



City of Albuquerque

Office of the City Clerk

Timothy Keller, Mayor

Ethan Watson, City Clerk

2024 NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS

The Inspection of Public Records Act: Under the Inspection of Public Records Act (“IPRA”), NMSA 1978, 14-2-1 to -12 (1947, as amended through 2023), every person has the right to inspect public records maintained by the City of Albuquerque. It is the responsibility of the City to make non-exempt public records available for inspection.

Submitting requests: A request to inspect public records may be submitted to the Office of the City Clerk orally or in writing. However, the procedures and penalties prescribed in IPRA apply only to written requests. Requests can be submitted online at nextrequest.cabq.gov (the City’s online record processing software). Alternatively, requests may be submitted in person or by mail to the Office of the City Clerk, located at 600 2nd Street NW, Plaza del Sol Building 7th Floor, Albuquerque, New Mexico 87102, by phone at (505) 924-3650 or via e-mail at cityclerk@cabq.gov.

Information needed to process a request:

- **Contact information:** A written request must contain sufficient contact information for the person making the request, including: name, mailing or email address, or a telephone number.
- **Description of Records:** The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.
- **Additional material:** Please let our office know if you have or later acquire documents, case numbers, or dates relating to your request and upload the records or information into NextRequest. Such additional information has proven to be a useful resource in identifying, locating, and producing records.

Response to requests: The City must permit inspection immediately or as soon as practicable, but no later than fifteen (15) calendar days after the records custodian receives the inspection request. If inspection is not permitted within three (3) business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the City 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 fifteen (15) calendar days after the records custodian received the request for inspection.

Broad and burdensome requests: If the records custodian determines that a written request is excessively broad or burdensome, IPRA states that the Custodian may have “an additional reasonable period of time” to complete the request.

- **Narrowing requests:** If your request is deemed excessively broad or burdensome, you may be able to reduce the time required to process your request by narrowing your request. Please work with us by clarifying what you need and provide us with additional information so that we can identify the records in which you are interested.

- **Multiple pending requests:** If a request is deemed broad and burdensome and the requester has multiple requests pending, we recommend requesters advise on how they would like us to prioritize their requests. If we do not hear from the requester about how they would like their requests prioritized, then the request will be assigned to a staff person who will begin working on partial productions in the normal course and scope of their work.

Production of records: The City will provide a copy of a public record in an electronic format if the record is available in an electronic format and an electronic copy is specifically requested. Production of records in NextRequest, or a flash drive will satisfy this requirement. NextRequest is a helpful tool for producing small amounts of records. Larger productions including productions of emails, will not be produced via NextRequest and instead be placed on electronic storage devices like a disk or flash drive. If possible, the City will provide the electronic record in the file format in which it exists at the time of the request.

Due to a significant number of uncollected requests, the City will make records responsive to public records requests available for sixty (60) days. If the records are not collected during that time, the copies will be destroyed or returned to the respective department. If the requester would like to access the records after sixty days, then the requester will be required to submit a new request. The City will not continue processing a request if there are partial productions that have not been collected or deposits that have not been paid.

Cost: The City may charge a reasonable fee for copying public records in paper form and for providing public data pursuant to IPRA. Although other fees sometimes apply, the most common City's fees are as follows:

- The fee for paper copies is \$1.00 per page as authorized by NMSA 1978 § 14-2-9(C)(2).
- The City may charge the actual costs associated with downloading electronic records to a disk or storage device, as well as for the actual costs associated with transmitting copies by mail, facsimile, or via other methods. NMSA 1978 § 14-2-9(C)(3) and (4).
- The fee for a CD or DVD is \$6.75. The actual costs of other electronic storage media will vary.
- The City may also charge reasonable fees in the case of the sale of data for the cost of materials, personnel time, access time, and the use of the City's computer network.
- Pursuant to NMSA 1978 § 14-3-18, the City charges a reasonable advance fee of \$5.00 for the extraction of 911 calls.

A person requesting copies will be provided with an invoice and a receipt, upon request, for the payment of any copies of public records.

IPRA Fee Waiver Policy

An individual requester may request a waiver of the first \$20.00 of IPRA fees. An applicant seeking a waiver shall file an affidavit of indigency with the City Clerk on a [form prescribed by the Office of the City Clerk](#).

A. Eligibility.

1. A requester is presumed indigent if the requesters is the current recipient of aid from a state or federally administered public assistance program such as Temporary Assistance for Needy

Families (“TANF”), General Assistance (“GA”), Supplemental Security Income (“SSI”), Social Security Disability Insurance (“SSDI”), Department of Health, Case Management Service (DHMS), Food Stamps (“SNAP”), Medicaid, or public assisted housing.

2. Even if a requester cannot establish indigency, the City Clerk may, at their discretion, grant a waiver if the requester is not reasonably able to pay fees or costs.
3. The waiver only applies to the first \$20.00 of the total fee.

B. Limitations. An applicant is not eligible for a fee waiver if:

1. The requester has previously received a waiver of fees twice during the same calendar year, or
2. The requester requests the information in conjunction with outside parties who are offering or providing payment to the requester to make the request.

AFFIDAVIT OF INDIGENCY

GENERAL INFORMATION

The Office of the City Clerk charges fees for processing public records requests consistent with the New Mexico Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 et seq. ("IPRA").

A waiver of the first \$20.00 will be applied to the fee if a requester submits this affidavit stating they are indigent and receiving public assistance, or if not receiving public assistance, states facts showing an inability to pay the cost due to indigence. A applicant is not eligible for a waiver if (1) the individual has previously received a waiver of fees twice during the same calendar year, or (2) the individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request.

RETURN TO

Office of the City Clerk
Attn: IPRA Division
P.O. Box 1293
Albuquerque, NM 87103

Email: cityclerkipra@cabq.gov

Phone: (505) 924-3650

REQUESTER'S INFORMATION

Requester's Name: _____

Address: _____

Phone #: _____

Are you receiving public assistance? Yes ☐ No ☐

If you are not receiving public assistance and are still unable to pay the fee related to request, please explain why.

Are you making this request for records in conjunction with any outside parties who are offering or providing you payment or other remuneration to make the request? Yes ☐ No ☐

Requestor's Signature: _____

Date: _____

NOTARY USE ONLY

Signed and sworn before me in:

County: _____

State: _____

Date: _____

Notary's Signature: _____

Notary's Stamp: _____