

From: Susan McKinsey <mckinsey@unm.edu>
Subject: public records request
Date: Thu, 30 Aug 2007 17:17:54 -0600
To: <ncarlisle@sltrib.com>
CC: <mbaise@unm.edu> <gregrem@unm.edu>
Attachments: 0

August 29, 2007

Mr. Nate Carlisle
The Salt Lake Tribune
90 S. 400 West, Suite 700
Salt Lake City, UT 84101

Re: Follow-up Inspection of Public Records Act Request

Dear Mr. Carlisle:

This is in response to your follow-up request dated August 14, 2007, requesting a breakdown of positive drug tests by sport and detected substance.

The University declines to provide the information requested on the grounds that doing so under the circumstances of the drug test reports in question would make the identity of students easily traceable. The federal Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. Sec. 1232g) and its implementing regulations prohibit the disclosure of personally identifiable information about students without their consent. Personally identifiable information is defined to include a list of personal characteristics or other information that would make a student's identity easily traceable. 34 CFR Sec. 99.3. The New Mexico Inspection of Public Records Act exempts from release documents whose confidentiality is protected by FERPA. Section 14-2-1(A)(9), NMSA 1978.

Sincerely,
Susan McKinsey
Director, University Communication
UNM Custodian of Public Records