



New Mexico Foundation for Open Government

September 17, 2009

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Administrative Assistant/ Custodian of Records
Taos Municipal School District
213 Paseo del Canon
Taos, NM 87571

Cc: Interim Superintendent Roberto J. Gonzales
Matthew van Buren, *Taos News*

Dear Ms. Anaya,

I am writing to express the Foundation for Open Government's concern regarding two public-records requests that have been denied by your office. *Taos News* reporter Matthew van Buren's letters of April 17 and May 20, in which he requested documents commissioned from the IDEAS Company, were properly formatted and narrow in scope.

The reasons you gave for denying Mr. Van Buren's requests are not consistent with state law. As you know, the documents of a public body are publicly available by default unless they fall under one of 12 narrow exemptions listed in the Inspection of Public Records Act. There is no specific exemption for documents submitted to a public body during executive session, nor is there a specific exemption for draft documents which are still under review by public employees.

If the District wishes to deny Mr. Van Buren's requests outright, it must select one of the Act's exemptions and explain how that exemption is applicable to the requested documents. If that is not your intention, the 15-day deadline for these requests has long since passed and I urge you to comply with state law and produce the documents immediately.

Of course, in withholding these documents for five months, the District has already caused harm to the requestor and, by extension, the public it serves. The Inspection of Public Records Act recognizes the extreme urgency of accessing government information, and it thereby holds public agencies to a strict timeline and penalizes them for unnecessary delays.

I hope that the District will reconsider its denial of these requests and adhere to a more open and responsive policy in the future. Please do not hesitate to contact me if you have any concerns about this or other matters.

Sincerely,

Sarah Welsh
Executive Director