



Attorney General of New Mexico

HECTOR H. BALDERAS
Attorney General

March 24, 2016

Eric Schultz
P.O. Box 23052
Santa Fe, NM 87502

RE: Inspection of Public Records Complaint - Santa Fe Public Schools

Dear Mr. Schultz:

I have reviewed your complaint under the Inspection of Public Records Act (IPRA) and Ms. Bajar's responses and attachments on behalf of the Santa Fe Public Schools. Among the attachments Ms. Bajar provided, I note with particular interest your email dated June 24, 2015 advising Ms. Bajar that you were "awaiting clarification" from the Office of the Attorney General ("OAG") before making an appointment to review the 257 records Ms. Bajar prepared pursuant to your inspection request. Your issue as I understand it, is that Ms. Bajar has withheld some records citing to two exceptions under the IPRA. The first exception Ms. Bajar referred to is Section 14-2-1(A)(3) that provides for withholding "letters or memoranda that are matters of opinion in personnel files or students' cumulative files." The second exception Ms. Bajar relied on is Section 14-2-1(A)(8) that provides for withholding public records "as otherwise provided by law" in this case, under the Family Educational Rights and Privacy Act. These two exceptions are valid exceptions under the IPRA.

I will be closing this file as there is no violation of the IPRA. Ms. Bajar handled your inspection request in a timely manner and pursuant to the requirements of the IPRA. If you are able to access the following cite on the OAG's website, <http://www.nmag.gov/oma-and-ipra-nm-sunshine-laws.aspx>, you may view and download a copy of the Compliance Guide on IPRA which provides very useful information on the applicability of the Act, the definition of public records and the exceptions that are available to public bodies for denying inspection of some public records. I trust you will find this information useful.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Valicenti".

Mona Valicenti
Assistant Attorney General

cc: Ms. Alma Bejar

INSPECTION OF PUBLIC RECORDS ACT ("IPRA") COMPLAINT FORM
New Mexico Office of the Attorney General
Open Government Division

YOUR CONTACT INFORMATION:

First Name: Eric Last Name: Schultz

Address: _____

City: S State: _____ Zip Code: _____

Phone Number: _____

Email: _____

IPRA REQUEST TO THE PUBLIC BODY:

Name of the Public Body that is the subject of this complaint (including city/town, county or region, if applicable): Santa Fe Public Schools

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: June 4, '15

Date of all Responses Received from the Public Body: June 19, '15

ALLEGED VIOLATIONS OF IPRA BY THE PUBLIC BODY: Please select from the following list the violations you allege the public body committed. Check all that apply.

RECORDS:

- No records were provided.
- The agency provided some but not all of the records responsive to the request.
- Records were provided, but they were not responsive to the request.
- The public body does not have custody or responsibility for the records, and the records custodian did not forward the request to the proper custodian.
- The request was for records in electronic format and although the records are available in electronic format, the copies of the public records were not provided in an electronic format.

DENIED REQUESTS TO INSPECT PUBLIC RECORDS

- ___ Although some records were provided, the custodian did not include a written explanation for denying the production of exempt records or for redacting confidential information from records.
- ___ No records were provided and the records custodian did not deliver or mail a written explanation to the requester within fifteen (15) calendar days after receiving the request that included a description of the records sought, the names and titles of each person responsible for denying the request, and a description of the reasons for the denial.

NOTICE

- ___ Public body did not post in a conspicuous location at its administrative office or on the public body's website a notice setting forth: the rights of any person to inspect the public body's public records, the public body's responsibility to make public records available for inspection, the procedures for requesting inspection of public records, the procedures for requesting copies of public records, and/or reasonable fees for copying public records

DEADLINES (For purposes of deadlines imposed by the IPRA, the date the request is received is not counted)

- ___ Inspection was not allowed within three (3) business days and the public body did not timely send a written "three-day letter" to the requester explaining when the records would be available or when the public body would respond to the request.
- ___ The public body did not allow inspection or otherwise respond to the request within fifteen (15) calendar days from the date the custodian received the request.

FEES

- ___ The public body charged fees in excess of \$1.00 per printed page for documents 11"X17" or smaller, or charged fees that exceeded the actual costs to copy the records.
- ___ The public body did not provide a receipt upon request.

DETAILED EXPLANATION OF ALLEGED IPRA VIOLATIONS (Required): Please provide a description of the actions taken by the public body that violated the IPRA, including specific dates and why you believe the IPRA has been violated.

I requested to inspect school emails exchanged between Joel Boyd, Boris Costa-Guerra & James Lujan. I was told that some emails would NOT be disclosed because

they fall under the exception 14-2-1 (A)(3) "letters/memos of opinion in personnel files." However, I did not request to inspect personnel files, but emails. The language of the statute speaks specifically to documents "in personnel files." Emails are not held in personnel files, so they should be DISCLOSED & not fall under the listed exemption.

ADDITIONAL INFORMATION: Please provide a copy of your original inspection request (if written), and any documentation or evidence you have regarding the alleged IPRA violation.