

NOTICE OF RIGHT TO INSPECT PUBLIC RECORDS

Under the Inspection of Public Records Act, §§14-2-1 through 12 NMSA 1978 (“the ACT”), every person has the right to inspect public records of the New Mexico Educational Retirement Board (“NMERB”). 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 NMERB.

Requests to inspect NMERB’s public records should be submitted to Rick Scroggins, NMERB Records Custodian (“records custodian”), either by mail to 701 Camino de los Marquez, Santa Fe, New Mexico, 87501 or by email to ERB-IPRARequests@state.nm.us.

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 apply only to written requests. A written request must contain the name, address and telephone number of the person making the request. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.

The records custodian 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 NMERB 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.

NMERB shall respond to requests in the same medium, electronic or paper, in which the request was made in addition to any other medium that the records custodian deems appropriate. If a public record is available in electronic format and a requester specifically requests an electronic copy, NMERB will provide the record in the electronic format in which the record is stored.

If a person requesting inspection would like a paper copy of a public record, a reasonable fee may be charged. The fee for documents eleven inches by seventeen inches or smaller is \$0.35 per page. The fee for larger documents is \$0.50 per page. The records custodian may request that applicable fees for copying public records be paid in advance, before the copies are made. 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.

If the request is made for electronic copies, NMERB may charge the requestor actual costs for downloading copies of public records to a computer or storage device, including the actual cost of the storage device and may charge the actual costs associated with transmitting copies of public records by mail, email or facsimile.

All NMERB records specifically protected from disclosure by the ACT, by §22-11-55 NMSA 1978 or any other applicable law, will not be disclosed.