

QUESTION:

The town clerk has requested Library records, including bank statements, invoices and correspondence for the last six years. As Trustees of the Library we are wondering if this is necessary and appropriate. All such records are currently kept by the Library itself in a filing cabinet in the Library basement. The town clerk provided this RSA. Does this apply to libraries?

**TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES
CHAPTER 41
CHOICE AND DUTIES OF TOWN OFFICERS
Preservation of Public Records, Books and Documents of Towns**

Section 41:58

41:58 Deposit With Clerk. – All books, records, papers, vouchers, and documents which shall be in the possession of any officer, committee, or board of officers of the town, and which are not needed elsewhere by them in the discharge of official duty, shall be deposited in the office of the town clerk, and shall be there kept and preserved by him as public records of the town. Provided that, if the office of the clerk is not equipped for the safe keeping of the said public records, the clerk may, with the approval of the selectmen, deposit such records in some other safe and suitable place.

Source. PS 43:42. PL 47:46. 1931, 107:1. RL 59:53.

ANSWER:

I do believe the library is subject to this statute, although I understand it may not be completely convenient. You can keep any records at the library that are necessary to have on-site, but I do think the other records should be deposited with the town clerk, as it is the clerk's duty to retain official records of the town.

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