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Adopt Saf-C 7002.001 to read as follows:

Saf-C 7002.001 “Authority having jurisdiction” means any law enforcement authority and prosecutorial authority that has jurisdiction over investigating or prosecuting any criminal case.

Adopt Saf-C 7002.171 to read as follows:

Saf-C 7002.171 “Legal representative” means a lawyer admitted to the bar of New Hampshire, another state, territory, or the District of Columbia and includes the lawyer’s law firm.

Adopt Saf-C 7002.201 to read as follows:

Saf-C 7002.201 “Pending criminal matter” means a case which has not been adjudicated, and does not include an appeal, or a case in which the prosecutorial authority has decided not to bring charges.

Readopt with amendment Saf-C 7006.04, effective 8-25-20 (Document #13093), to read as follows:

Saf-C 7006.04 Confidentiality of Information and Records.

(a) Pursuant to RSA 106-H:14, 911 recordings, records, and information compiled by the commission or the bureau shall not be considered governmental records available under RSA 91-A.

(b) The bureau shall release 911 recordings, records, and information as follows:

(1) On a case by case basis, to law enforcement agencies for official investigative purposes;

(2) The department of environmental services for the sole purpose of providing geographic information systems data to aid in locating wells subject to RSA 482-B; and

(3) To the caller(s), their legal representative(s), the subject(s) of the call, or their legal representative(s) pursuant to the requirements of Saf-C 7006.04(d).

(c) Law enforcement agencies requesting recordings, records, or information compiled under RSA 106-H shall submit a written request on stationery bearing the letterhead of the law enforcement agency signed by an official authorized to make the request.

(d) Requesters pursuant to (b)(3) above shall:

(1) Complete Form DSDESC 10, 5/2024, “New Hampshire 911 Information/Record Request By Authorized Recipient Pursuant to RSA 106-H:14, II(c);”

(2) Certify that:

a. They have confirmed with the authority having jurisdiction that any information or record requested is neither the subject of a pending criminal investigation nor a pending criminal matter; and

b. The information or records requested are solely for the purposes of investigation in anticipation of litigation or for use in connection with any civil court proceeding;

(3) Have the form notarized; and

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(4) Submit the form to the division of emergency services and communications by:

(a) Electronic submission to desc.recordrequest@dos.nh.gov;

(b) Mailing to:

Division of Emergency Services and Communications
 110 Smokey Bear Boulevard
 Concord NH 03301; or

(c) Hand delivery to the address in (b) above.

(e) If there is an urgent need for any such recording, record, or information, and it is impractical for a law enforcement agency to submit a request in the manner prescribed in (b) above, a request shall be submitted telephonically to the 911 PSAP Supervisor’s Desk. All requests for recordings, records, or information compiled under RSA 106-H, regardless of what form, shall set forth sufficient facts or circumstances to establish the records sought are only for official investigative purposes.

(f) Pursuant to RSA 106-H:14, II, the records released in (a)(2) above shall not be rereleased under RSA 91-A by the department of environmental services.

(g) Pursuant to RSA 106-H:12, the following information shall be held confidential and securely stored within the enhanced 911 system, and disclosed by the bureau only to facilitate the delivery of emergency services:

(1) Addresses and telephone numbers not published in directories or listed with directory assistance which are included within the enhanced 911 automatic location identifications and automatic telephone number identifications systems to enable the bureau to:

- a. Correlate street addresses and geographical locations with telephone numbers; and
- b. Correlate telephone numbers with telephone number account holders; and

(2) Physical impairment or special needs information provided by a telephone subscriber concerning anyone within the subscriber’s household or business.

(h) Enhanced 911 recordings shall be retained for 6 months

(i) The bureau shall destroy enhanced 911 recordings and records in a manner that safeguards the confidentiality of the information they contain.

APPENDIX

Rule	Specific State Statute the Rule Implements
Saf-C 7002.001	RSA 106-H:14, II(c); RSA 541-A:7
Saf-C 7002.171	RSA 106-H:14, II(c); RSA 541-A:7
Saf-C 7002.201	RSA 106-H:14, II(c); RSA 541-A:7
Saf-C 7006.04(a), (b) intro., (b)(1) and (2), (c), and	RSA 106-H:12; RSA 106-H:14

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(e)-(i)	
Saf-C 7006.04(b)(3)	RSA 106-H:14, II(c)
Saf-C 7006.04(d)	RSA 106-H:14, II(c)