

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



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INSPECTION OF PUBLIC RECORDS ACT COMPLAINT FORM

Under the Inspection of Public Records Act (“IPRA”), the Office of the Attorney General (“OAG”) has the discretion and authority to enforce the IPRA’s provisions. NMSA 1978, § 14-2-12. Generally, the OAG reviews and issues determinations regarding whether public agencies have violated the IPRA. All IPRA complaints submitted to the OAG, including any attached materials and any correspondence regarding those complaints, are public records subject to public inspection. Additionally, IPRA complaints and determinations from the OAG may be posted on our website.

All complaints submitted to the OAG will be reviewed for potential IPRA violations. The OAG may dismiss those complaints that fall outside IPRA’s purview and those for which there is no remedy available under IPRA, or forward IPRA complaints to another appropriate agency for resolution. Please note that the OAG does not represent complainants in suits against public bodies.

INSPECTION OF PUBLIC RECORDS ACT ("IPRA") COMPLAINT FORM

New Mexico Office of the Attorney General

Open Government Division

YOUR CONTACT INFORMATION:

First Name: Heath Last Name: Haussamen

Address: PO Box 16607

City: Las Cruces State: NM Zip Code: 88004

Phone Number: (575) 644-5129

Email: heath@haussamen.com

IPRA REQUEST TO THE PUBLIC BODY:

Name of the Public Body that is the subject of this complaint (including city/town, county or region, if applicable): New Mexico Spaceport Authority

Format of IPRA Request: Written Oral

Date IPRA Request was Submitted to the Public Body: June 28, 2017

Date of all Responses Received from the Public Body: June 29, 2017

ALLEGED VIOLATIONS OF IPRA BY THE PUBLIC BODY: Please select from the following list the violations you allege the public body committed. Check all that apply.

RECORDS

No records were provided.

The agency provided some but not all of the records responsive to the request.

Records were provided, but they were not responsive to the request.

The public body does not have custody or responsibility for the records, and the records custodian did not forward the request to the proper custodian.

The request was for records in electronic format and although the records are available in electronic format, the copies of the public records were not provided in an electronic format.

DENIED REQUESTS TO INSPECT PUBLIC RECORDS

_____ Although some records were provided, the custodian did not include a written explanation for denying the production of exempt records or for redacting confidential information from records.

_____ No records were provided and the records custodian did not deliver or mail a written explanation to the requester within fifteen (15) calendar days after receiving the request that included a description of the records sought, the names and titles of each person responsible for denying the request, and a description of the reasons for the denial.

NOTICE

_____ Public body did not post in a conspicuous location at its administrative office or on the public body's website a notice setting forth: the rights of any person to inspect the public body's public records, the public body's responsibility to make public records available for inspection, the procedures for requesting inspection of public records, the procedures for requesting copies of public records, and/or reasonable fees for copying public records

DEADLINES (For purposes of deadlines imposed by the IPRA, the date the request is received is not counted)

_____ Inspection was not allowed within three (3) business days and the public body did not timely send a written "three-day letter" to the requester explaining when the records would be available or when the public body would respond to the request.

_____ The public body did not allow inspection or otherwise respond to the request within fifteen (15) calendar days from the date the custodian received the request.

FEES

_____ The public body charged fees in excess of \$1.00 per printed page for documents 11"X17" or smaller, or charged fees that exceeded the actual costs to copy the records.

_____ The public body did not provide a receipt upon request.

DETAILED EXPLANATION OF ALLEGED IPRA VIOLATIONS (Required): Please provide a description of the actions taken by the public body that violated the IPRA, including specific dates and why you believe the IPRA has been violated.

I discovered in June 2017 that the N.M. Spaceport Authority had blocked me from following its Twitter account — from seeing or responding to its tweets. So on June 28 I filed an IPRA request for a complete list of Twitter accounts the agency had blocked. Such a list is accessible in the agency's Twitter account settings and can be preserved as a screen shot, PDF or other document. The agency refused to hand over the list, responding by saying IPRA "does not reference Twitter." I believe such a list, like a public official's email, even when hosted on a private server, is subject to IPRA. I'm seeking clarification on whether the agency violated IPRA by denying my request.

ADDITIONAL INFORMATION: Please provide a copy of your original inspection request (if written), and any documentation or evidence you have regarding the alleged IPRA violation.



Heath Haussamen <heath@haussamen.com>

Re: Records request

1 message

Heath Haussamen <heath@haussamen.com>
To: "IPRA, NMSA, NMSA" <NMSA.IPRA@spaceportamerica.com>
Bcc: Heath Haussamen <heath@haussamen.com>

Thu, Jun 29, 2017 at 9:42 PM

Thank you for your response. Please preserve the @spaceport_nm Twitter account's list of blocked accounts as it existed at the date/time of my request, as I'm seeking advice on the legality of your response.

On Thu, Jun 29, 2017 at 6:38 PM, IPRA, NMSA, NMSA <NMSA.IPRA@spaceportamerica.com> wrote:

Mr. Haussamen:

Thank you for your request. No such document exists. The Inspection of Public Records Act does not reference Twitter.

Sincerely,

Records Custodian

From: Heath Haussamen [mailto:heath@haussamen.com]
Sent: Wednesday, June 28, 2017 6:17 PM
To: IPRA, NMSA, NMSA <NMSA.IPRA@spaceportamerica.com>
Cc: Haussamen, Heath <heath@haussamen.com>
Subject: Records request

Hello,

Please consider this a formal request under the state's Inspection of Public Records Act for the complete list of Twitter accounts that Spaceport America's Twitter account (@Spaceport_NM) has blocked from following @Spaceport_NM or seeing that account's tweets.

Given that the list exists in electronic format, I'm requesting that you provide the list electronically, as is required by law if I request it. I'm also expecting that there will be no cost for this document and you should be able to provide it immediately, given that a PDF or screen shot of the list can be easily made and emailed to me.

Thank you for your prompt attention to this matter.

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Heath Haussamen

Editor and publisher

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haussamen.com

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