

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-64 ENACTMENT NO. _____

SPONSORED BY: Brook Bassan, by request

1 **ORDINANCE**

2 **AMENDING THE OPEN RECORDS ORDINANCE TO INCLUDE THE**
3 **PROTECTION OF CONFIDENTIAL SAFEHOUSE INTERVIEWS.**

4 **WHEREAS, the Inspection of Public Records Act allows the public to**
5 **request and view public records; and**

6 **WHEREAS, the City of Albuquerque is a home rule municipality and has the**
7 **power of governance to enact local ordinances; and**

8 **WHEREAS, the City of Albuquerque strives to balance the public right to**
9 **the greatest possible information regarding the affairs of the City with privacy**
10 **of individuals; and**

11 **WHEREAS, the City of Albuquerque has the ability to protect safehouse**
12 **interviews of minor children based on the custodial status of the abuser; and**

13 **WHEREAS, the City of Albuquerque seeks to protect the statements of**
14 **children made during a safehouse interview to protect their right to privacy.**

15 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
16 **ALBUQUERQUE:**

17 **SECTION 1. The Open Records Ordinance (ROA 1994, Chapter 2, Article 7,**
18 **Part 6, Section 5) is hereby amended as follows:**

19 **§ 2-7-6-5 PROCESS.**

20 **The City Clerk shall establish a procedure for responding to requests to**
21 **inspect public records which complies with the requirements of state law as**
22 **set forth in the Inspection of Public Records Act, Section 14-2-1 et seq. NMSA**
23 **1978 as currently enacted or hereinafter amended.**

24 **(A) The social security numbers, home addresses and home telephone**
25 **numbers of City employees are confidential and exempt from inspection, and**
26 **shall not be disclosed to any person, except with the express, written consent**

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1 of the employee or official. The social security numbers of City department
2 heads and officials are confidential and exempt from inspection and shall not
3 be disclosed to any person except with the express written consent of that
4 person. Home addresses and home telephone numbers of City officials and
5 department heads are public record.

6 (B) No inspection of records shall be allowed that, if disclosed, would
7 facilitate unauthorized access to an agency's electronic information systems
8 or clearly jeopardize or compromise information security. Record inspection
9 and copying shall be accomplished in a manner that does not allow the
10 requesting party to access the computer system where the integrity of the
11 information of the computer would be jeopardized.

12 (C) Images, photographs, videos or other likenesses depicting or
13 simulating an intimate act or depicting any portion of a person's genitals, or of
14 a woman's breast below the top of the areola, that is either uncovered or
15 visible through less-than-fully opaque clothing, which images may reasonably
16 be considered to be private, intimate or inappropriate for distribution are
17 exempt from disclosure.

18 (D) All videos, transcripts, and audio recordings of a child's forensic or
19 investigatory interview conducted at a children's safehouse organization,
20 requested by a law enforcement agency or the State of New Mexico Children
21 Youth and Families Department, are confidential and exempt from inspection
22 and shall not be disclosed to any person except as provided for in the
23 Children's Code, Chapter 32A NMSA 1978.

24 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, word or
25 phrase of this ordinance is for any reason held to be invalid, or unenforceable
26 by any court of competent jurisdiction, such decision shall not affect the
27 validity of the remaining provisions of this ordinance. The Council hereby
28 declares that it would have passed this ordinance and each section,
29 paragraph, sentence, clause, word or phrase thereof irrespective of any
30 provision being declared unconstitutional or otherwise invalid.

31 SECTION 3. COMPILATION. Section 1 of this ordinance shall amend, be
32 incorporated in, and made part of the Revised Ordinances of Albuquerque,
33 New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after publication by title and general summary.

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