

NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS

(Revised 1-13-2020)

According to the New Mexico Inspection of Public Records Act, every person has the right to inspect public records of any public body, including the Corrections Department. Not all records maintained by the Corrections Department are subject to inspection. The Act provides various exceptions for certain types of records including but not limited to, medical records, certain law enforcement records, and employee disciplinary actions and performance evaluations.

A person wishing to inspect public records may submit a request to the records custodian orally or in writing. However, the procedures and penalties set out in the Act apply only to written requests. The written request must contain the name, address and telephone number of the person making the request.

The request must identify the records sought with reasonable particularity. In other words, the request must describe the records in sufficient detail to allow the records custodian to determine whether such records reasonably exist and if so, identify and locate the requested records.

The records custodian must permit inspection immediately, or as soon as is practicable under the circumstances. If the inspection is not permitted within three (3) business days, the custodian must provide a written explanation as to when the records will be available for inspection or when the Corrections Department will respond to the request. Because of the large number of requests received by the Department, it is not usually practicable for it to be able to provide inspection immediately or in three business days. The law normally requires the records to be available for inspection and copying within 15 calendar days after receiving a written request. However, the law allows the Corrections Department to take longer than 15 days if it determines that the request is excessively burdensome or broad.

If the written request is denied, the custodian must provide a written explanation of the denial to the person making the request. The denial must be delivered, mailed or e-mailed within 15 days after the request for inspection was received, unless the request has been determined to be excessively burdensome or broad.

Requests for public records maintained by the Corrections Department should be directed to:

Brian Fitzgerald
Chief Deputy General
Counsel
Office of General Counsel
New Mexico Corrections Dept.
P.O. Box 27116,
Santa Fe, New Mexico, 87502-0116.

If a person wishes to obtain a copy of any public record, the Corrections Department will charge a reasonable fee for such copies, which must be paid in advance. The fee for documents 11 inches by 17 inches or smaller is 25 cents per page. The fee for larger documents or for records other than hard copy documents will be based upon the Corrections Department's cost of providing copies and will be determined at the time of the request. A receipt indicating that the fees have been paid will be provided upon request to the person requesting the copies.