

## **Administrative Rules and Procedures (ARP) 18.40, Inspection of Public Records Procedural Guidelines**

1. **NMSU/NMDA Custodians of Public Records:** Requests for inspection of records should be directed to the appropriate custodian from the list below. In the event it is not clear which office serves as the custodian for a particular record sought, such requests may be directed to the University General Counsel office, for routing.
  - a. *Academic Program records:* The Office of the Executive Vice President and Provost.
  - b. *Capital Outlay Project records* (e.g. construction contracts): The Office of Facilities and Services.
  - c. *College records:* The Office of each College Dean.
  - d. *Community College Records:* The Office of the Community College President
  - e. *Financial and Business records:* The Office of Business Affairs.
  - f. *Historical records:* The Office of Library Archives and Special Collections.
  - g. *Institutional statistical records:* The Office of Institutional Analysis.
  - h. *Intercollegiate Athletics records:* The Athletics Department.
  - i. *Law Enforcement records:* The NMSU Police Department
  - j. *New Mexico Department of Agriculture (NMDA) records:* The Office of the NMDA Deputy Director/Secretary.
  - k. *Personnel records:* The Office of Human Resource Services.
  - l. *Real Estate records:* The Office of Real Estate.
  - m. *Sponsored Research records* (e.g. externally funded grants and contracts): The Office of the Vice President for Research.
  - n. *Student Academic records:* The Office of University Student Records.
  - o. *Student Nonacademic records:* The Office of Student Success and Enrollment.
2. **Required Public Postings:** Each custodian of public records shall post, in a conspicuous location within their administrative offices, a notice informing the public of the right to inspect records and the procedures for, and reasonable fees associated with inspecting and copying records. Additionally, notice shall also be posted on the university's web site with contact information for the various custodians of public records.
3. **Form of Request for Inspection:** In accordance with the NMIPRA, requests for information may be made orally or in writing. Inspection of information or documents may be provided in response to an oral request; however, this policy and the procedures required by the NMIPRA apply only to written requests, including email requests.
  - a. Requests for inspection of public information shall identify the name, address and telephone number of the requestor.
  - b. The request shall identify the records sought with reasonable particularity.
  - c. Requests for information submitted electronically shall be considered and treated the same as a written request.
4. **Time Deadlines for Responding to Requests:**
  - a. Upon receipt of a request to inspect public information, the record shall be made available immediately or as soon as practicable under the circumstances.
  - b. If access will not be provided within three business days after the request is delivered, the custodian shall provide a written explanation to the requestor when the records will be

- made available or when the university will respond. The three day period commences when the written request is delivered to the office of the appropriate custodian of public records.
- c. If the request is delivered via email, the date of delivery shall be the date that the custodian reasonably should have opened the email. Unless the request is determined to be excessively broad or burdensome, the inspection must be allowed within 15 days from the date the request was received.
  - d. If a custodian determines that the type or nature of a request makes it excessively burdensome or broad, notice may be sent to the requestor, within 15 days from receipt of the request, stating that additional time is needed.
  - e. The requestor may deem the request denied if the custodian does not permit the records to be inspected within a reasonable period of time.
  - f. If a written request is denied, the custodian shall provide the requestor with a written explanation which describes the records sought and provides the names and titles of the positions of each person responsible for the denial. The denial must be mailed or delivered to the requestor within 15 days from the date the request was received by the custodian.

#### 5. **Additional Guidance Relating to Response to Requests:**

- a. If a request is sent to someone who is not the custodian for the records subject of the request, the office/person receiving the request shall forward it to the proper custodian, if known, ***and notify the requestor***. The notification to the requestor shall state the reason for the absence of the records from that person or office's custody or control, the location of the requested records and the name and address of the custodian.
- b. The NMSU employee receiving a request for inspection of public records shall not inquire into the reason for the request.
- c. The custodian is responsible for responding to the requestor in compliance with the NMIPRA. Templates for the response letter required within 3 days from receipt of the request and other sample response letters may be viewed and/or downloaded at: [Attorney General Guide - Public Records](#).
- d. Custodians must respond to a public records request in the same medium in which they received the request; they may also respond in any other medium they deem appropriate. For example, if the request is sent via email, the response must be sent via email.
- e. Although the university is not obligated to compile or otherwise create a new record in response to a request for information, a custodian may elect to do without creating an obligation to continue doing so, or for other university representatives to do so.
- f. If the requested records contain both public and private/confidential information (e.g. protected personal identifier information as defined in the NMIPRA), it shall be separated by the custodian prior to the inspection, and the nonexempt information shall be made available for inspection.
- g. All metadata associated with redacted information must be removed from electronic records by utilizing methods or redaction tools that prevent the recovery of the exempt information from a redacted electronic document. Printing the document and then scanning to create a new PDF file will accomplish this result.

#### 6. **Reasonable Fees:** In accordance with the NMIPRA, the following conditions apply to records access and inspection:

- a. Original records may be inspected on site only, subject to reasonable conditions imposed by the custodian to protect the integrity of the original records, and to prevent disruption of normal operations.

- b. No fee shall be charged to allow inspection of public records, if copies are not sought.
- c. No fee shall be charged for the cost of determining whether a public record is subject to disclosure.
- d. A reasonable fee may be charged for the actual cost of copying of public records, not to exceed \$1.00 per page 11 x 17 inches or smaller.
- e. When producing records in electronic format, the actual costs associated with downloading copies to a storage device and the actual cost of the storage device may be charged, as well as the actual cost for transmitting the records.
- f. Advance payment of the fee may be required; a receipt for payment of the fee shall be provided.