

“Right to Know” Laws and Support for Records Management

by Melissa Mannon

My local paper recently ran an exposé on local government’s failure to comply with “Right to Know” laws in New Hampshire. The article described how reporters approached town offices and requested information without revealing that they were reporters. They received various levels of service. Some offices were able to provide information immediately, others asked questions about why the requesters wanted the information, others told the reporters that they could not immediately handle their requests.

For those of us who handle public records, this begs the questions, if we hold public records, what are our re-

sponsibilities regarding “Right to Know” laws and other statutes related to “freedom of information?” This issue is not exclusive to town governments because in many towns, the local historical society has public records in its possession. (This one reason that historical societies should not hold such records in their possession. I will discuss this in more detail in a future issue.)

I wrote a letter to the editor of the newspaper regarding the need to support records management in order to effectively respond to “Right to Know.” You can see my response to the right. You can see the paper’s original reports online

at: http://cs.newhampshire.com/blogs/bedford_editor/archive/2007/09/12/Bedford-fails-overall_2C00_-_Windham-does-best.aspx

To the Editor:

As a professional Archivist who helps local governments manage their historical and public records, I read your September 13th article “It’s Your Right to Know” with interest. In my experience, town government employees are stretched to their limits. They do their best to adhere to records laws and accommodate their citizens, but it is unrealistic to expect them to be experts in records retention and

information distribution on top of their other day-to-day tasks. Towns also fall short in providing the necessary funds to care for the records in their possession and to make them easily accessible.

Approximately six years ago, Dartmouth College led an effort called “The New Hampshire Local Records Education Project” to assist NH towns with the management of their records. With a grant from the federal government, area archivists and records managers were hired by the project. We traveled to participating towns, giving government employees and other record holders (such as historical societies) information about how to care for the materials in their possession. It is expensive to care for

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Special points of interest:

The National Historic Publications and Records Commission (NHPRC) is scheduled for zero funding next year. This is the Federal commission that supplies the funding for the grants that some of you have received to care for your historical records. This organization has supported state SHRABS (State Historic Records Advisory Boards.) They provided funding for the New Hampshire Local Records Education Project. To make your support for this organization known and for more information see <http://www.archivists.org/news/NHPRCCalltoAction2008Regionals.pdf> .

This issue of ArchivesInfo news relates to the hot topic of “Right to Know.” Familiarize yourself with “Right to Know” and other laws that relate to providing access to information. Knowing your responsibilities as a record holder can help prevent misunderstandings, accusations, and other negative attention.

Right to Know Laws and Support for Records Management (cont.)

such materials. They must be properly preserved, organized, and described.

The “Right to Know Law” (RSA91A) to which the *Bulletin* refers is viewable at http://doj.nh.gov/publications/html_right_to_know.html. According to the statute, towns in NH are not required to provide records as soon as they are requested. They have five days to respond to a request by providing the information in the format in which they have it available. Or, they may provide in writing a reason why they are denying the request or why they need more time to provide the requested information.

Legally, the task of records management in local government falls under the auspices of the City or Town Clerk. In many local governments (though I am unaware of any in New Hampshire), a full-time archivist/

records manager with a master’s degree in library science or archives management is in the employ of the Clerk so this function runs efficiently.

After the Dartmouth project, the State Archives set up a program to assist local governments with their vital records. The State is able to afford this due to funds received when copies of vital records are purchased, but the funding is restricted to vital records alone - birth, death, and marriage certificates. This type of funding is not available for the myriad of other records produced by local government. The funds for the Dartmouth project were made available through the National Historical Records and Preservation Commission, which has been scheduled by the federal government for zero funding in 2008. (See <http://savearchives.pbwiki.com/Letters> for more information about this.)

The control of local records takes time and money that local governments do not have. The need to care for records is ongoing as new records are continually created and there is a backlog of historical records needing our attention. The main flaw is not that there is no punishment for those who do not follow the “Right to Know” law. If citizens value their “Right to Know,” they need to provide their government employees with the resources necessary to make records easily accessible.

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Tips for Maintaining Records

The wording of right to know laws is sometimes ambiguous and my interpretation of what was disclosed in my local paper was sometimes different from the reporter’s interpretation. For example, in New Hampshire the law reads “A citizen does not have to offer a reason or demonstrate a need to inspect the documents. If a record is public, it must be disclosed regardless of the motive for the request,” but it does not say that the town employee does not have a right to ask questions. The reporters seemed incensed when anyone questioned them without handing over records immediately.

Informational professionals are taught that it is important to ask questions to

ensure that we are providing the requester with information he really wants. Asking questions is good practice. Quite often, people request a specific document when they can be better served by a record that they didn’t even know existed. Ask your patrons questions such as:

“What specific information do you seek? Have you already found some information on this subject that you can share that may help me locate additional sources for you?”

Do not be afraid to tell the person standing across from you why you are asking questions. Let them know it is a service issue and not a privacy one..