



NEW MEXICO
PUBLIC DEFENDER DEPARTMENT

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NMPD 600.003

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*This policy and procedure replaces any previous policies and procedures pertaining to Inspection of Departmental Public Records dated before the above effective date.

- TITLE:** Inspection of Departmental Public Records
- AUTHORITY:** NMSA 1978, § 14-2-1 thru 12
- REFERENCES:** New Mexico Attorney General: A Compliance Guide for New Mexico Public Officials and Citizens
- PURPOSE:** To establish internal policies and procedures to ensure compliance with the Inspection of Public Records Act (IPRA).
- APPLICABILITY:** All requests for records initiated under the IPRA.
- ATTACHMENTS:** New Mexico Public Defender Inspection of Public Record - Public Notice.
- DEFINITIONS:**
- Department*-the New Mexico Public Defender Department.
 - Custodian of Public Records*- the person assigned responsibility of the maintenance, care or keeping of a public body's public records, regardless of whether the records are in that person's actual physical custody or control.
 - Public Records*-all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and related to public business, whether or not the records are required by law to be created or maintained.
 - Person*-any individual, corporation, partnership, firm, association or entity.

Jacqueline Cooper, Chief Public Defender

6.19.12
Date

POLICY:

- A. The department shall ensure compliance with the provisions of IPRA. The custodian shall confer with department legal counsel as necessary to ensure compliance with requests under the act.
- B. The department shall timely process any requests for records made pursuant to IPRA accordingly. It is noteworthy that most departmental records are accepted from disclosure due to attorney/client privilege.

PROCEDURE:

- 1. A person desiring to inspect public records may submit a request to the records custodian electronically, orally or in writing. A written or electronic request must contain the name, address, e-mail address and telephone number of the person making the request. Written or electronic requests may be submitted in person or sent via US mail, email, or facsimile. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.
- 2. Any department employee receiving an inquiry on the procedure for records requests and/or the inspection of public records shall direct those inquiries to the Public Records Custodian.
- 3. Any department employee receiving an inquiry or record request from a client for his/her own file can handle that request locally. Those are not requests under the auspice of the act.
- 4. Any department employee receiving a subpoena for documents can handle that request locally. Those are not requests under the auspice of the act.
- 5. All department office managers shall ensure that the IPRA Public Notice is posted in the lobby of each department office.

**STATE OF NEW MEXICO
PUBLIC DEFENDER DEPARTMENT
INSPECTION OF PUBLIC RECORDS – PUBLIC NOTICE**

Your Right to Inspect Public Records

By law, under the Inspection of Public Records Act, every person has a right to inspect public records of the Public Defender Department. The Act also makes compliance with requests to inspect public records an integral part of the routine duties of the officers and employees of the department.

The Public Defender Department is a law firm whose records may be exempted from public inspection under the “attorney-client privileged information” exception and will review any requests accordingly.

Procedures for Requesting Inspection

All requests for inspection of public records must be submitted to:

NM Public Defender Department
Attn: Custodian of Public Records
301 N. Guadalupe
Santa Fe, New Mexico 87501

(505) 476-0703
(505) 476-0777 fax

A person desiring to inspect public records may submit a request to the records custodian orally or in writing. However, the procedures and penalties prescribed by the Act only apply to written requests. A written request must contain the name, address, e-mail address (if available), and telephone number of the person making the request. Written requests may be submitted in person or sent via US mail, email, or facsimile. The request must describe the records sought in sufficient detail to enable the records custodian to identify and located the requested records.

The records custodian must permit inspection immediately or as soon as practicable, but no later than 15 calendar days after the records custodian receives the inspection request. If inspection is not permitted within three business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the agency will respond to the request. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within 15 calendar days after the records custodian received the request for inspection.

Procedures for Requesting Copies and Fees

If a person requesting inspection would like a copy of the public records, a fee of \$1.00 per page will be required in advance. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.