



Record Retention Guidance for Local Advisory Committees

Local River Management Advisory Committees (LACs), the Connecticut River Joint Commissions (CRJC), and the subcommittees of the CRJC (LRSs) are government instrumentalities subject to [RSA 91-A: Access to Governmental Meetings and Minutes](#) (the “Right-to-Know” law). A member of the LAC, typically the secretary, is responsible for drafting meeting minutes and letters, and either the chair or the secretary is responsible for providing the minutes or copies of documents to members of the public who request them. Meetings are also sometimes audio or video recorded. The purpose of this document is to offer guidance to LACs for the storage and retention of public documents including meeting materials, meeting minutes, letters submitted by the LAC, and digital recordings.

In the absence of an adopted retention policy, RSA 5:38 provides that records having no permanent or historical value may be destroyed after four years.

What is a Record?

A **record** is a document, book, paper, manuscript, drawing, photograph, map, sound recording, video recording, electronic record, microform, or other material, made or received in connection with the transaction of official business. This includes documents created or preserved on paper, as photographs, and/or in electronic files. A **governmental record** is information created, accepted, or obtained by, or on behalf of, any public body (**such as an LAC**), or a quorum or majority thereof, or any public agency in continuance of its official function whether at a meeting or outside a meeting of the body. Materials made or received and preserved solely for library use or exhibition purposes, extra copies of documents preserved only for convenience or reference, and stocks of publications and of processed documents are “non-record materials” and are not included within this definition.

- For LACs, CRJC and LRSs, records include meeting minutes, responses to permit applications, letters of support for grants and similar items, letters of testimony, corridor management plans, member nomination forms for members nominated by the LAC, and anything else that requires a vote of the committee. They DO NOT include the permit applications that are sent to you.

Availability of Public Records

Every citizen has the right to inspect and copy all records in the possession of public bodies, including meeting minutes and the notes, materials, tapes, or other sources used for compiling the minutes of meetings, except as otherwise prohibited by statute, during the regular or business hours of all public bodies, and on the regular business premises of such public bodies.

Each public body shall keep and maintain all records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the records pertaining to such public body shall be kept in an office of the political subdivision in which such public body or agency is located.

- For LACs, CRJC and LRSs, most of whom do not have a regular place of business nor regular business hours, records should be available online or sent to NHDES as the agency to which LACs are administratively connected.

If a public body is unable to make a record available for immediate inspection and copying the public body shall, **within 5 business days of a request**, 1) make such record available; 2) deny the request; and 3) provide a written

statement of the time reasonably necessary to determine whether the request shall be granted or denied and the reason for the delay. A public body denying, in whole or part, inspection or copying of any record shall provide a written statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

Types of Public Records

- **Electronic Records:** Electronic records are records in which information that is created or retained in a digital format. Records created or maintained in electronic form shall be retained for the same retention or archival periods as their paper counterparts using standard or common file formats, and shall remain accessible and available if kept beyond the applicable retention or archival period. A record in electronic form shall no longer be subject to disclosure after it has been initially and legally deleted; meaning it is no longer readily-accessible to the public body itself. The mere transfer of an electronic record to a readily accessible "deleted items" folder or similar location on a computer shall not constitute deletion of the record.
- **Audio/Visual Records:** An audio recording is defined as a government record and is treated the same as any other record. If there is a retention policy that applies to a paper record, it would apply in the same way to audio and video recordings.
- **Archival Records:** Archival records are those records having permanent or historical value. They may be kept in any format deemed to have a long-term life span but, whatever format is used, the records should be transformable to at least one other format if necessary for use and/or for permanent preservation.

Creating a Record Retention Schedule

A retention schedule is a pre-determined schedule for keeping a record from the time of its creation to the time of its disposition. It is a policy which describes when defined actions take place with the records in relation to a trigger event, such as the creation of a document, or closure of a file. These pre-defined actions may include when the record is scanned, when electronic records must be migrated to newer versions of software or new storage medium, when the record may be destroyed, or when the record will become an archival record available for public research.

A retention schedule may be created at the discretion of each LAC, and/or may be included in their by-laws. Sample record retention policies can be found on line. In your search engine, try using a combination of key words such as "record," "retention," "management," "policy," "municipality," or "nonprofit." To create a retention schedule, an LAC should consider its work flow processes, identify the types of records it creates and/or maintains, understand the reasons why the records are created and kept, and decide when they no longer need a record. A well-crafted retention schedule should include a description of the kinds of documents created and maintained, and take financial, legal, and referential (historical) needs into consideration. A retention schedule also stipulates how long a record is considered active. Active records should be kept in a publically accessible location such as NHDES. When a record is considered inactive, it may be destroyed.

If there is no retention policy adopted, RSA 5:38 provides that records having no permanent or historical value may be destroyed after four years. However, it also allows for shorter or longer retention periods to be adopted by agencies and boards, for certain categories of records. This allows for a great deal of discretion in tailoring a record retention policy suitable to a particular public entity's needs. Just remember that audio recordings and electronic records should be handled in the same way as paper records.

Remember: Permit application comments sent to NHDES are retained by NHDES as part of the permit file. Meeting minutes sent to Rivers Program staff are also retained in NHDES electronic files.

Source: Adapted from the [New Hampshire Department of State, Division of Archives and Record Management Procedures Manual Final Draft](#), as approved by Governor and Council on October 8, 2008, and RSA 91-A.

Applicable Statutes: [RSA 5:27](#) – Archives and Records Management. [RSA 91-A](#) – Access to Governmental Records and Meetings.