



Aubrey Dunn
COMMISSIONER

State of New Mexico
Commissioner of Public Lands

310 OLD SANTA FE TRAIL
P.O. BOX 1148
SANTA FE, NEW MEXICO 87504-1148

COMMISSIONER'S OFFICE

Phone (505) 827-5760

Fax (505) 827-5766

www.nmstatelands.org

TITLE: Access to State Land Office Records and Copying Fees

POLICY REFERENCE: RIM-0409

ISSUE DATE: September 1, 2015

EFFECTIVE DATE: September 1, 2015

REVIEW/REVISED DATE: September 1, 2015

I. PURPOSE

To establish the process for providing access to public records held by the State Land Office and filling requests for copies of nonexempt public records.

II. AUTHORITY

A. New Mexico Inspection of Public Records Act, § 14-2-1 et seq. NMSA 1978; and

B. New Mexico Public Records Act, § 14-3-1 et seq. NMSA 1978.

III. APPLICABILITY

This policy applies to all State Land Office employees, researchers and members of the public requesting access to public records at the State Land Office. This policy replaces former RIM-0409 and RIM-0410.

IV. DEFINITIONS

A. **SLO:** The State Land Office.

B. **Business Partners:** Other state, local or federal agencies conducting business with SLO.

C. **Confidential:** A restriction on access to, or distribution of, a record by state or federal law, regulation or privilege.

D. **Digital Reproduction:** Digital duplication or reproduction of public records to a disk or uploaded to an electronic server. SLO will not email documents.

E. **Kiosk:** A computer terminal with software designed to provide access to SLO land records, while preventing users from accessing SLO system functions. Kiosk document review is intended to be independent, without significant assistance from SLO staff.

F. **Public Records Room:** The room in the Records Management Division where the Kiosk and microfiche reader are located, and where members of the public may review documents held by SLO.

G. **Researcher:** A member of the public seeking access to records held by SLO.

V. **USE OF THE KIOSK AND PUBLIC RECORDS ROOM**

A. The Public Records Room may be used for:

1. Kiosk self-service document review;
2. Microfiche self-service document review;
3. Review of hard-copy documents and files; or
4. Walk-in assistance, although in some cases files and documents cannot be identified and produced immediately for walk-in requests.

B. Public Records Room hours are 8:00 AM to 4:30 PM, Monday through Friday, except holidays or other times specified by SLO.

C. Cell phones shall be placed on vibrate mode; all calls shall be made and answered outside of the Public Records Room.

D. Researchers are prohibited from carrying boxes, briefcases, satchels, valises, backpacks, purses, folders, coats, newspapers, or other large containers into the Public Records Room, unless they are immediately stored in the storage space provided upon entering the room.

E. The following items are permitted in the Public Records Room:

1. Paper and pencils;
2. Personal computer, or tape recorder (provided that use of these devices does not disturb others); and
3. Hand-held scanners or cameras (so long as use does not result in removing material from bound files).
4. SLO is not responsible for any lost, stolen or broken equipment or personal items.

F. Researchers may not disassemble books or files.

G. Researchers may not pick up copies from SLO printers and are not allowed in staff areas.

H. No eating, drinking or smoking is permitted in the Public Records Room.

I. Loud talking or other activities likely to disturb other researchers or staff is prohibited.

J. Children under the age of 16 years will not be admitted in the Public Records Room unless they have been granted research privileges and are accompanied by an adult. The Records Division Director may waive this requirement.

K. Researchers refusing to comply with Public Records Room Guidelines or whose actions present a danger to SLO staff or documents, or whose actions present an annoyance to other researchers or SLO staff, will be denied use of the Public Records Room.

VI. RECORDS REQUESTS

- A. Requests to inspect public records should be made in writing and shall include:
1. The date the request is made;
 2. Requester's name and address;
 3. Requester's telephone number; and
 4. A description of the records requested. A vague or unclear request may be returned for clarification.
- B. Any SLO employee that receives an oral or written request for records shall immediately forward the request to the Records Division Custodian for response.
- C. A requester may include a description of the type and format requested for copies of documents, if known at the time of the request. This will assist SLO in preparing an estimate of costs for copies if requested.
- D. Written requests are subject to the following timelines:
1. Records will be made available for inspection immediately or as soon as practicable. If review is not permitted within three (3) business days, SLO will explain in writing when the records will be available for inspection or when SLO will respond to the request.
 2. SLO will make documents available for review not later than fifteen (15) calendar days after receipt of the written request, unless the request is considered burdensome or broad.
 3. If a request is determined to be excessively burdensome or broad, the requester will be notified within fifteen (15) calendar days and may be asked to clarify the request, and a reasonable period of time will be added to comply with the request.
 4. If a requester does not respond within thirty (30) days of notice that requested documents are ready for review, SLO will close the IPRA.
- E. Providing access to public records does not impose on SLO a duty to research, analyze or summarize records.
- F. Confidential records exempt from inspection will not be provided or copied, but will be identified or summarily described.
- G. SLO reserves the right to have staff review any document or file before releasing it for public inspection. There is no charge to the requester for this review.
- H. SLO staff may be assigned to supervise the inspection of public records.

VII. COPIES OF DOCUMENTS AND CHARGES

- A. It is the policy of SLO to make public records available for inspection and to furnish copies when requested, for a reasonable fee. Fees are subject to change; the current fee schedule is posted on SLO's website. SLO will provide a requester with an estimate of charges prior to changing the format of documents or making copies, and will require advanced payment prior to preparing documents for review or copying.
- B. Printed copies made via the Kiosk or microfiche reader, or after document review in the Public Reading Room, will not be released to the requester until payment has been received.

Fees are based on size of the document copied. Self-service Kiosk per page copy fees are lower than paper copy fees, which must be made by SLO staff in non-public areas.

C. Courtesy copies will be provided to SLO business partners. Only the Commissioner may waive fees in other cases, based on individual facts and circumstances.

D. Copies of documents existing at SLO in digital or electronic format will be charged according to the following options:

1. SLO will charge for actual staff time to print documents (which requires a change in format type). If copies are requested after review, SLO will also charge per page for paper copies, based on the size of each document copied.
2. If transferred to a disk, SLO will charge for actual staff time required to change format and transfer to disk(s), as well as the cost of the disk(s) and mailing costs (if the requester asks for mailing).
3. If uploaded to a Dropbox.com link, SLO will charge for actual staff time required to change format and upload to Dropbox.com.

E. Copies of documents existing at SLO only in hard copy paper format will be charged according to the following options:

1. SLO will charge a per page paper copy fee based on the size of each document copied.
2. SLO will charge for actual staff time required to re-format documents to digital/electronic format, plus:
 - a) If transferred to a disk, SLO will charge for actual staff time required to transfer the documents to disk(s), as well as the cost of the disk(s) and mailing costs (if the requester asks for mailing); or
 - b) If uploaded to a Dropbox.com link, SLO will charge for actual staff time required to upload to Dropbox.com (if a change in electronic format is required).

F. As an alternative to mailing costs for disks or paper copies, a requester may provide a shipping account number (such as FedEx or UPS), and SLO will charge mailing to the requester's account.

G. On request, SLO will certify copies of documents for a per page certification fee (which covers staff time to determine whether each document can be certified, plus staff time to copy, stamp and sign each page). If certified documents are only in electronic format, SLO will also charge fees for staff time to convert each document to hard-copy, per VII.E.

APPROVED:



AUBREY DUNN
COMMISSIONER OF PUBLIC LANDS



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