



FROM: ProgressNow New Mexico, Albuquerque, NM

TO: IPRA Task Force Members

**C/O Adolfo Méndez, Chief Special Counsel, New Mexico Department of Justice
408 Galisteo Street, Villagra Building, Santa Fe, NM 87501**

August 4, 2026

Dear IPRA Task Force Members,

On behalf of ProgressNow New Mexico and the thousands of New Mexicans we work on behalf of, thank you for the time and care you are investing in studying the implementation of the Inspection of Public Records Act.

The House Joint Memorial 2 process has already been a victory for participatory government – bringing this conversation to communities from Clovis to Silver City to Farmington – and we write to share our recommendations as your work heads toward the October 1, 2026 deadline.

We are writing in the spirit that animates New Mexicans across every region of our state: a belief in fairness, responsibility, and the fundamental right of ordinary families to know what their government is doing.

IPRA is one of the clearest expressions of those values in our law. It says, in plain terms, that a representative government depends on an informed electorate. That promise is worth protecting and modernizing, but it is not worth weakening.

The law is not broken, compliance is

New Mexicans are rightly concerned when they read, as the Santa Fe New Mexican reported earlier this year, that the Department of Public Safety continues to miss deadlines and assert exemptions that the New Mexico Supreme Court rejected in 2020.

That is not an abstract problem. When a family has to hire an attorney and file suit just to learn why a loved one was stopped on the road, or whether a public school investigation was thorough, the law has failed its purpose, and the failure is governmental, not statutory.



As one New Mexico attorney put it plainly: *"I don't buy into the narrative that IPRA is broken. I think some agencies and municipalities have made a decision not to allocate the financial resources they need to properly staff their departments."*

We agree. The choice not to resource records custodians, and modernize the system, is one we believe this task force, and the Legislature, can fix.

Where the pressure is really coming from

Request volume has roughly doubled since 2020, and the data from the New Mexico Municipal League and the City of Albuquerque make clear why:

A meaningful share of that surge comes from commercial data brokers harvesting records for profit, and a significant portion of requests to large departments like APD originate outside New Mexico and even outside the United States.

New Mexicans seeking accountability for their own government are not the source of the strain. Any "reform" that treats them as if they are will erode the very access this task force was created to preserve.

A record worth building on

Open government works in New Mexico when it is defended. The New Mexico Foundation for Open Government has repeatedly stepped in to enforce the law – including in the 2014 Albuquerque Public Schools matter involving a superintendent who later resigned and received a \$350,000 buyout.

Our courts have consistently ordered agencies to pay \$50 per day in damages, plus attorneys' fees, when they unlawfully delay or deny lawful requests. Those outcomes are not loopholes to be closed; they are the accountability mechanisms that make IPRA real.

Our recommendations

As you draft findings and any proposed legislation, we respectfully urge the task force to anchor its work in the following principles:

1. Preserve the core right. IPRA's text and purpose should remain a strong, pro-disclosure statute. No carve-outs for "sensitive" categories of ordinary public



business, no shifting of the burden onto requesters, and no new fees that function as barriers to transparency.

2. Fund the people who answer the requests. Recommend dedicated, recurring appropriations for records custodians at the state and local level, including support for smaller municipalities and counties that lack compliance staff today. The bottleneck is staffing, and the Legislature has the tools to fix it.

3. Modernize the technology. Endorse and fund modern records-management systems, e-discovery platforms, and a statewide IPRA portal that lets requesters file, track, and receive responses efficiently – and lets agencies publish records proactively so routine requests never need to be filed at all.

4. Enforce the timelines already on the books. Strengthen, rather than soften, the existing deadlines and consequences. Reinforce the \$50-per-day penalty and attorneys' fee shifting so that noncompliance carries a real cost, and direct the Attorney General to publish an annual IPRA compliance report identifying agencies that miss deadlines or assert exemptions in bad faith.

5. Educate the public. Fund NMFOG, the New Mexico Press Association, and allied organizations to provide training and templates so that requests from journalists, community groups, and ordinary New Mexicans are well-crafted and move quickly through the system.

6. Target the bad actors, not the public. Address the commercial data broker problem at its source: high-volume, automated harvesting for resale, and the monetization of public safety footage on ad-supported platforms. Restrictions of this kind should be carefully scoped to protect every right of individual requesters and the press.

7. Maintain access for historically excluded communities. Any changes must be assessed for their impact on the ability of Tribal communities, immigrant communities, people with disabilities, non-English speakers, and rural residents to use IPRA. The law's strength is measured by who can actually use it.

A vision we share

New Mexico's strength has always come from the way our communities show up for one another — neighbors helping neighbors, small businesses supporting one another, traditions and heritages passed down across generations. When the government operates in the open, that ethic of mutual responsibility is reinforced: families can trust



that their schools are accountable, their police are answerable, and their tax dollars are spent honestly. When the government hides, that trust erodes and so does the sense that we are all in this together.

New Mexicans have shown up at your meetings from one corner of the state to the other. We ask this task force to leave our state with an IPRA that is stronger, fairer, and better resourced.

Please know that the coalition standing behind open government is large, organized, and ready to partner with you on solutions that work.

Thank you again for your service and your stewardship of this process. We look forward to your findings.

Sincerely,

A handwritten signature in black ink, appearing to read "Alissa Barnes".

Alissa Barnes
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cc: New Mexico Foundation for Open Government; New Mexico Press Association;
ACLU of New Mexico