



City of Albuquerque

Office of Internal Audit

SECOND FOLLOW-UP

INSPECTION OF PUBLIC RECORDS ACT – CITYWIDE

Report #21-14-101F

Date: June 23, 2021

INTRODUCTION

The Office of Internal Audit (OIA) issued Audit No. 14-101, Inspection of Public Records Act-Citywide on October 29, 2014. OIA issued the first follow-up report on October 25, 2017 and found that of the four recommendations made in the original report, two were fully implemented and considered closed and two remained in process. OIA completed a second follow-up to determine the corrective actions that the Office of the City Clerk (City Clerk) has taken in response to the remaining two recommendations and determined that both have now been implemented and are considered closed. Audit recommendations that were determined to be previously resolved and/or fully implemented are not included in this follow-up report.

BACKGROUND

OIA completed a performance audit of City of Albuquerque's (City) processes and the resource impact for the completion of the Inspection of Public Records Act (IPRA) requests for the period of July 1, 2012 through December 31, 2013. This audit was included in OIA's fiscal year 2014 audit plan. The audit objectives were to determine:

- What is the resource impact on the City to comply with IPRA requests?
- Is the City complying with the basic requirements of the Inspection of Public Records Act (IPRA)?
- Does the City have a coherent and efficient process for handling public records requests pursuant to the IPRA Statute?

Further information pertaining to the audit scope, limitations and methodology can be found in Appendix A of the original audit report.

The New Mexico State Legislature enacted Chapter 14, Article 2 NMSA 1978 which created the Inspection of Public Records Act (IPRA). The article granted citizens the right to inspect public records except in instances defined by law.

Second Follow-Up
Inspection of Public Records Act- Citywide
June 23, 2021

#21-14-101F

Compliance with IPRA is an unfunded mandate in the State of New Mexico, meaning the City cannot charge a fee for determining if a record is subject to disclosure or the costs incurred to comply with the documentation request. However, the City can recover certain allowed resource costs associated with record reproduction.

As the City's designated Chief Records Custodian, the City Clerk serves as the central contact for all IPRA requests and is responsible for ensuring compliance with IPRA.

OBJECTIVE

The objective of this second follow-up was to determine whether the City Clerk has taken the corrective actions recommended in OIA'S October 29, 2014 audit. Consistent with Government Auditing Standards, Section 9.08, promulgated by the U.S. Government Accountability Office, the purpose of audit reports includes facilitating a follow-up to determine whether appropriate corrective actions have been taken. This field follow-up is a non-audit service. Government Auditing Standards do not cover non-audit services, which are defined as professional services other than audits or attestation engagements. Therefore, the City Clerk is responsible for the substantive outcomes of the work performed during this follow-up and is responsible to be in a position, in fact and appearance, to make an informed judgment on the results of the non-audit service. OIA limited our scope to actions taken to address our audit recommendation from the first follow-up audit report dated October 25, 2017 through the submission of actions on June 2, 2021.

METHODOLOGY

To achieve the objective, OIA:

- Obtained documentary evidence from the City Clerk.
- Interviewed the City Clerk to understand and verify the status and nature of the corrective actions taken.
- Verified the status of the recommendations that the City Clerk had reported as implemented.

RESULTS

The two pending recommendations in the original follow-up report have been fully implemented. Therefore, all four recommendations included in the original audit report have been implemented and are now considered closed. See ATTACHMENT 1.

Second Follow-Up
Inspection of Public Records Act- Citywide
June 23, 2021

#21-14-101F

SUBMITTED:

DocuSigned by:


15C18D8E99C84C1...
Sarah L. Faford-Johnson, Contract Auditor
Office of Internal Audit

REVIEWED:


DocuSigned by:

0F462D006A1E4C8...
Marisa Vargas, Acting Audit Manager
Office of Internal Audit

APPROVED:

DocuSigned by:

07E2FA6E2FAD4AC...
Nicole Kelley, City Auditor
Office of Internal Audit

APPROVED FOR PUBLICATION:

DocuSigned by:

645A1FA5A6314C3...
Edmund E. Perea, Chairperson,
Accountability in Government Oversight
Committee

ATTACHMENT 1

Recommendations	Responsible Agency	Original Department Response	Second Follow-Up Department Response	OIA Conclusion	OIA Use Only Status Determination
<p><u>Recommendation #1</u> The City Clerk should:</p> <ul style="list-style-type: none"> - Create a standard process to capture and document the impact that IPRA compliance has on the City by: <ul style="list-style-type: none"> o Requiring that Custodians track all IPRA requests. o Requiring that Custodians track all costs associated with processing IPRA requests, including the unrecoverable costs. - Annually report to the City Administration and City Council on the impact of IPRA compliance. 	Office of the City Clerk	<p>The Office of the City Clerk agrees that we need a more streamlined system to track all IPRA requests to ensure that they are in compliance with the IPRA Act and to track the citywide direct and indirect impact of all requests. The Office of the City Clerk, ITSD and Legal departments are currently performing a needs assessment with the goal of purchasing an automated records tracking system to ensure the City of Albuquerque will be in compliance for all IPRA requests in the future. We will also be requiring quarterly reports from each custodian so we can track all costs associated with IPRA requests. We will be working with the vendor on system functionality and processes for tracking all costs associated with IPRA requests.</p> <p><u>ESTIMATED COMPLETION DATE</u> July 2015</p>	<p>We generated a draft of the 2019 report and were due to file it at the time the pandemic began. We will file the 2019 report next month with the City Council and will file the 2020 report after the election in November. Due to the election, and a high volume of requests for public records at present, it will not be feasible to generate a second report until later in the year.</p>	<p>OIA verified in the first follow-up completed October 25, 2017 that the Office of the City Clerk (City Clerk) created a standard process to capture and document the impact of IPRA compliance on the City of Albuquerque (City). This process includes the requirement that all Records Custodians track all costs associated with processing IPRA requests, including the unrecoverable costs.</p> <p>OIA obtained a copy of the <i>City Clerk's 2019 IPRA Program Review Report</i> that is set to be filed with City Council before the end of June of 2021. Per the City Clerk, the report was scheduled to be filed in March of 2020, as part of an annual filing requirement. However, the COVID-19 Pandemic caused a delay in the filing. Additionally, the 2020 report will be filed with City Council in November 2021. The report documents the number of requests received by the City Clerk's office, as well as a breakdown of the requests by department and all IPRA outcomes. In addition, the report documents the City Clerk's continued efforts to make more documents publicly available as well as increased staffing and process changes intended to further streamline the IPRA process.</p>	<input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Contested
<p><u>Recommendation #3</u> The City Clerk should:</p> <ul style="list-style-type: none"> - Work with the IPRA/Codification Specialist to: <ul style="list-style-type: none"> o Recommend updates to the Ordinance and AI 1-7. o Update IPRA Procedures. 	Office of the City Clerk	<p>The Office of the City Clerk agrees to create a consistent IPRA process to deliver to the Records Custodians, backup Records Custodians, Division Heads, and Directors to ensure that they are all following the proper City Clerk Procedures. The Clerk's Office will</p>	<p>Starting in approximately 2018, the City Clerk's Office made significant changes to how IPRA is handled in the City. The Clerk's Office now handles all public records requests other than those requests directed to the City Council.</p>	<p>OIA verified in the first follow-up that the City Clerk worked with the IPRA/Codification Specialist to make the necessary updates to the City's Administrative Instruction (AI) Number 1-7. OIA further noted AI-5 Records Management rescinded AI Number 1-7 on March 8, 2021. AI 1- 5 outlines the roles and responsibilities of the City Clerk as well as Department Directors and Departmental Records Managers. Specifically, the AI necessitates the need for an appointed Records Custodian to attend training</p>	<input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Contested

ATTACHMENT 1

Recommendations	Responsible Agency	Original Department Response	Second Follow-Up Department Response	OIA Conclusion	OIA Use Only Status Determination
<ul style="list-style-type: none"> o Provide training as soon as possible and ensure Custodians are given a copy of the updated IPRA Procedures. o Request that all Directors evaluate their current and back-up Custodians and provide changes if needed. o Develop and require the use of standard templates for the required letters. - Develop an automated training and certification process for Custodians. 		<p>evaluate each Records Custodians on their performance towards compliance along with tracking of IPRA's and their costs.</p> <p>The IPRA Specialist will provide templates from the IPRA Compliance Guide to the Records Custodians via email and/or training. This training will be conducted on an annual basis, beginning December 2014.</p> <p><u>ESTIMATED COMPLETION DATE</u> April 2015</p>	<p>We have made updates to AI 1-7 and it is now consolidated with A I - 1-5. We are experimenting with a number of new procedures and have not yet established set procedures in some areas due to the significant changes in workflow.</p> <p>We are currently reviewing all records custodians to ensure that all departments have primary and secondary custodians and or records managers. There are now templates for all letters. We have set regular trainings for our staff.</p> <p>Given the significant changes to workflow, a certification program would be very different now than it was before.</p>	<p>as soon possible once appointed; the need for Department Directors to inform the City Clerk of a vacancy in the department records manager position; and the need for all departmental records managers to appoint an alternate designee to act in their absence. Further, the AI outlines policies and procedures for handling requests public records as well as proper records retention and electronic communications.</p> <p>OIA further verified in the first follow-up a <i>Workflow Processes, Work Instructions</i> and <i>Statements of Clarification</i> had been created for training purposes. Further, Records Custodians in each department received monthly updates and trainings through access to a share point site which includes a calendar as well as all training materials necessary training materials. The site can be accessed at: http://sharepoint.cabq.gov/cc/COAIPRA/default.aspx. The first follow-up further noted that an automated training system is not viable given the nature of the job process. Further, the City Clerk noted that significant changes made to the workflow would negate the original audit recommendation for a certification program.</p> <p>OIA conducted a walkthrough with the City Clerk on May 21, 2021 to further understand the role of Departmental Records Managers and gain clarification on City's use of the NextRequest software system. The City Clerk explained that at the time of the original audit, all City departments had trained Departmental Records Managers. The Departmental Records Managers were responsible for helping the City Clerk gather information and process IPRA requests. Departmental Records Managers were appointed by the department directors and required to attend regular trainings hosted by the City Clerk. The City Clerk further noted that growth in the City Clerk's Office has helped to eliminate the need for Departmental Records Managers, however</p>	

ATTACHMENT 1

Recommendations	Responsible Agency	Original Department Response	Second Follow-Up Department Response	OIA Conclusion	<u>OIA Use Only</u> Status Determination
				larger departments such as the Albuquerque Police Department still retain this position and their staff attend the training sessions. The City Clerk also provided a walkthrough of the NextRequest software used by the City Clerk's office. The City Clerk explained NextRequest houses all the letter templates used by the City Clerk and allows City Clerk employees to track and respond to requests for information. OIA was walked through several sample letter templates for different City departments and also provided a sample letter in a separate communication.	