for keeping the record.

Once the retention period for a record has expired, records may be destroyed or discarded; however, as long as they still exist, they remain governmental records subject to the disclosure requirements of the Right-to-Know Law. Municipalities should develop a policy regarding retention and disposal of records. The policy should include required retention periods; a set time after the end of the retention period when records will be disposed of; which official, body, or employee will review the records, decide what may be disposed of, and dispose of records; and the method of disposal.

But disposal of records is not the only way to organize and save storage space. The legislature has made several changes to the RSA Chapter 33-A to allow for electronic storage of records. Electronic municipal records listed on the disposition and retention schedule of RSA 33-A:3-a that are to be retained for 10 years or less may be retained solely electronically in their original format, if so approved by the municipal committee responsible for the records. If the records retention period exceeds 10 years, or the municipal committee does not approve retention of the record solely electronically in an approved format, the records must be transferred to paper, microfilmed, or stored in portable document format/archival (PDF/A) or another approved file format on a medium from which it is readily retrievable. Remember that, regardless of format the record is stored in, the municipality/library is responsible for maintaining all records in an accessible place and manner. RSA 33-A:5-a; RSA 91-A:4, III. ❏