



CITY OF CONCORD

New Hampshire's Main Street™

City Solicitor's Office

John J. Conforti
City Solicitor

REPORT TO MAYOR AND THE CITY COUNCIL

DATE: January 20, 2026
FROM: John J. Conforti, City Solicitor
SUBJECT: Non-Public Meeting Minutes Review Policy

Recommendation

Accept this report, and adopt the attached "Policy on Reviewing and Releasing Non-Public Meeting Minutes."

Discussion

NH RSA 91-A was amended in 2023 to address a public body's responsibilities with respect to reviewing and releasing non-public meeting minutes that were previously sealed by the public body. The new language under NH RSA 91-A:3, IV (a) and (b) states:

- (a) A public body or agency may adopt procedures to review minutes of meetings held in nonpublic session and to determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. If the public body determines that those circumstances no longer apply, the minutes shall be available for release to the public pursuant to this chapter.
- (b) In the absence of an adopted procedure to review and determine whether the circumstances no longer apply for meeting minutes kept from the public, the public body or agency shall review and determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. This review shall occur no more than 10 years from the last time the public body voted to prevent the minutes from being subject to public disclosure. Meeting minutes that were kept from the public prior to the effective date of this paragraph that are not reviewed by the public body or agency within 10 years of the effective date of this paragraph shall be subject to public disclosure without further action of the public body.

The attached policy creates a framework for review and release of sealed non-public meeting minutes historically and on an ongoing basis. In the absence of a policy or review, any non-public meeting minutes that pre-date 2023 will become subject to disclosure under RSA 91-A in October of 2033.