



# City of Albuquerque

## Office of the City Clerk

Timothy Keller, Mayor

Ethan Watson, City Clerk

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### NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS

By law, under the Inspection of Public Records Act, NMSA 1978, 14-2-1 to -12 (1947, as amended through 2019), every person has the right to inspect public records maintained by the City of Albuquerque. 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 City of Albuquerque. It is the responsibility of the City to make public records available for inspection.

Requests to inspect public records should be submitted online at [nextrequest.cabq.gov](http://nextrequest.cabq.gov), or e-mailed to [cityclerk@cabq.gov](mailto:cityclerk@cabq.gov), or sent to the Office of the City Clerk, 600 2<sup>nd</sup> Street NW, Plaza del Sol Building 7<sup>th</sup> Floor, Albuquerque, New Mexico 87102, (505)924-3650.

A person seeking to inspect public records may submit a request to the City Clerk orally or in writing. However, the procedures and penalties prescribed by the Act apply only to written requests. A written request must contain contact information for the person making the request, including a name and either a mailing or email address, or a telephone number. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested 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. However, the City will provide the electronic record in the file format in which it exists at the time of the request.

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. If the custodian determines that a written request is excessively burdensome or broad, an additional reasonable period of time shall be allowed to comply with the request.

Due to a significant number of uncollected requests, the City will make records responsive to public records requests available for sixty days. If the records are not collected during that time period, the copies will be destroyed or returned to the relevant department. The requester may then submit a new request.

If a person requesting inspection would like a copy of a public record, the City may charge a reasonable fee for the copies or sell the data to a requester pursuant to Section 14-2-9(D). The City may charge up to \$0.50 per page as authorized by our fee schedule described in Administrative Instruction 1-7. 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. The fee for a CD or DVD is \$6.75. Pursuant to Section 14-2-9(D) and Administrative Instruction 1-7 Section 7(A)(5), the City may elect to engage in the sale of data as authorized by NMSA 1978, Section 14-3-18, which may include imposing reasonable restrictions on the use of the database and the payment of a royalty or other consideration. 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. The fees for sale of data or use of the City's computer network or programs will vary based on the size and scope of material requested. The City may request that applicable fees be paid in advance of any copies being made. A person requesting copies will be provided a receipt upon request for the payment of any copies of public records.

The Records Custodian may aggregate or consolidate multiple requests on a related subject matter submitted by a single requester. The Records Custodian may also consolidate multiple unrelated requests from a single requester if it appears a requester is attempting to avoid having a request deemed excessively broad and burdensome. For example, if a requester submits ten unrelated requests each seeking one-hundred e-mails rather than one request seeking one-thousand e-mails, the Records Custodian may consolidate the requests. Additionally, the Records Custodian may aggregate or consolidate public records requests if the Records Custodian reasonably believes the requestor to be acting in concert with or as the agent of another person, entity, or organization. Such requests will be consolidated as if the requester and the other person, entity, or organization were the same requester.