



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

Robert P. Sullivan, City Attorney – 603-610-7204 (Direct Dial)
Suzanne M. Woodland, Deputy City Attorney – 603-610-7240 (Direct Dial)
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Jane M. Ferrini, Assistant City Attorney – 603-610-7256 (Direct Dial)

February 15, 2018

E-mail (Skip@granitegrok.com)

Skip Murphy
Gilford, NH 03249

RE: Right-to-Know Request

Dear Mr. Murphy,

This will acknowledge receipt of your e-mail dated February 12, 2018 addressed to Nicholas Cracknell of the City's Planning Department and received by this office that same afternoon requesting, "...what basis did Peter Britz / the Portsmouth Planning department determine that the Portsmouth sea level will rise from its average norm now to an additional 2 feet in 32 years? Please supply all materials leading up to this conclusion and any and all communications involved in giving permission for Britz to state what he did about rising sea levels as this utterance has major political and financial ramifications both at the local and State levels."

By a copy of this letter and your e-mail which I have forwarded to Planning Director Juliet Walker and Peter Britz of the Planning Department I am requesting that the Planning Department begin to assemble the records which you seek to review. Subsequent to the assemblage of those records it will be necessary for this office to then review them to determine which documents are governmental records subject to production under RSA 91-A.

I would anticipate that it will take at least thirty (30) days to complete the phase of production described above. I will contact you when the legal review of the documents has been completed. If you wish copies of the documents there will be a nominal cost which will be provided to you at that time.

With regard to the actual production of documents, please be advised that the City will not respond to a Right-to-Know law request by e-mail. Our reasons for this policy are that e-mails introduce unreliability into the process for a number of reasons, including the fact that e-mails might be too large to be received and there is no way for the City to confirm the receipt of the entirety of e-mails which it might send. Additionally, e-mail communications may pose a cyber security risk, however large or small, especially when there are repeated e-mail exchanges with multiple parties making Right-to-Know law requests. For example, the recipient of a public record might respond to an e-mail

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from the City and forward an attachment to a City administrator stating that the recipient fails to understand whether the attached e-mail is what the City intended to forward. This back and forth exchange of e-mails greatly enhances the risk.

Accordingly, our policy will be that public records may be reviewed in City Hall by a prior arrangement at no cost. Further, documents will be produced by paper copies utilizing the City's normal copying charge of \$2.00 for the first page and \$0.50 for each page thereafter. Finally, at the request of the recipient of public records those records will be provided by a sealed USB thumb drive which will be handed over in City Hall. The thumb drive will be provided by the City at a nominal cost based upon the size requested.

Please call if you have any questions.

Sincerely,

A handwritten signature in dark ink that reads "Robert P. Sullivan". The signature is fluid and cursive, with the first name "Robert" being more prominent.

Robert P. Sullivan
City Attorney

Handwritten initials "rao" in dark ink, positioned to the right of the typed name "Robert P. Sullivan".

RPS/rao

cc: Juliet Walker, Planning Director
Peter Britz, Environmental Planner