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December 9, 2010

Ms. Anne Murray
Custodian of Public Records
University of New Mexico

Via e-mail: amurray@salud.unm.edu

Dear Ms. Murray,

This is a formal request under the Inspection of Public Records Act. Individually and on behalf of the New Mexico Foundation for Open Government, I wish to be provided with a reasonable opportunity to make or receive a copy of the next regularly produced UNM Salary Book report in its native electronic format.

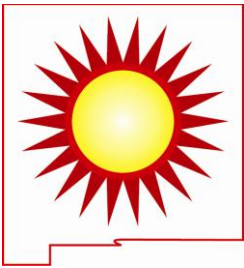
Upon information and belief, this electronic report is being created but not maintained by the University.¹ When it is created, it is clearly a public document subject to IPRA.²

To be clear, I am not requesting that the University conduct a separate query of the Banner database on my behalf. I am also not requesting direct access to the Banner database. The University is already creating a public document that I wish to copy, and it is doing so on a monthly basis. Therefore, I am simply asking that the University refrain from destroying the next electronic report while it is the subject of a valid IPRA request. The printed version of the salary book, which is available to the public at the Zimmerman library, is a fundamentally different document that will not satisfy my request.

Because the University is not required to create a record in response to an IPRA request, I wish to be provided with the opportunity to make or receive a copy of the next electronic

¹ In your July 16 letter to me, you explained that "The Zimmerman salary book is created as a report from Banner where the program selects certain data from each department and sends it directly to a printer. The printed report is delivered to the library, thus there is no "electronic version" of the report maintained." The electronic report may not be maintained, but it is created prior to printing and is in the custody of the University during that time.

² NMSA 1978 § 14-2-6.E: "'public records' means all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained."



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Salary Book report that is created in the normal course of University business. If that date falls later than 15 days following receipt of this request, I hereby waive my right to access it within the 15-day deadline imposed by the Act. However, I do expect to have the opportunity to make or receive a copy immediately or as soon as is practicable after the document's creation.

Finally, if copying the document in its native format presents technological difficulties, I wish to make or receive a copy in whatever electronic format is available and convenient for University staff.

Thank you for your time and attention to this matter, and please feel free to contact me via phone or e-mail with any questions about my request. I can be reached at the FOG address and telephone numbers that appear on this letterhead.

Sincerely,

Sarah Welsh
Executive Director