

SERIES: General Agency Operations (SRCA-100)

NUMBER: SRCA-109

TITLE: Inspection of Public Records Requests

PURPOSE: To meet the requirements of the Inspection of Public Records Act, Section 14-2-1 NMSA 1978, *et seq.* (IPRA)

SCOPE: This policy applies to all requests received by the Commission of Public Records (CPR) for agency records that are subject to the Inspection of Public Records Act.

DEFINITIONS:

“CPR” means the State Commission of Public Records

“SRCA” means State Records Center and Archives.

“Written” includes electronic communication, including email or facsimile, provided that the request includes the name, address and telephone number of the person seeking access to the records and identifies the records sought with reasonable particularity.

“SRCA Records Custodian” means the state records administrator or designee.

A. GENERAL PROVISIONS:

By law, under the Inspection of Public Records Act, every person has the right to inspect public records of the CPR with the exception of those records exempt under 14-2-1 NMSA 1978. The Act also makes compliance with requests to inspect public records an integral part of the routine duties of the employees of the CPR at the State Records Center and Archives.

B. PROCEDURES FOR REQUESTING INSPECTION:

All requests to inspect public records are to be submitted to the CPR records custodian:

Melissa T. Salazar, Deputy State Records Administrator
Commission of Public Records
State Records Center and Archives
1205 Camino Carlos Rey
Santa Fe, New Mexico 87507
505. 476.7926
Melissa.Salazar@state.nm.us

Any person desiring to inspect public records may submit a request to the CPR records custodian orally or in writing. However, nothing in the Inspection of Public Records Act requires the CPR to create a public record.

A written request must contain the name, address and telephone number of the person making the request. Written requests may be submitted in person or sent via US mail, email or facsimile. The request must describe the records sought in sufficient detail to enable the CPR records custodian to identify and locate the requested records. A person requesting records is not required to state the reason for inspecting the records.

The CPR records custodian will permit inspection immediately or as soon as practicable, but no later than 15 calendar days after receiving the inspection request. If inspection is not permitted within three business days, the CPR records custodian will send the person making the request a written response explaining when the records will be available for inspection or when the CPR records custodian will respond to the request. The three-day period begins when the written request is delivered to the office of the CPR records custodian.

If the written request is for records not in the custody, possession or responsibility of the CPR, the CPR records custodian will promptly forward the request to the appropriate custodian, if know, and notify the requester. The notification will state the reason that the records are not in the CPR custody, possession or responsibility, the location of the records and, if know, the name and address of the appropriate records custodian.

If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the CPR records custodian explaining the reasons inspection has been denied. The written denial must be delivered or mailed within 15 calendar days after receiving the request for inspection.

C. PROCEDURES FOR INSPECTION:

Public records containing information that is exempt will be separated by the CPR records custodian prior to inspection. If necessary to preserve the integrity of computer data or the confidentiality of exempt information contained in a database, a partial printout of data containing public records or information may be furnished in lieu of an entire database.

D. PROCEDURES FOR REQUESTING COPIES AND FEES:

If a person requesting inspection would like a copy of a public record, pursuant to 14-2-9 NMSA 1978, a reasonable fee may be charged. The reasonable fees charged by the CPR for copies of public records are as follows:

- 8 ½ inches by 11 inches or smaller is \$.25 per page;
- 8 ½ inches by 14 inches is \$.30; and
- 8 ½ inches by 17 inches is \$.35.

The CPR records custodian may request that applicable fees for copying public records be paid in advance, before the copies are made. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.

E. HOURS OF INSPECTION:

Inspection of public records is allowed during regular business hours, 8:00 a.m. to 12:00 Noon and 1:00 p.m. to 5:00 p.m., Monday through Friday – except legal holidays and when the SRCA is closed due to increment weather or other business necessity.

F. PROCEDURE FOR EXCESSIVELY BURDENSOME OR BROAD REQUESTS:

If the CPR records custodian determines that a written request is excessively burdensome or broad, an additional reasonable period of time is allowed to comply with the request. In this case, the CPR records custodian will provide written notification to the requester within fifteen (15) days of receipt of the request that additional time will be needed to respond to the written request.

G. PROCEDURE FOR DENIED REQUESTS:

If a written request has been denied, the CPR records custodian must provide the requestor with a written explanation of the denial. The written denial must describe the records sought, list the names and titles or positions of each person responsible for the denial and be delivered or mailed to the person requesting the records within fifteen days after the request for inspection was received.

[12/21/12 adopted; 10/13/2015 revised]

APPROVED:

EFFECTIVE DATE:

Linda M. Trujillo
State Records Administrator

October 13, 2015