

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

January 25, 2021

VIA ELECTRONIC MAIL ONLY

Mr. David Randall Ortega
4136 Rio Grande NW
Albuquerque, NM 87107
Email: randyorandy@msn.com

Re: Inspection of Public Records Act Complaint – Department of Game and Fish

Dear Mr. Ortega,

The Office of the Attorney General, Open Government Division (“OGD”) has received your complaint alleging violations of the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019), by the Department of Game and Fish (the “Department”). The OGD is charged with enforcement of IPRA and in that capacity has reviewed the facts and allegations in your complaint. *See* NMSA 1978, § 14-2-12(A).

In the complaint you submitted to our Office, you alleged that the Department violated IPRA by providing your name and personal address to several requestors who sought “information on people who have applied for various game hunts.” You further clarified that the requestors in question were “a resident from Los Alamos and ex NM Land Commissioner Aubrey Dunn.” While we can sympathize with your concerns as to the release of your information, this matter appears to have been the subject of a recent New Mexico Court of Appeals decision which held that “the email addresses NMDGF collected in connection with its licensing system constitute ‘public records’ that are subject to disclosure under IPRA in the absence of an applicable exception.” *Dunn v. New Mexico Dep’t of Game & Fish*, 2020-NMCA-____, ¶ 11 (No. A-1-CA-37577). As the Court of Appeals decision effectively determined the merits of this matter, we will take no further action regarding this IPRA complaint.

We would, however, assure you that neither IPRA nor the aforementioned Court of Appeals decision requires the Department to release your social security number, as you suggest in your complaint. To the contrary, IPRA specifically allows public bodies to redact social security numbers in their entirety. *See* § 14-2-1.1 (providing that protected personal identifier information “may be redacted by a public body before inspection or copying of a record”); *see also* § 14-2-6(E) (including social security numbers as part of the definition of “protected personal identifier

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information”). As a result, even if the Department maintained a record containing your social security number, it would not be required to provide this information to a requestor under IPRA.

We will maintain this complaint as a public record. We trust that you will understand the inappropriateness of this Office's further involvement in this matter. If you have any questions about this Office's response, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Kreienkamp", is written over a light blue rectangular background.

John Kreienkamp

Assistant Attorney General

Enclosure

cc: Leif Cocq Rasmussen, Esq.
Department of Game and Fish