Email Use and Board Communications

Town of Surry, New Hampshire

Section 1 — Purpose

This guidance promotes compliance with New Hampshire's Right-to-Know Law (RSA 91-A), ensures proper retention of public records, and establishes clear expectations regarding the use of email and electronic communications by Town officials, boards, committees, and employees.

Section 2 — General Principles

- Email is a communication tool, not a substitute for public meetings.
- Emails relating to Town business may constitute governmental records as defined by RSA 91-A:1-a, IV and may be subject to public disclosure.
- Public business must be conducted openly at properly noticed public meetings whenever required by law.

Section 3 — Official Email Accounts

- Town officials, board members, and employees shall use official Town email accounts when conducting Town business.
- Personal email accounts shall not be used as the primary means of conducting Town business except when no practical alternative exists. When Town business is conducted through a personal email account, those communications are subject to public records retention and disclosure requirements.
- The Town may utilize automatic email forwarding from official Town accounts to personal or other accounts for convenience. Forwarded emails are informational copies only; the official Town account remains the official repository.
- Replies and responses to forwarded emails shall be sent from the official Town email account where the communication was originally received, to ensure records are preserved and retained in accordance with RSA 91-A and the Town's Record Retention and Disposition Policy.
- Automatic forwarding does not alter the status of a communication as a Town record, nor does it relieve any official of their obligation to preserve and manage Town records.
- When an official leaves office, access to their Town email account shall be transferred to or reviewed by the Select Board or Town Clerk before the account is closed. All emails constituting Town records must be preserved and transferred to the Town's official records prior to account closure. No Town records may be deleted upon departure.

Section 4 — Board and Committee Communications

Permitted Uses

Email may be used to:

- Distribute agendas, minutes, reports, and other informational materials.
- Share documents for review prior to a meeting.

- Schedule meetings and coordinate administrative matters.
- Provide factual information without soliciting responses.

Prohibited Uses

Consistent with RSA 91-A:2-a, email shall not be used by a quorum of a board or committee to:

- Deliberate on matters pending before the body.
- Debate issues expected to come before the body.
- Develop consensus outside a public meeting.
- Conduct polling or straw votes.
- Make decisions or commitments on behalf of the Town.

Reply All and BCC

- Board members shall avoid using "Reply All" when responding to informational emails distributed to a board or committee.
- Senders distributing informational emails to a board or committee may use BCC (blind carbon copy) to reduce the risk of inadvertent "Reply All" responses that could constitute improper deliberation or serial communications outside a public meeting.
- Use of BCC does not eliminate RSA 91-A obligations. Board members remain responsible for avoiding email-based discussions, debates, polling, consensus-building, or decision-making.
- Informational emails should state that recipients are not expected to reply to the group and that any substantive discussion must occur at a properly noticed public meeting.

Section 5 — Draft Documents

- A board member or employee may prepare a draft document when assigned or authorized to do so.
- Drafts may be distributed to board members for review prior to a public meeting.
- Substantive comments, revisions, and discussion regarding any draft shall occur at a properly noticed public meeting.
- Email shall not be used to collaboratively revise documents in a manner that constitutes deliberation by a quorum of the board.

Section 6 — Text Messages and Electronic Communications

- Text messages, emails, and other electronic communications relating to Town business are subject to the same legal requirements as paper records under RSA 91-A.
- Officials using text messages or personal devices for Town business are responsible for ensuring those records can be retained and produced if required by law.
- Deletion of Town business records from personal devices is not permitted. Officials may not delete Town business texts or emails to avoid disclosure or retention requirements.

Section 7 — Legal Services Communications

- Requests for legal guidance from NHMA Legal Services or Town Counsel shall be made through authorized officials acting within their area of responsibility.
- Such requests shall be transmitted using official Town email accounts whenever possible.
- Legal advice received on behalf of the Town shall be maintained in accordance with applicable record retention requirements.

Section 8 — Records Retention

- Emails and electronic records shall be retained in accordance with the Town's Municipal Record Retention and Disposition Policy.
- Retention periods are determined by the content of the record, not the format in which it is stored. An email that constitutes substantive correspondence is subject to the same retention period as paper correspondence of the same type.

Section 9 — Questions

Questions regarding this guidance may be directed to the Select Board.

Section 10 — Document History

All revisions to this guidance must be approved by a majority vote of the Select Board at a properly noticed public meeting.

Version	Date	Description of Change	Approved By
1.0	06/15/2026	Initial adoption	Croteau, Goldsmith, Profaizer' Vote 3-0