

Every person has a right to inspect any public records of the District except:

1. records pertaining to physical or mental examinations and medical treatment of persons confined to any institution;
2. letters of reference concerning employment, licensing or permits;
3. letters or memorandums which are matters of opinion in personnel files or students' cumulative files;
4. law enforcement records that include 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;
5. as provided by the Confidential Materials Act (NMSA 1978. §§ 14-3A-1 *et. seq.* (1981);
6. trade secrets and attorney-client privileged information;
7. certain discharge papers of veterans of the armed forces, and
8. as otherwise provided by law.

A "public record" includes any document, tape or other material, regardless of form, that is used, created, received, maintained or held by or on behalf of the District, and is related to public business. Public records include electronic communications used, created, received, maintained or held by or on behalf of the District and related to public business.

Protected personal identifier information contained in public records may be redacted by the District before 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 Board directs the Administration to prepare and disseminate procedures for handling all records requests, whether oral, written, or electronic, consistent with this policy and applicable state law.

Custodian of Records

The Custodian of Records ("Custodian") is responsible for the maintenance, care or keeping of the District's public records, regardless of whether the records are in that person's actual physical custody and control. A Custodian shall be designated by the Superintendent. The designated Custodian shall:

1. receive and respond to requests to inspect public records;

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2. provide proper and reasonable opportunities to inspect public records;
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 of each public body a notice describing:
 - (1) the right of a person to inspect a public body's records;
 - (2) procedures for requesting inspection of public records;
 - (1) procedures for requesting copies of public records;
 - (2) reasonable fees for copying public records; and
 - (3) the responsibility of a public body to make available public records for inspection.

Procedures for Requesting Records

Any person wishing to inspect any of the District's public records may submit an oral or written request to the Superintendent, Custodian, or designee. The District is not obligated to respond to an oral request for records.

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.

A "written request" includes an electronic communication, including email or facsimile, provided that the request complies with the requirements of this policy and state law.

Responding to Request for Records

Upon receipt of a written request for records, the Custodian or designee shall permit inspection of the public, non-exempted records requested immediately or as soon as practicable under the circumstances. If the inspection is not permitted within three business days, the Custodian shall explain in writing to the requestor when the records will be available for inspection or when the District will respond to the request. This written explanation should be mailed or delivered to the requester on or before the third business day after receipt of the request. Inspection must be allowed no later than 15 calendar days after the Custodian receives the request, unless the request has been determined to be excessively burdensome or broad.

The applicable response deadlines shall not begin until the written request is received by the Custodian. The day of receipt of a request is not counted towards the statutory response deadlines.

In the event that a written request is not made to the proper custodian having possession of or responsibility for the public records requested, the District's Custodian or designee shall promptly forward the request to the proper custodian of the requested public records, if known, and notify the requester. The notification to the requester shall state the reason for the absence of the records from the District's custody or control, the records' location and the name and address of the proper custodian. If, after reasonable inquiry, the initial District is unable to determine

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where the records might be located or who the proper custodian is, it is permissible to inform the requester that the District does not have custody of the documents, and to explain the efforts made to find their location and the result of those efforts.

The Custodian shall provide a copy of a public record in electronic format if the public record is available in electronic format and an electronic copy is specifically requested. However, the Custodian is only required to provide the electronic record in the file format in which it exists at the time of the request.

Costs

The first ten pages of any requested single page copies of a District 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 District will charge the requestor the actual cost of reproduction.

The District 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 District 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 District, 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.

Procedure for Denying Requests for Records

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 for records is expressly denied, the Superintendent, custodian, or designee shall provide the requester with a written explanation of the denial. The written denial shall:

1. Describe the records sought;
2. Set forth the names and titles or positions of each person responsible for the denials; and
3. Be delivered or mailed to the person requesting the records within fifteen (15) days after the request for inspection was received.

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

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