

INTERPRETIVE RULING 2012-#3

(November 14, 2012)

Please Note: For clarity, references to and excerpts from provisions of statutes or the Ethics Guidelines have been updated to conform to subsequent changes in numbering and language, where the changes have not affected the substance of the Opinion.

Supplementing Interpretive Ruling 2011-#1 Relating to Obligations of Legislators in Connection with Proposed Petitions for the Redress of Grievances

Further questions have arisen regarding the obligations of legislators in connection with requests from members of the public to present petitions for redress of grievances on their behalf. Specifically, the questions are (1) what obligations legislators may have when asked to include in a Grievance Petition information that involves private health or financial information of third parties, *i.e.*, persons who are not the object of the redress sought by the request; and (2) what obligations legislators may have in connection with dissemination of such information through unofficial channels. The Committee has reviewed applicable provisions of the New Hampshire Constitution, statutes, rules, and Ethics Guidelines governing the conduct of legislators in the performance of their duties as such, and interprets them as follows.

(1) Obligation to exercise caution and due diligence in considering what information should properly be included in a Grievance Petition. Legislators should exercise caution and due diligence about the propriety of including, and the accuracy of, private health or financial information of third parties, *i.e.*, persons who are not the object of the redress sought by the request. Where a request proposes to include such information in a Grievance Petition, it is not sufficient for a legislator simply to include the information as submitted, without exercising independent judgment about whether the information is protected by law from disclosure, whether the information appears to be accurate, and whether including it is necessary to support granting the relief sought in the requested Petition.

(2) Obligation to exercise caution and due diligence in considering whether to further disseminate, through unofficial channels, private health or financial information of third parties contained in Grievance Petitions. Legislators should not further discuss or disseminate such information through unofficial channels without first exercising independent judgment about whether the information is protected by law from disclosure, whether the information appears to be accurate, and whether it is necessary to support granting the relief sought in the Petition.

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For the Committee