



## **LENDER NOTICE Right To Know Law**

September 1, 2021

### **Introduction**

This lender notice relates to: 1) New Hampshire's right to know (RTK) law; 2) how the RTK law applies to New Hampshire Housing; and 3) a recent RTK request that was sent to New Hampshire Housing and requested information and emails related to our underwriting policies.

### **Summary**

#### **General Information on the RTK Law**

New Hampshire's RTK law can be found in [RSA Chapter 91-A](#). Under the RTK law, "public agencies," including New Hampshire Housing, must, when requested, provide citizens with "governmental records." The RTK law exempts certain records from disclosure, including "confidential, commercial or financial information ... and other files whose disclosure would constitute an invasion of privacy."

New Hampshire Housing wanted to take this opportunity to remind lenders that certain communications and records between lenders and New Hampshire Housing are subject to public disclosure under the RTK law. For example, our underwriting policies, trainings and communications about policies are subject to disclosure under the RTK law. On the other hand, private borrower information and business confidential information is exempt from disclosure.

We also want to remind lenders not to send borrower's confidential information by simple email; those emails should be encrypted for both security reasons and to enhance that assertion that such emails are not subject to disclosure under the RTK law.

#### **RTK Request Received by New Hampshire Housing**

In July, New Hampshire Housing received a RTK request that requested:

- Underwriting policies and guidance; and
- Emails sent to our underwriting email [underwriters@nhhfa.org](mailto:underwriters@nhhfa.org).

New Hampshire Housing is working with its general counsel at Craig, Deachman & Associates to comply with this RTK request while protecting confidential information. We are following these protocols:

- Not disclosing emails that were sent using any encryption;

- Redacting from emails all lender information, including: email address, lender company information; name and contact information of the sender and responder; and
- Redacting all borrower information.

This will leave the emails and the information related to underwriting questions and policies without any confidential information. New Hampshire Housing will be providing those emails to the RTK requestor.

New Hampshire Housing wanted you to know about this request to ensure we are transparent with our lenders about this RTK request. Effective and prompt communication with our lenders is essential to serving our lenders, and we want to maintain the good communication while being mindful of potential RTK implications.

If you have any questions, please contact Ignatius MacLellan, Managing Director, Homeownership at New Hampshire Housing: (603) 310-9270 or [imaclellan@nhhfa.org](mailto:imaclellan@nhhfa.org).

Thank you.

