



OFFICE OF
THE CUSTODIAN
OF PUBLIC RECORDS



Office of the Custodian of Public Records Inspection of Public Records Act Training

Office of University Counsel

IPRA– Background & Summary

IPRA stands for the Inspection of Public Records Act, which is a state act in New Mexico that was created in 1978, (NMSA 1978). The purpose of the act is to allow inspection of records that are normally maintained by public entities in order to provide transparency and insight into the operations and functions of the departments and agencies that fall within the jurisdiction of IPRA.

*NMSA 1978 § 14-2-5, defines the act by stating “Recognizing that a representative government is dependent upon an informed electorate, **the intent of the legislature** in enacting the Inspection of Public Records Act is to ensure, and it is declared to be the public policy of this state, **that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees**. It is the further intent of the legislature, and it is declared to be the public policy of this state, that to provide persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees”.*

IPRA– Background & Summary

The New Mexico Inspection of Public Records Act (IPRA) is built on the United States' historical position that the records of government are **“the people’s records.”** IPRA provides citizens with steps to take in order to request records “regarding the affairs of government and the official acts of public officers and employees” while protecting certain specific types of records from release. It also establishes a legal process to enforce compliance.

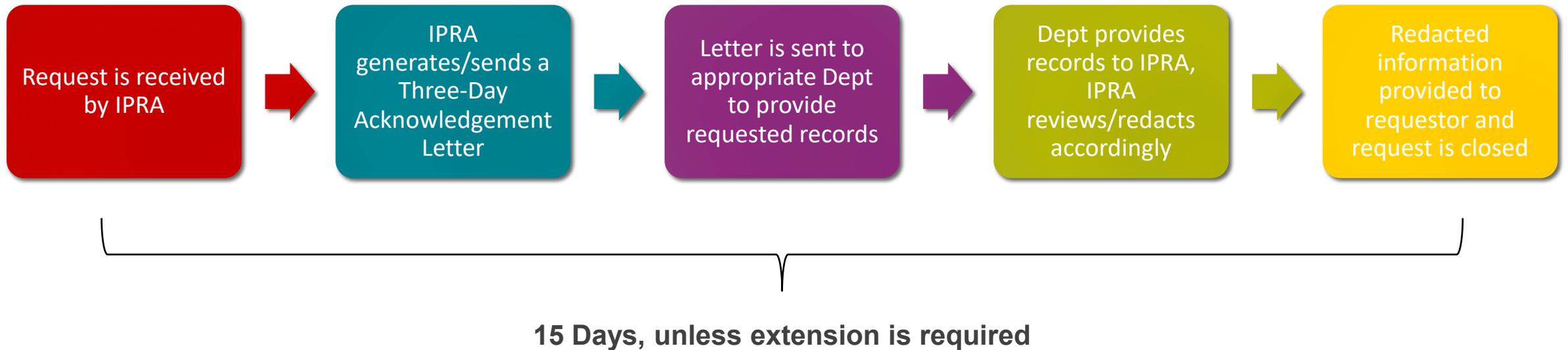
IPRA– Response Time

Pursuant to NMSA 1978 § 14-2-8D, all public entities must:

- Acknowledge public information requests within **3 days from the date of receipt**
- Respond with responsive records to requestor within **15 calendar days (including weekends)**
- If a request is excessively broad or burdensome requiring more than 15 days to produce responsive records, the request may be responded to on a rolling basis where the due date is extended with each rolling production (NMSA 1978 § 14-2-10).

IPRA – Workflow

Requests are managed by the Office of the Custodian of Public Records (IPRA Office) through the NextRequest Portal: <https://unmipra.nextrequest.com>



IPRA– Notice to Employees

- If a request is ever made about a specific employee at UNM, the IPRA Office will provide that employee with an “Employee Notice”.
- The Employee Notice provides insight into the details of the request are so that employees are made aware of any requests made for records specific to them as an employee.
- Any documents that are maintained by UNM as standard business practice can be considered public records; **this includes all written communication by UNM employees.**
 - **All written communication can include text messages and emails if pertaining to public business matters.**
- If you are ever subjected to an IPRA request, please provide the IPRA Office with all responsive documents that are in your possession.

IPRA– Exceptions to IPRA

Every person, whether they are a UNM student, staff, or faculty member, or a member of the general community, have the right to inspect records that are normally maintained by the University, **with a few exceptions:**

- Records pertaining to physical or mental examinations and medical treatment of persons confined to any institution – NMSA 1978 § 14-2-1(A)
- Letters of reference concerning employment, licensing or permits – NMSA 1978 § 14-2-1(B)
- Letters or memorandums which are matters of opinion in personnel files or students' cumulative files – NMSA 1978 § 14-2-1(C)
- Law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with crimes – NMSA 1978 § 14-2-1.2(A)(1) and (2)
- Trade secrets, attorney-client privileged information and long-range or strategic business plans of public hospitals discussed in a properly closed meeting – NMSA 1978 § 14-2-1(F)
- Information that could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures – NMSA 1978 § 14-2-1(I)
- Educational Records - NMSA 1978, § 14-2-1(L) (“as otherwise provided by law”), specifically, 34 C.F.R. § 99.3 of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (FERPA)
- Records that do not pertain to public business matters – NMSA 1978 § 14-2-6(H)
- Confidential Unclassified Information (CUI) to safeguard information about information systems vulnerabilities that, if not protected, could result in adverse effects to information systems law – NMSA 1978 § 14-2-1(J)
- As otherwise provided by law – NMSA 1978 § 14-2-1(L)

IPRA– Examples of What Can be Produced

The following are examples of what can be produced:

- License Plate Numbers
- VIN Numbers
- Court Settlements
- UNM Email Addresses/Phone Numbers
- Salary Information
- Police Reports (unless they identify parties involved in “criminal sexual penetration or aggravated stalking” where a respondent has not yet been charged with the crime, pursuant to NMSA 1978, § 14-2-1(A)(8))
- Autopsies if Appropriate Medical Intervention and Personally Identifying Information is Redacted
- Excessively Broad Requests Can Be Produced on a Rolling Basis pursuant to NMSA 1978 § 14-2-10

IPRA– Examples of What Cannot be Produced/Needs Redactions

The following are examples of what **cannot** be produced:

- DOB (Only year can remain non-redacted)
- SSN
- Driver's License Number
- Tax ID Number
- Student ID Number/Banner ID Numbers
- Student Contact Information
- Employee Personal Contact Information
- Medical Intervention Details
- Letters of Reference/Matters of Opinion on Performance or Discipline
- Attorney-Client Communications
- Type of Leave Used on Timesheets
- Benefits Information
- Entirety of Emails to/from Students
- Any Request that Identifies a Student by Name
- Confidential IT Matters that Disclose How Local Systems/Networks/Computers Work (CUI)
- Patient Records
- Educational Records (Police Reports are Not Educational Records)

IPRA– Process

- Please provide the IPRA Office with all responsive documents in your possession that are pertinent to the details of your request.
- The IPRA Office will review all documents received to determine exemptions to documents that are provided.
- **The IPRA Office will conduct an analysis and redact or withhold records** depending on whether exemptions are applicable to them.
 - **Do not make your own redactions to the records, as the Custodian of Public Records must review and approve of all redactions made to records prior to their production.**
- Just because a record is sent to the Office of the Custodian of Public Records, it does not mean that the record will be released.

IPRA– Resources Pertaining to Public Records

- UNM Policy 2300 – Inspection of Public Records:
 - <https://policy.unm.edu/university-policies/2000/2300.html>
- UNM Regents’ Policy Manual Section 2.17 – Public Access to University Records:
 - <http://policy.unm.edu/regents-policies/section-2/2-17.html>
- UNM Policy 3710 – Personnel Information Disclosure Policy:
 - <http://policy.unm.edu/university-policies/3000/3710.html>
- New Mexico Inspection of Public Records Act Compliance Guide:
 - <https://www.nmag.gov/wp-content/uploads/NMDOJ-IPRA-Guide-Ninth-Edition.pdf>
- NMSA 1978 Article 2 – Inspection of Public Records Act:
 - <https://casetext.com/statute/new-mexico-statutes-1978/chapter-14-records-legal-notice-and-oaths/article-2-inspection-of-public-records>
- UNM Office of the Custodian of Public Records:
 - <https://publicrecords.unm.edu/>
 - Email: UNMIPRA@salud.unm.edu
 - Phone: 505-277-5035
 - Location: MSC05 3440 - Scholes Hall Room 208

IPRA– Questions?

