

# POLICY: INSPECTION OF PUBLIC RECORDS

J PAUL TAYLOR ACADEMY

www.jpaultayloracademy.org

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J. Paul Taylor Academy (“the School”) recognizes that every person has a right to inspect any public record of the State of New Mexico.

A “public record” includes any document, electronic communication, or other material, regardless of form, that is used, created, received, maintained or held by or on behalf of the School, and is related to public business.

Protected personal identifier information contained in public records may be redacted by the School before allowing inspection or copying of a record.

“Protected personal identifier information” means:

1. all but the last four digits of a:
  - a. taxpayer identification number;
  - b. financial account number; or
  - c. driver’s license number;
2. all but the year of a person’s date of birth; and
3. a social security number.

The following documents are not considered public records:

- Letters of reference concerning employment, licensing or permits;
- Letters of memorandum which are matters of opinion in personnel files or students’ cumulative files;
- Law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime. Law enforcement records include evidence in any form received or compiled in connection with any criminal investigation or prosecution by any law enforcement or prosecuting agency, including inactive matters or closed investigations;
- As provided by the Confidential Materials Act (NMSA 1978, §§ 14-3A-1 et. seq.) (1981);
- Public Hospital Records;
- Tactical Response Plans;
- Protected Personal Identifier Information;
- Attorney-client privileged information; and
- As otherwise provided by law.

## Designation of Custodian of Records

A “Custodian of Records” is responsible for the maintenance, care or keeping of the School’s public records, regardless of whether the records are in that person’s actual physical custody and control.

The Executive Director of the School shall designate at least one custodian of public records whose duties shall include:

1. Receive and respond to requests to inspect public records;
2. Provide proper and reasonable opportunities to inspect public records, and
3. Provide reasonable facilities to make or furnish copies of the public records during usual business hours; and
4. Post in a conspicuous location at the administrative office and on the public website of the School a notice describing:
  - a. The right of a person to inspect a public body’s records;
  - b. Contact information for the designated Records Custodian;

- c. Procedures for requesting inspection of public records;
- d. Procedures for requesting copies of public records;
- e. Applicable reasonable fees for copying public records; and
- f. The responsibility of a public body to make available public records for inspection.

#### Procedures for Requesting Inspection of Records

1. Any person wishing to inspect any of the School's public records may submit an oral or written request to the Executive Director, Custodian, or a designee. A written request shall provide the name, address and telephone number of the person seeking access to the records and shall identify the records sought with reasonable particularity. No person requesting records shall be required to state the reason for inspecting the records.
2. A custodian receiving a written request shall permit the inspection immediately or as soon as is practicable under the circumstances, but not later than fifteen (15) days after receiving a written request. If the inspection is not permitted within three (3) business days, the custodian shall explain in writing when the records will be available for inspection or when the School will respond to the request. The three-day period shall not begin until the written request is delivered to the office of the custodian. Inspection must be allowed no later than fifteen (15) calendar days after the Custodian receives the request.
3. In the event that a written request is not made to the custodian having possession of or responsibility for the public records requested, the person receiving the request shall promptly forward the request to the custodian of the requested public records and notify the requester. The notification to the requester shall state the reason for the absence of the records from that person's custody or control, the record's location and the name and address of the custodian.
4. The Custodian is only required to provide the electronic record in the file format in which it exists at the time of the request.

#### Procedure for Denied Requests

A request for inspection may be expressly denied or may be deemed denied under certain circumstances. Except for excessively burdensome or broad requests, if a written request to inspect records has not been granted within fifteen (15) calendar days after the Custodian receives the request, the requester may deem the request denied.

If a written request has been denied, the Executive Director, Custodian, or designee shall provide the requester with a written explanation of the denial. The written denial shall:

- a. Describe the records sought;
- b. Set forth the names and titles or positions of each person responsible for the denial; and
- c. Be delivered or mailed to the person requesting the records within fifteen (15) days after the request for inspection was received.

Should the Executive Director, Custodian, or his/her designee fail to deliver or mail a written explanation of denial within fifteen (15) days after receipt of a written request for inspection is subject to an action to enforce the provisions of the Inspection of Public Records Act and the requester may be awarded damages.

#### Costs

The first ten (10) pages of any requested single page copies of a School report shall be provided at no cost to a single requestor, each fiscal year. Thereafter, copies shall be charged at a rate of one dollar (\$1.00) per page. These charges also apply to employees requesting copies or their personnel files. If the actual cost of copying a document larger than 11x17 exceeds \$1.00 per page, the School will charge the requestor the actual cost of reproduction.

The School may charge the actual costs associated with downloading copies of public records to a computer disk or storage device, including the actual cost of the computer disk or storage device.

### Redaction of Records

All public, nonexempt School information shall be made available for inspection in response to a proper request. Where protected and public information are contained in the same document, the Custodian may redact or block out the protected information before providing the document to the requestor or including it in a file made available for inspection. If the record requested is a database maintained by the School, a partial printout of data containing the public records or information may be furnished rather than the entire database, if necessary, to preserve the integrity of the database or confidentiality or exempt information contained in the database.

### Excessively Broad or Burdensome Requests

If the Custodian determines that a written request is excessively burdensome or broad, an additional reasonable period of time is allowed to comply with the request. The Custodian shall 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 because it is excessively burdensome or broad. The Custodian should specify in the notification how much additional time will be necessary to comply.

If the records are not made available within a reasonable time, the requester has the right to deem the request denied and pursue the remedies provided by state law.

Legal Reference: NMSA 1978, §§ 14-3A-1 et seq. (1981), NMSA 1978, §§ 14-2-1 et seq.(2013)