

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



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13 September 2016

Ami S. Jaeger  
General Counsel  
Santa Fe Public Schools  
610 Alta Vista  
Santa Fe, NM 87505

Re: Eric Schultz IPRA Complaint

Dear Ms. Jaeger:

We have completed our review of the complaint from Eric Schultz dated February 10, 2016, against Santa Fe Public Schools (SFPS) regarding alleged violations of the Inspection of Public Records Act ("IPRA") NMSA 1978, Sections 14-2-1 to -12 (2011). The complaint alleged SFPS violated IPRA by failing to redact all protected person identifier information from responsive records provided to Mr. Shultz.

After reviewing SFPS's response and IPRA, our office finds that SFPS complied with their obligations under the IPRA. IPRA states that "[p]rotected personal identifier information contained in public records may be redacted by a public body before inspection or copying of record." §14-2-1(B). Although protected personal identifier information may be redacted pursuant to legal exceptions, IPRA itself does not mandate that a public body redact this information. See N.M Att'y Gen. Inspection of Public Records Compliance Guide at 15 (8<sup>th</sup> ed. 2015) ("The Act permits but does not require a public body to redact protected personal identifier information contained in a public record before providing the record for inspection").

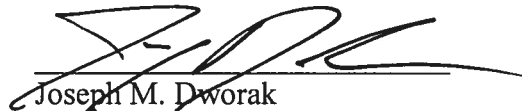
Failure to redact private information may be a violation of a different state or federal law, but that is not a matter that is addressed in this compliance review of IPRA. *See, e.g., Republican Party of New Mexico v. New Mexico Taxation & Revenue Dept.*, 2012-NMSC-026, § 4, 283 P.3d 853, 856 (stating the New Mexico Driver Privacy Protection Act prohibits the disclosure of private information related to drivers' licenses). Moreover, while not mandated by the IPRA, our review recognizes that SFPS has taken additional precautions to ensure that sensitive private

information is redacted on their future records requests. See, SFPS's Response.  
Accordingly, our office does not find a violation of IPRA, and consider this matter closed.

For more information about IPRA, please look to our Inspection of Public Records Act Compliance Guide, available on our website at: [www.nmag.gov](http://www.nmag.gov). If you have questions about the specific matters addressed in this determination or the Inspection of Public Records Act in general, you may contact the Open Government Division of the Office of the Attorney General at (505) 827-6070.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Dworak', written over a horizontal line.

Joseph M. Dworak  
Assistant Attorney General

cc: Mr. Eric Schultz

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: [REDACTED]  
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]  
Phone Number: [REDACTED]  
Email: [REDACTED]

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: December 21, '15

Date of all Responses Received from the Public Body: January 19, '16

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 <sup>redacted.</sup> 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.

*\*Please see attached Letter\**

*OVER →*

I requested the employment application of Dr. Boris Costa-Guerra. SFPS sent requested records, but did not redact personal, confidential information, including social security number. I emailed SFPS + asked for unredacted copies, + they sent new docs, but still disclosed personal information.

**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.