

NH RSA 91-A Right to Know Primer

NH RSA 91-A — Right-to-Know Law (Primer for Library Trustees)

Source: New Hampshire Statutes, RSA 91-A — *Access to Governmental Records and Meetings*

Reference resources:

- NH Department of Justice — Right-to-Know Law page
 - NH Municipal Association — *A Hard Road to Travel: A Guide to New Hampshire's Right-to-Know Law*
 - NHLTA Resource Materials — Right-to-Know guidance for trustees
-

What RSA 91-A Is

NH RSA 91-A is the state's open meetings and open records law. It governs how all public bodies in New Hampshire — including library boards of trustees — must conduct meetings and handle public records.

A library board of trustees is a "public body" under RSA 91-A. Therefore, every meeting, every minute, every public input session, and every record created in connection with the board's business is subject to this law.

Why It Matters for Policy Development

Three categories of library policy are directly governed by RSA 91-A:

- **1. Public Input / Public Comment at Meetings Policy** — How the board accepts and records public comments at trustee meetings.
- **2. Records Retention and Public Records Request Policy** — How the library handles requests for documents, meeting minutes, financial records, etc.
- **3. Reconsideration of Materials Policy** — Per ALA guidance, challenges must conform to applicable open meetings and public records laws (i.e., RSA 91-A in NH).

A board that drafts these policies without explicitly incorporating RSA 91-A requirements is at risk of adopting policy language that is unenforceable or that creates legal exposure.

Core Requirements for Trustee Meetings

Public Notice

- Notice of each meeting must be posted in **at least two appropriate places** (typically the library and the town/city hall, or two other public locations) **at least 24 hours in advance** of the meeting (excluding Sundays and legal holidays).
- Notice must include the date, time, and location of the meeting.

Open Meetings

- All meetings of the trustee board are **open to the public** unless properly entered into nonpublic session under RSA 91-A:3.
- The public has the right to attend, observe, and (subject to reasonable rules) record the meeting.

Minutes

- Minutes must be kept of every meeting (public and nonpublic).
- Minutes must be available for public inspection **within 5 business days** of the meeting (RSA 91-A:2, II).
- Minutes must include at minimum: names of members present, persons appearing before the board, a brief description of the subject matter discussed, and a record of all final decisions.

Nonpublic Session

A trustee board may enter nonpublic session **only** for specific reasons enumerated in RSA 91-A:3, II — most commonly:

- **(a)** Dismissal, promotion, or compensation of a public employee, or disciplinary matters
- **(b)** Hiring of a public employee
- **(c)** Matters that, if discussed in public, would likely affect adversely the reputation of any person other than a board member
- **(d)** Acquisition, sale, or lease of real or personal property
- **(e)** Pending or threatened litigation
- **(l)** Consideration of legal advice provided by counsel

Entering nonpublic session requires:

- A motion stating the specific RSA 91-A:3, II clause being invoked
- A roll call vote
- Separate nonpublic minutes
- A separate vote to seal nonpublic minutes (if applicable) under RSA 91-A:3, III

Public Comment / Public Input

RSA 91-A does **not** require a public body to accept public comment at meetings. However:

- If a board chooses to accept public comment, **the policy governing public comment must be content-neutral and viewpoint-neutral.**
- Once a public-comment period is opened, restricting comment based on viewpoint can create First Amendment exposure.
- Time, place, and manner restrictions (e.g., a 3-minute limit per speaker, sign-up requirements) are generally permissible if applied evenly.

A well-drafted Public Input Policy:

- States whether public comment is offered

- Specifies when in the meeting it occurs
 - Sets clear time and procedural limits
 - Applies evenly regardless of viewpoint
 - Notes that public comment is not a dialogue — speakers address the board, but the board does not engage in back-and-forth
-

Public Records

Under RSA 91-A:4, every citizen has the right to inspect and copy governmental records, with limited exemptions. For library trustees:

- **Meeting minutes, agendas, and adopted policies** — public records.
 - **Financial records** — public records.
 - **Email and correspondence** related to library business — public records, even on personal accounts if used for board business.
 - **Library patron records** — confidential under **RSA 201-D:11**, which is a specific exception to RSA 91-A.
-

Practical Implications for Policy Drafting

When a board uses NotebookLM to draft any of the following, the source bundle should include this RSA 91-A primer:

- **1. Public Input / Public Comment at Meetings Policy**
 - **2. Records Retention Policy**
 - **3. Public Records Request Procedure**
 - **4. Reconsideration of Materials Policy** (the appeal procedure must conform to RSA 91-A)
 - **5. Bylaws** (meeting procedures, notice, nonpublic sessions)
 - **6. Social Media Policy** (board member communications may be public records)
-

Important Caveats

This primer is a high-level summary, not legal advice. Every trustee board in NH should:

- **1. Have current bylaws and policies reviewed by town counsel or independent library counsel.**
- **2. Consult the NH Municipal Association's *A Hard Road to Travel* for the current authoritative guide.**
- **3. Use the NH DOJ Right-to-Know reference materials** for current case law interpretations.
- **4. Recognize that RSA 91-A is periodically amended** — any draft policy referencing the statute should be reviewed against the current text on the NH General Court website.