

CITY ORDINANCES

[CITY INSPECTION OF PUBLIC RECORDS LAW]

CHAPTER 2, ARTICLE 7

PART 6: CHIEF RECORDS CUSTODIAN

§ 2-7-6-1 INTENT.

The intent of §§ 2-7-6-1 et seq. is to implement the State of New Mexico Inspection of Public Records Act set forth at Section 14-2-1 et seq. NMSA 1978. Recognizing that a representative government is dependent upon an informed electorate, the intent of the Act is to ensure that all persons are provided the greatest possible information regarding the affairs of government and the official acts of public officers and employees. Providing persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees.

(Ord. 44-1994; Am. Ord. 20-2000)

§ 2-7-6-2 FINDINGS.

The New Mexico Inspection of Public Records Act, Section 14-2-1 et seq., NMSA 1978, provides that some classes of records are not subject to public inspection "as otherwise provided by law." Federal law expresses a policy in favor of protecting the privacy of individuals in their social security numbers. 5 U.S.C. § 522a(b). City department heads, other employees and officials have a legitimate and reasonable expectation of privacy in their social security numbers. The legitimate and reasonable expectation of privacy that City employees have in their social security numbers, outweighs the interest in the public in the disclosure of such information. City employees other than department heads and officials have a legitimate expectation of privacy in their home addresses and home telephone numbers in order to protect such information from use for illegal purposes. The legitimate and reasonable expectation of privacy that City employees have in their social security numbers, home addresses and home telephone numbers outweighs the interest in the public in the disclosure of such information. In light of the Congressional policy favoring nondisclosure of social security numbers and the constitutional right to privacy in one's home address and home telephone numbers, the City is justified in enacting legislation codifying such protections for its public employees and officials.

(Ord. 20-2000)

§ 2-7-6-3 CHIEF RECORDS CUSTODIAN.

There is hereby created the position of Chief Records Custodian for the city, who shall receive and respond to requests to inspect public records, provide proper and reasonable opportunities to inspect public records and provide reasonable facilities to make or furnish copies of the public records during usual business hours.

(Ord. 44-1994; Am. Ord. 20-2000)

§ 2-7-6-4 DEPARTMENTAL RECORDS CUSTODIAN.

Each department of the city shall designate a person to be the Records Custodian for said department who shall cooperate and coordinate with the Chief Records Custodian to respond to requests to inspect public records.

(Ord. 44-1994; Am. Ord. 20-2000)

§ 2-7-6-5 PROCESS.

The Chief Records Custodian shall establish a procedure for responding to requests to inspect public records which complies with the requirements of state law as set forth in the Inspection of Public Records Act, Section 14-2-1 et seq. NMSA 1978 as currently enacted or hereinafter amended. The City shall also establish through the office of the Chief Records Custodian, telephone and direct access for purposes of establishing prompt contact between City employees and interested individuals including members of the media.

The social security numbers, home addresses and home telephone numbers of City employees are not public records within the meaning of the New Mexico Inspection of Public Records Act, and shall not be disclosed to any person, except with the express, written consent of the employee or official. The social security numbers of City department heads and officials are not public record and shall not be disclosed to any person except with the express written consent of that person. Home addresses and home telephone numbers of City officials and department heads are public record.

(Ord. 44-1994; Am. Ord. 20-2000)

§ 2-7-6-6 ARCHIVES.

There shall be established an archiving system which shall be accessible to the public through requests to the Chief Records Custodian who shall be responsible for the office of the archives.

(Ord. 44-1994; Am. Ord. 20-2000)