

HB 114-FN - AS INTRODUCED

2025 SESSION

25-0060

11/02

HOUSE BILL

114-FN

AN ACT removing fees and charges for governmental records under the right-to-know law and reinstating potential liability for disclosure of information exempt from disclosure.

SPONSORS: Rep. Andrus, Merr. 5; Rep. See, Merr. 26; Rep. Sellers, Graf. 18; Rep. Perez, Rock. 16; Rep. Comtois, Belk. 7; Rep. Ammon, Hills. 42; Rep. Colcombe, Hills. 30

COMMITTEE: Judiciary

ANALYSIS

This bill removes fees and charges for governmental records under the right-to-know law and reinstates potential liability for disclosure of information exempt from disclosure.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT removing fees and charges for governmental records under the right-to-know law and reinstating potential liability for disclosure of information exempt from disclosure.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Right-to-Know; Fees for Records. Amend RSA 91-A:4, IV to read as follows:

2 IV.(a) Each public body or agency shall, upon request for any governmental record
3 reasonably described, make available for inspection and copying any such governmental record
4 within its files when such records are immediately available for such release.

5 (b) If a public body or agency is unable to make a governmental record available for
6 immediate inspection and copying the public body or agency shall, within 5 business days of a
7 request:

8 (1) Make such record available;

9 (2) Deny the request; or

10 (3) Provide a written statement of the time reasonably necessary to determine
11 whether the request shall be granted or denied and the reason for the delay~~[- and an itemized~~
12 ~~estimate of the cost of making the record available if a charge would be incurred under paragraph~~
13 ~~VIII].~~

14 (c) A public body or agency denying the request in whole or in part shall provide a
15 written statement of the specific exemption authorizing the withholding of the record and a brief
16 explanation of how the exemption applies to the record withheld.

17 (d) If a computer, photocopying machine, or other device maintained for use by a public
18 body or agency is used by the public body or agency to copy the governmental record requested, the
19 person requesting the copy may be charged the actual cost of providing the copy, which cost may be
20 collected by the public body or agency. No cost or fee shall be charged for the inspection or delivery,
21 without copying, of governmental records, whether in paper, electronic, or other form~~[- except as~~
22 ~~provided in paragraph VIII].~~ Nothing in this section shall exempt any person from paying fees
23 otherwise established by law for obtaining copies of governmental records or documents, but if such
24 fee is established for the copy, no additional costs or fees shall be charged.

25 ~~[(e) A public body or agency may suggest to the requestor a reasonable modification of~~
26 ~~the scope of the request, if doing so would enable the body or agency to produce records sought more~~
27 ~~efficiently and affordably.~~

28 ~~(f) A public body or agency responsible for responding to a records request shall not be~~
29 ~~liable for damages in a civil action caused by its fault or by fault attributable to it, arising out of~~

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1 ~~disclosure of information exempt from disclosure pursuant to this chapter, provided that the public~~
2 ~~body or agency acted in good faith to redact any information that may be exempt from disclosure,~~
3 ~~unless the public body or agency can be shown to have acted in a wanton or reckless manner. The~~
4 ~~use of automated software to produce redactions or other automated processes to speed production in~~
5 ~~concert with spot checks shall qualify as good faith.]~~

6 2 Repeal. RSA 91-A:4, VIII and IX, relative to fees for records provided, are repealed.

7 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 114-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT removing fees and charges for governmental records under the right to know law and reinstating potential liability for disclosure of information exempt from disclosure.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
<i>Revenue Fund(s)</i>	Various Agency Funds			
Expenditures*	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	Various Agency Funds			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
County Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Local Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Local Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill removes certain fees and charges for governmental records under the right to know law and reinstates potential liability for disclosure of information exempt from disclosure. Removal of fees in excess of the actual cost of providing copies will result in an indeterminable decrease in revenue for state, county and local government entities electing to charge the additional amounts.

The bill also reinstates possible liability for damages in a civil action for disclosure of information that is exempt from disclosure under the right to know law. To the extent that a state, county or local government unit experiences such a disclosure, there may be additional legal costs and/or damages as a result of a civil action against the public body or agency.

The potential impact on revenue or expenditures cannot be predicted in advance.

It is assumed that any fiscal impact will occur after FY 2025.

AGENCIES CONTACTED:

None