

GUIDELINES ON DATA REQUESTS SUBMITTED TO COURTS

The New Mexico Judiciary strongly supports the principle of open government, transparency and public access to records maintained by state courts. A request for data compilation may require the creation of a new record, and therefore may differ from a request for existing public records under the Inspection of Public Records Act (IPRA), NMSA 1978, §14-2-1 et. seq. The purpose of these guidelines is to assist staff who must respond to requests for compiled data.

Local courts shall advise and consult with the Administrative Office of the Courts (AOC) when they receive data requests as AOC can provide analysis and guidance on whether it is possible to query the Odyssey case management system to compile the requested data in a reliable and accurate manner. Consulting with the AOC also will help the Judiciary to respond to data requests in a consistent manner.

Requests for statewide compiled data about New Mexico courts should be forwarded to the AOC to ensure a consistent response on behalf of the Judiciary and provide for adequate quality control over any data that is produced. In responding to data compilation requests, courts should limit the production of data to that regarding their local court. The AOC shall consult with courts in responding to statewide data compilation requests to provide an opportunity for the local court to validate any AOC-generated data regarding the court.

WHAT THE LAW REQUIRES FOR DATA REQUESTS

1. If a record already exists with the requested data, courts must provide for inspection of the public record in accordance with IPRA.
2. If a public record with the data does not exist at the time of the request, courts have no obligation under IPRA to create a report or other document to fulfill the request — even if is within the court’s ability to create the record by searching the Odyssey electronic case management system to compile case-related data. *See NMSA 1978, § 14-2-8(B)* (Nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record.)

IF A COURT MAINTAINS NO RECORD WITH THE REQUESTED DATA

When there is no existing record with the requested data, it is a discretionary decision by the court whether to create a public record through an Odyssey database query that will produce a list, spreadsheet, statistics or other document with data compiled in a specific manner.

Courts receiving a request for data should consider:

- Whether compiling the data will be overly burdensome and hamper the core day-to-day operations of a court.
- Whether a decision to create a record on a one-time basis will lead to the submission of recurring requests for periodic updates of the data, potentially becoming overly burdensome for the court.

- That if one court creates a data record, it can prompt identical requests to other courts that may lack the resources to generate similar data reports that otherwise are not maintained.

SAMPLE RESPONSES

Courts that determine the creation of a record by compiling requested data is appropriate, in part or in total, should include the following disclaimer:

Records with the data that you are seeking do not exist, and the Inspection of Public Records Act, NMSA 1978, § 14-2-1 et seq. does not require a governmental agency to create documents or reports in order to respond to a records request. However, as a courtesy, (NAME OF COURT) has elected to research and compile the information you have requested and has created the attached report. Please be advised that although (NAME OF COURT) has decided, as a courtesy, to create this report, this does not mean that under IPRA our Court is required to create other reports with compiled data in the future or that another court or governmental agency has the resources or is required to create any such reports.

Courts that determine the creation of a record to compile data is not appropriate should include the following information in their response:

It is the policy of the (NAME OF THE COURT) to be fully responsive to requests for public records available under the Inspection of Public Records Act, NMSA 1978, § 14-2-1 et seq. (“IPRA”). We have searched our files and made inquiries within our Court and have determined that no public records exist that are responsive to your request. The provisions of IPRA do not require a governmental body to create documents, lists, spreadsheets, statistics or other reports in order to respond to a records request. *See NMSA 1978, § 14-2-8(B)* (Nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record.)

WHAT IS COMPILED DATA

“Compiled data” means data points in the Odyssey case management system that are tabulated or aggregated in a particular form (such as reports, lists, tables, statistics and spreadsheets) that may be generated by queries of the Odyssey database. These queries include those created from an existing menu of options in Odyssey and those that may require the writing of new computer code or modifications to existing database query language.

ODYSSEY REPORTS

Terminology regarding data requests can be confusing. When discussing data compilation, court personnel sometimes refer to “Odyssey reports.” There are prepared database queries that will produce what is described as a “canned report” because the query was developed by the Odyssey vendor and was included in the product when delivered to New Mexico. New Mexico court personnel have developed specially tailored database queries that will create reports with data compiled in certain ways from Odyssey and these are often described as “Enterprise Custom Reports” (ECR). In considering whether to create an Odyssey report to fulfill a data compilation request, courts should consult with AOC to ensure a query of the Judiciary’s database is performed correctly and to ensure the data is validated to avoid releasing unreliable or invalid information.