



# University Business Policies and Procedures Manual

2300

## INSPECTION OF PUBLIC RECORDS

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Authorized by UNM Regents' Policy 2.17 "Public Access to University Records" of: 11/1/06 to: 8/1/08

### 1. General

This policy sets forth the University's procedures for compliance with the New Mexico Inspection of Public Records Act (Chapter 14, Article 2, NMSA 1978). Public records are defined in the Act as 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 or relate to public business, whether or not the records are required by law to be created or maintained. Access is limited to existing public records; the University is not required to create new documents or provide records in any specific format except in accordance with the American with Disabilities Act (ADA) requirements. Exceptions to the right to inspect public records include, but are not limited to, medical or student records, letters of reference, matters of opinion in personnel or student files, confidential law enforcement records, documents covered by the Confidential Materials Act, and records otherwise protected by law. When a document contains both exempt and non exempt information, the University must separate the nonexempt material and make it available for inspection.

Medical records are not covered by this policy, and individuals requesting copies of medical records should contact the specific hospital, center, or clinic that rendered care, such as UNM Hospital, Cancer Research and Treatment Center, Family Practice Clinic, Children's Psychiatric Center, and Carrie Tingley Hospital for procedures and the applicable fee schedule. Medical records are covered by the Health Insurance Portability and Accountability Act (HIPAA) as described on the University Health Sciences Center [HIPAA web page](#). Student records are also not covered by this policy. Students requesting their records should contact the University Registrar or the Student Health Center as appropriate. If student records are requested, the University will comply with the Family Educational Rights and Privacy Act (FERPA) which pertains to all student records.

### 2. Custodian

The University Director of Communications is the custodian of public records for the University, including branch campuses, and the Director of Health Sciences center (HSC) Public Affairs Office serves as custodian of public records for the Health Sciences Center. The designated custodian is responsible for:

- responding to all requests to inspect public records;
- determining whether requested records exist and where they are located, and working with

- the University Counsel Office about any apparent legal issues related to producing records for inspection and possible denials of requests;
- providing proper and reasonable opportunities to inspect public records, including assembling the records as appropriate;
  - providing reasonable facilities to make copies or furnish copies of the public records during usual business hours;
  - notifying appropriate third parties if a request involves their proprietary information or if otherwise required by law; and
  - maintaining a log of all requests that includes the date and nature of the request, a copy of the request, any correspondence relating to the request, date of the response, copies of all documents made available in the response, and any other pertinent information.

Only the designated custodians may respond to requests for public records, other than requests for medical records or student records specified in **Section 1.**, requests to the Department of Human Resources concerning personnel records, and oral requests made to staff in Zimmerman Library for documents routinely available in the library. The HSC Director of Public Affairs shall notify the Director of Communications of the receipt of requests for public records.

### **3. Procedure for Requesting Public Records**

Public copies of certain University documents, including recent Regent agendas, the current salary book and the Detailed Operating Budget for the current and previous years are available for inspection through the Reserve Desk in the Zimmerman Library. Other University publications which are of high interest because of the subject matter are also held for brief periods of time at the Reserve Desk. To view public records held by the University Archives, also located in Zimmerman Library, the requester should contact the University Archivist.

Individuals who want to inspect public records of the University other than medical or student records, *personnel records*, or documents available in the Zimmerman Library must submit a written request to the designated custodians. The written request must include the requester's name, address, telephone number, and identify the records with reasonable particularity. The requester does not need to state the reason for the request. Verbal requests will not be allowed. Faculty, staff, or students who receive a request for inspection of public records must immediately forward the request to the designated custodians and notify the requester that the request has been forwarded.

#### **3.1. Time Required for Compliance**

The time requirements in this section reflect the requirements of the Inspection of Public Records Act. The time requirements for replying to a written inspection of public records request are based on the date when the custodian, defined in **Section 2.** herein, actually receives the request. The custodian will strive to provide an opportunity to inspect the requested records within three (3) business days, but normally no later than fifteen (15) calendar days after receipt of the request. Excessively burdensome or broad requests where compiling and/or copying documents may be unduly time consuming and/or difficult may require more than fifteen (15) calendar days. In such cases, the custodian shall notify the requester within fifteen (15) calendar days of the need for additional time, the reason for the delay, and the date the records will be available for inspection. If the University does not respond to the requester within fifteen (15) calendar days, the request will be deemed to have been denied and the requester will have the right to seek judicial

remedies under the Inspection of Public Records Act. For this reason, it is critical that written requests for public records be forwarded to the appropriate custodian immediately as specified in **Section 3.**, above.

### **3.2. Cost of Providing Records**

The University will normally charge for copying records in accordance with the fee schedule published by the University Office of Communication and Marketing. If the estimated cost exceeds ten dollars (\$10), the Office of Communication and Marketing should provide an estimate of the charges and may require advance payment before making copies. If the University determines the information primarily benefits the general public, the University may waive or reduce the charges. The University may require payment of overdue balances before processing additional requests from the same requester.

### **4. Denial of Request**

When a written request is denied, in whole or in part, the designated custodian must deliver or mail to the person requesting the records a written explanation no later than fifteen (15) calendar days after the written request is received by the designated custodian. The explanation of denial must describe the records sought, the legal reason for the denial, the names and titles or positions of each person responsible for the denial, and the requester's right to pursue the remedies provided in the Inspection of Public Records Act. When a request is denied, the requested records must be retained until remedies under the Inspection of Public Records Act have been exhausted. Before a determination is made to deny a request, the designated custodian shall consult with University Counsel concerning the legal reasons for denial.

**Comments may be sent to [UBPPM@UNM.edu](mailto:UBPPM@UNM.edu)  
<http://www.unm.edu/~ubppm>**

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