



STATE OF NEW MEXICO

Taxation and Revenue Department

An Equal Opportunity Employer

Legal Services Bureau

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Revenue Processing

(505) 827-0800

Tax Fraud Investigations

(505) 841-6544

Susana Martinez

Governor

Demesia Padilla, CPA

Cabinet Secretary

October 3, 2011

Heath Haussaman

NMPolitics.net

heath@haussamane.com

Re: IPRA Request dated September 19, 2011

Dear Mr. Haussamen:

In response to your IPRA request dated September 19, 2011 (resubmitting your April 25, 2011 request), we are producing the fourteen (14) emails you identified. We are also producing the reference attachments with the file names SOS Info.xls and SOS Info(2).xls.

After reviewing the information contained in the other files, File1.xls, FNAMEANDDOB_03162011.xls, and DuplicateDataInfor.xls and No SSN.xls, we will not be providing these files as they contain personal driver information protected from disclosure under section 66-2-7.0 (NMSA 1978) and 18 USC 2721. New Mexico Inspection of Public Records Act makes exceptions to right to inspect public records as otherwise provided by law (see §14-2-1(12)).

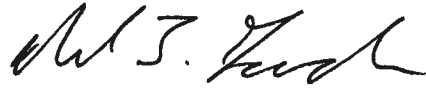
Furthermore, the courts have adopted a "rule of reason" that protects otherwise public records here there is a countervailing public policy against disclosure. We believe the personal identifying information consisting of names, addresses, dates of birth and social security numbers, which are all contained in the files not disclosed, come within this rule of reason in order to protect the privacy and identifying information of the individuals identified in those documents.

In your request you referenced the "research exception" contained in section 66-2-7.1 (NMSA 1978). In order to consider whether the information would be subject to the "research exception," we need more information as to the scope and purpose of the research. See, *Republican Party of New Mexico v. New Mexico Taxation and Revenue Dep't.*, 2010-NMCA-080, ¶14-15. One we are provided more information regarding the "research" being conducted and the manner in which the information will be used, we will reconsider whether the personal information contained in the withheld files should

be released. If we were to ultimately release the information pursuant to the "research exception," we would also need a written acknowledgment that the information would not be used in a manner prohibited by section 66-2-7.0.

If you have any questions, or if we can be of further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Nelson J. Goodin". The signature is fluid and cursive, with the first name "Nelson" and last name "Goodin" clearly distinguishable.

Nelson J. Goodin
Chief Legal Counsel

/njg