NOTICE REGARDING INSPECTION OF PUBLIC RECORDS

1. Public records of the New Mexico Department of Agriculture and of New Mexico State University are open to inspection during regular business hours (Mon-Fri, 8 am to 5 pm), upon request made to the designated Records Custodian, in accordance with the New Mexico Inspection of Public Records Act (“NMIPRA”) and with NMSU Policy 2.90.40.

2. Requests to inspect a public record will be addressed to the appropriate Records Custodian (see below); if there is no Records Custodian clearly designated for a specific requested record, the Office of General Counsel will designate a Records Custodian.

3. Requests may be made verbally or in writing (including email). Requests should identify the name, address, and telephone number of the requestor, and identify the records sought with reasonable particularity. Requestors may not be asked for the reason they wish to review a record (the law prohibits this).

4. Responses to requests will, when possible, be made in the same medium as the request. (i.e. email requests shall be responded to via email.)

5. If a request is received by an NMSU office or employee not designated as a Records Custodian, the office/person receiving the information sought, pursuant to a distinct Act, NMSA 1978 §14-3-15.1, for a reasonable fee. The university is not obliged to compile information, nor to create a new record that it does not maintain, unless required by the request.

6. The public record(s) subject to the request will be made available within 3 days, or as soon as practicable. If the records will not be made available for inspection within 3 business days from receipt by the Records Custodian, then the custodian must respond within this 3 day period and indicate when the records will be made available or will otherwise respond, within 15 calendar days. If the Records Custodian determines that the request is excessively burdensome or broad, notice may be sent to the requestor, within 15 days of receipt of the request, informing that additional time will be needed and/or inviting clarification regarding the records sought.

7. Original records may be inspected on site only, subject to reasonable conditions imposed by the Records Custodian to protect the integrity of the original records, and to prevent disruption of normal operations.

8. If the public record is available in electronic format and the requestor is requesting an electronic copy, the Records Custodian will provide the public portions of the record in electronic format.

9. If the information requested is contained in an information systems database, the university must provide the information sought, pursuant to a distinct Act, NMSA 1978 §14-3-15.1, for a reasonable fee. The university is not obliged to compile information, nor to create a new record that it does not maintain, unless required by the request.

10. Under the NMIPRA, the requester may be required to pay a fee in advance for the university’s costs of no more than $1.00 per copy, or the cost of the electronic storage device and/or costs of electronic transmission. Fees to be charged for requested database information is a distinct matter.

11. NMSU representatives must protect from disclosure information exempt under the NMIPRA or other law or recognized privilege. Two federal laws that prohibit the public disclosure of university records are the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA). Requests for inspection will be permitted consistent with the law and with the rights of the parties.

12. The Records Custodians must not delay responding to, nor deny a records request, without consulting with the Office of General Counsel.

13. The Records Custodians must separate public from private/confidential material and redact that any metadata is not susceptible to subsequent electronic/computerized recovery.