

65-2 Inspection of System Records

65-2-1 Purpose • 65-2-2 Policy • 65-2-3 Administration

1. **Purpose.** The purpose of this policy is to establish that public records in the custody of Eastern New Mexico University System (the System) may be inspected under Chapter 14, Article 2 NMSA 1978 “Inspection of Public Records Act” (IPRA).
2. **Policy.** The New Mexico Inspection of Public Records Act sets forth requirements regarding the public’s right to review public records.

Legal exceptions to the right to inspect public records as defined in IPRA are as follows:

- A. Records pertaining to the physical or mental treatment of persons confined to institutions.
- B. Letters of reference concerning employment, licensing or permits.
- C. Letters of memoranda that are matters of opinion in personnel files or students’ cumulative files.
- D. Law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime.
- E. Exceptions provided in the Confidential Materials Act (NMSA 1978 14-3A-1 and 14-3A-2)
- F. Any other exception provided by law.

Procedures

3. **Definitions.** (14-2-6 NMSA 1978)
 - A. Custodian. Any person responsible for the maintenance, care or keeping of a public body’s records, regardless of whether the records are in that person’s actual physical custody and control.
 - B. Inspect. To review a public record.
 - C. Person. Any individual, corporation, partnership, firm, association or entity.
 - D. Public Body. All branches of state and local governments and all political subdivisions including institutions of higher education.
 - E. Public Records. All documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and related to public business.
4. **Administration.** The chancellor and branch community college presidents shall appoint a records custodian to implement this policy, with oversight by the branch community college president or chancellor.

5. Procedures.

- A. The custodian shall receive and respond to requests to inspect existing public records, provide reasonable opportunities to inspect public records and provide reasonable facilities to make or furnish copies of the public records during usual business hours.
- B. Any person wishing to inspect public records may submit a written request to the custodian. He or she must provide name, address and telephone number of the person making the request and identify the records sought with reasonable particularity.
- C. The custodian receiving a written request must allow inspection immediately or as soon as is practicable under the circumstances but not later than 15 days after receiving the request.
- D. If the inspection is not allowed within three business days after receipt of the request, the custodian must explain in writing to the requestor when the records will be available for inspection. If a written request is made to someone other than the custodian, the person receiving the request must (1) promptly forward the request to the custodian and (2) notify the person making the request that, that person is not the custodian or control the records, the location of the records and the name and address of the custodian.
- E. The custodian must separate public documents containing information that is exempt from disclosure (see section 3 for exempt records). The custodian may furnish a partial printout of data in lieu of an entire database if this is deemed necessary to preserve the integrity of computer data or confidentiality of exempt material.
- F. The custodian may charge reasonable copying fees, not to exceed one dollar per page.
- G. The custodian may require advance payment of fees before making copies.
- H. The custodian may not charge a fee for the cost of determining whether a public record must be disclosed.
- I. The custodian must provide a receipt if requested

Approved by the Board of Regents on December 16, 2005.

Amendments approved by the Board of Regents, March 29, 2019