

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

---

September 3, 2020

Mr. Samuel Lujan  
8903 Hannett Ave. NE  
Albuquerque, NM 87112

**Re: Inspection of Public Records Act Complaint – Children, Youth and Families  
Department**

Dear Mr. Lujan:

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 Children, Youth and Families Department (the “Department”). The OGD is charged with enforcement of the IPRA and in that capacity has reviewed the facts and allegations in your complaint. *See* NMSA 1978, § 14-2-12(A).

In New Mexico, “all persons are entitled to the *greatest possible information* regarding the affairs of government and the official acts of public officers and employees.” Section 14-2-5. *See also Republican Party of New Mexico v. New Mexico Taxation & Revenue Dep’t*, 2012-NMSC-026, ¶ 38, 283 P.3d 853, 867 (observing “IPRA’s guiding purpose of promoting government transparency”). This vital public policy is reflected in the Inspection of Public Records Act, which is broadly written to give individuals the right to inspect all “public records” with only limited and specifically enumerated exceptions. *See* § 14-2-1(A) (setting forth eight narrow exceptions to disclosure). The statute specifies both the timeframes for and the manner in which public bodies must process and respond to public records requests, *see* generally Section 14-2-8, but does not speak to more general agency policies regarding records creation and retention.

In the complaint you have submitted to our Office, you allege that the Department has violated IPRA by utilizing a new internal agency communications system that automatically deletes messages after other messages in the same chain of correspondence have been sent. (Your complaint does not allege that the Department has improperly denied any particular public records request.) Although we recognize that this system may effectively operate to reduce the number of communications retained by the Department subject to disclosure as public records, IPRA does not speak to either records creation or retention, as we have previously noted. This means that the statute neither permits nor prohibits the Department from utilizing its alleged new communications

Mr. Samuel Lujan

September 3, 2020

Page 2

system. While our Office does not express an opinion as to whether the Department's new system comports with New Mexico's records retention laws, we conclude that your complaint has not identified a violation of IPRA, and we consider this matter closed.

The Office of the Attorney General appreciates you bringing possible violations to this office and will welcome any further complaints you may submit. If you have any concerns in the future, please do not hesitate to contact us. Additionally, our IPRA Guide is available on the website of the Office of the Attorney General at [www.nmag.gov](http://www.nmag.gov).

Sincerely,



John Kreienkamp

Assistant Attorney General

Enclosure

cc: Amanda M. Romero, Esq.  
[amanda.romero@state.nm.us](mailto:amanda.romero@state.nm.us)