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**A NEWSLETTER PUBLISHED BY THE
NEW MEXICO STATE RECORDS CENTER AND ARCHIVES**

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July 2002

Volume 7.2

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New Mexico Historical Records Advisory Board Call for 2003 Grant Proposals

By Erica Garcia

In 1975, the New Mexico Historical Records Advisory Board (NMHRAB) was created for the

specific purpose of reviewing the National Historical Publications and Records Commission (NHPRC) grants requested by New Mexico institutions and organizations. The Board is an adjunct entity to the Commission of Public Records (CPR). In 1995, during the course of developing its strategic plan, the Board defined its mission as "...Recognizing the cultural diversity of the state, the mission of the New Mexico Historical Records Advisory Board is to advocate the preservation of the historical records of the state to stimulate public access to the state's historical records."

The road to understanding our humanity comes from recorded history. Historical documents represent the invaluable heritage of the state of New Mexico. These documents chronicle important historical developments and provide insight into the culture of our state and, ultimately, that of our nation. In the interest of championing preservation and access to New Mexico's historical records, the NMHRAB obtained funds to award small grants and scholarships annually to historical records repositories throughout the state. Grants range from \$500.00 to \$8,500.00. Scholarships for attending training courses at the New Mexico State Records Center and Archives in 2002 have provided recipients with funds to cover the cost of travel (at state-regulated mileage and per diem rates) while the recipients matched nominal course fees ranging from \$25.00-\$40.00. A call for grant proposals has been made with a September 1, 2002 deadline for submission. Applications are available on-line, along with the NMHRAB proposal guidelines and funding priorities.

It is difficult to summarize both the potential and significance of each grant project and the long-term benefit of completed projects. Grant application and project development are meticulous processes requiring great determination. During the past three years, grantees have defined and fortified their connection to New Mexico with their projects. Participants in the NMHRAB grant and scholarship programs have demonstrated their commitment and emotional investment in preserving New Mexico's profound history while endeavoring to make that history available to the public. Our shared history acts as a rhythmic meter to past and present cultures, providing an unyielding sense of identity to the citizens of our state.

Training was the most frequently mentioned concern of the New Mexico repositories surveyed during NMHRAB strategic planning ses-

sions. A high rate of staff turnover, low pay, and tight budgets have put records management training at the end of many repositories' priority lists. One of the primary objectives of the NMHRAB is to provide needed tools and information to repository employees and volunteers - people who otherwise might not receive any training due to travel and financial constraints. In the spirit of support for individual efforts to preserve New Mexico's history, the NMHRAB initiated a scholarship program in 2001. That year, NMHRAB scholarships were given to seven individuals to attend archival and records management training sponsored by the Commission of Public Records - New Mexico State Records Center and Archives. In 2002, a second call for scholarship applications was made, and eight more scholarships were awarded.

Promoting the preservation of New Mexico's historical record, as well as promoting public access to it, ensures the legacy of our culture. New Mexicans share a deep connection to our past, collectively and individually, and this cultivates a present sense of identity and pride. When we fail to focus on maintaining the state's historical records, our documented history is at risk. The NMHRAB has confidence in our state repositories and holds no doubt in their commitment to New Mexico history. By providing such resources as the New Mexico Historical Records Advisory Board grant program and the NMHRAB scholarship program, New Mexico's record keepers can continue seeking funds to aid in preservation goals. The citizens of New Mexico are this state's most valuable resource. To respect our citizens is to respect and care for our history.

To obtain grant applications, please visit the Commission of Public Records website. Any questions about the NMHRAB Grant and Scholarship Programs may be directed to Erica L. Garcia, Grant Administrator, at (505) 476-7936.

Access to Public Records vs. Right to Privacy

By José L. Villegas, Sr.

Archivists are challenged daily by the ethicality of disclosing personal information contained in public archives. It is the professional responsibility of the archivist, as a trustee of public records, to safeguard an individual's right to pri-

vacy. However, when records contain personal information, archivists lack the legal authority to regulate access or to impose restrictions if those documents are requested for research purposes. The rationale for imposing restrictions on public records emanates from consideration for personal privacy. A general concern over the loss of privacy has emerged in response to situations created by information-gathering practices often viewed as threatening to the individual. Over the past thirty years, citizens' concern regarding potential abuse of personal information has brought about laws that attempt to define categories of private life relating to record-keeping practices. From the perspective of government, the right to individual privacy is balanced against the citizen's right to obtain access to government records. "The citizen's right to know is the rule and secrecy is the exception." (Inspection of Public Records Act Compliance Guide, pg. 1, Office of the State Attorney General, 2000) In New Mexico, individuals may inspect any public record except those that are specifically protected by statute.

In New Mexico, there are several statutory laws which impose restrictions on the use of public records. Three of these laws include:

Section 14-2-1 New Mexico Statutes Annotated (NMSA) 1978, Right to Inspect Public Records, Exceptions;

Section 4-3A-2 NMSA 1978, Donation of Confidential Materials; and

Section 24-14-27 NMSA 1978, Disclosure of Records

Public records are defined by statute as: "...all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, because of the informational and historical value of data contained therein."

Exceptions under the Inspection of Public Records Act (Section 14-2-1 NMSA 1978) that restrict records from public access are:

- * records pertaining to physical or mental examinations and medical treatment of persons confined to any institution;
- * letters of reference concerning employment, licensing or permits;
- * letters or memorandums which are matters of opinion in personnel files or students' cumulative files;
- * law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime;
- * trade secrets, attorney-client privileged information and long-range or strategic business plans of public hospitals discussed in a properly closed meeting; and
- * public records containing the identity of or identifying information relating to an applicant or nominee for the position of president of a public institution of higher education.

Statutes regarding the donation of confidential material (Section 14-3A-2 NMSA 1978) pertain to any library, college, university, museum or institution of the state, or any of its political subdivisions, that may hold in confidence materials of historical or educational value and upon which the donor or seller has imposed restrictions regarding access to, and inspection of, the materials for a definite period of time.

It is important that a repository establish procedures to protect confidential data from being improperly accessed.

Disclosure of records statutes (Section 24-14-27 NMSA 1978) cover the inspection and disclosure of information contained in vital records, except as authorized by law. For example, the New Mexico Health Policy Commission may only release record level data obtained from vital records in the aggregate for research purposes. The Bureau of Vital Statistics Registrar is authorized to release information from birth and death registers only after one hundred years have elapsed following the date of birth, or when fifty years have elapsed after the date of death. According to statute, "The vital records of these events in the custody of the state registrar shall become open public records, and information shall be made available in accordance with regulations that provide for the continued safekeeping of the records; provided that vital records of birth shall not become open public records prior to the individual's death."

The New Mexico State Records Center and Archives (SRCA) must comply with specific privacy statutes and regulations restricting access to agency records. The SRCA is presently faced with the dilemma of expending resources on permanent, confidential public archives when there is no hope that those records will ever be declassified and made available for public research.

One hundred and twelve state agencies are generating permanent confidential records that require processing, storage, and conservation. One of the largest collections housed at the State Archives is that of the New Mexico Attorney General's Office, containing over one thousand linear feet of documents. The collection contains confidential records pertaining to telecommunications, natural gas and electricity rates, anti-trust cases, consumer affairs, prosecutions, homicides, criminal/violent cases, child abuse cases, investigations, and general litigation files. The SCRA is obligated to maintain these files, even though they are restricted in perpetuity from public access.

Many restricted records are of great value to social scientists, scholarly researchers, and genealogists. As more and more researchers demand access to confidential materials of historical and informational value, the SRCA is confronted with the question: Under what conditions, if any, is access to all or some of these records permissible? State laws governing exceptions to the Inspection of Public Records Act do not provide a statute of limitations on confidentiality. A number of states have adopted legislation providing for the release of restricted records after a designated period or

have passed separate statutes that provide access for research purposes. Has the time come for New Mexico to consider similar legislation?

The New Mexico Register's Cumulative Index

By Bridgett Wood

The *New Mexico Register* is the official publication for all notices of rulemaking and filings of adopted rules in the state of New Mexico. Rules promulgated by executive branch agencies must be filed with the New Mexico State Records Center and Archives, and be published in the *New Mexico Register*, in order to be valid and enforceable.

The *New Mexico Register* is published twice each month. It is composed of two distinct portions – *Notices of Rulemaking*, and *Adopted Rules*. Notices of Rulemaking inform the public that new rules or changes to existing rules are being considered. A notice may include information about the location, date, and time of a public meeting (or hearing) and specifies which rule or portion of a rule will be affected by any proposed amendments, repeals, or renumbering. A rulemaking notice also advises the public as to where they may direct comments or concerns regarding the proposed rule or amendment. Notices also announce annual or regular meetings of state agencies. The *Adopted Rules* portion of the *New Mexico Register* includes the publication of new rules, repeals, and amendments in their entirety. By statute, these must be published in the *New Mexico Register* before they can officially take effect.

With numerous state agencies filing notices, new rules, repeals and amendments, the accumulated volume of text increases rapidly. Adding to the potential confusion this creates, state agencies may publish several amendments to a rule, or any portion of that rule, within a single calendar year. It is easy to see how so many changes quickly become difficult to track. Without a guide to this enormous amount of material, individuals and agencies, however familiar with the *New Mexico Register* and its contents, may quickly find themselves in the middle of a wild goose-chase.

In the interest of assisting agencies, businesses, and individuals in locating specific information about rules and their promulgating authorities, the *New Mexico Register* has implemented a cumulative index. The index is available on-line throughout the year and is published in paper form at the end of each calendar year as an *annual index*. This cumulative index is an up-to-date reference for all notices and rules published in the *New Mexico Register*. It is organized in the same manner as the *New Mexico Register*, with the first portion devoted to notices of rulemaking and the second portion to repeals, new rules, and amendments. The information is grouped first by promulgating agency, then by rule number and effective date. Listings for new, repealed, or amended rules include the name of the promulgating agency, the rule's New Mexico

Administrative Code (or NMAC) number and title, and the issue and page number where the information was published in the *New Mexico Register*. Index listings for notices also include the name of the agency publishing the notice, the issue and page number where the announcement was published, and a brief summary of the notice itself. Organized in this fashion, information on proposed or existing rules becomes much easier to access and use. For example, a person seeking information on current bag-limits for big game can begin by locating the agency heading in the cumulative index "Game and Fish, Department of". If the rule has been amended more than once, there will be multiple listings in the index under that rule's NMAC reference number. By selecting the listing with the most recent effective date, the researcher gains access to the most up-to-date version of the amended rule material. If a closer look at the rule in its entirety is required, the researcher can make note of the rule's NMAC reference number and continue examination of the rule in the NMAC compilation on-line. Similarly, if someone is seeking documentation of the date of a rulemaking hearing, he or she can browse the index of notices for any and all hearing notices filed by a particular agency from the beginning of the calendar year to the most recent issue of the *New Mexico Register*.

In the past, the index for the *New Mexico Register* was updated quarterly and published on paper for distribution to subscribers three times per year. The cumulative version of that index was published only once per year, at the end of the calendar year, as an annual index. Since the *New Mexico Register* is now available on-line (<http://www.nmcpr.state.nm.us/nmregister>), it has become essential to develop a cumulative index for maximizing access to this ever-changing bulk of information. Now, the index is updated with each new issue of the *New Mexico Register* and posted on-line on the official date of publication. In this way, a current, comprehensive index to the material published in the *New Mexico Register* is in place to help users find information on specific rules quickly and easily.

***New Mexico Historical Records
Advisory Board Awarded Grant***

By Erica Garcia

The New Mexico Historical Records Advisory Board (NMHRAB) is pleased to announce that it has been awarded a National Historical Publications and Records Commission (NHPRC) grant. This federal grant funds the second phase of the NMHRAB strategic plan. The project provides funds to create a Public Records Locator Service (PRLS), offer records management and archival training scholarships, and conduct record assessments for local and tribal governments throughout the state.

In order to create the PRLS, the agency will enter into an information technology contract to create a database-driven web page. The modifications will allow the agency's databases to be accessed in response to requests for records. The response

would direct the requestor either to the record or to the person (or office) that can provide access to it.

Scholarships will be made available to eligible record keepers statewide to attend a records or archival management institute (usually held out-of-state) or training conducted as part of the Commission of Public Records - Archives and Records Management Training Program. Successful applicants will receive grants to help pay for tuition, meals, lodging and travel costs to attend approved training.

The assessment of local and tribal government records management programs provides for the on-site assessment of thirty organizations. As part of this project, staff will produce an assessment tool that they will then use to conduct the assessments. The tool will also be available, with detailed instructions for administering, on the Commission of Public Records/NMHRAB website. Based on the completed assessments (onsite or self-administered), staff will create an action plan to assist organizations in developing or improving their programs. To jump-start the assessment project, a pre-assessment survey was distributed, along with a letter, to all counties, large municipalities, and several tribal organizations. Participants were asked to complete and return the pre-assessment survey. Based on responses, participants will be provided with a self-assessment tool or scheduled for on-site assessment as determined by the apparent quality of the records management program reflected in the responses. Normally, the cost of an assessment of this kind is between \$1,500.00 and \$3,000.00 when performed by a contracted records management consultant. There will be **no cost** for participating in the NMHRAB 2002-2003 Grant Project Assessments.

The benefits of participating in this project include receiving an analysis of current operations and an action plan for participating organizations, among others. The information resulting from the assessment will help participating organizations provide the public with more effective access to local governmental and historical records while improving preservation. In turn, the NMHRAB hopes to gain a better understanding of the issues faced by local and tribal governments in New Mexico and to use this information in planning future activities for the NMHRAB in advocating preservation and access to New Mexico's historical records. Based on the data acquired from this project, the NMHRAB will develop new strategic initiatives that incorporate the needs of local and tribal governments and archival repositories around the state.

To participate in the assessment project or to obtain additional information, please contact Erica Garcia at (505) 476-7936 or by e-mail at egarcia@rain.state.nm.us.

***Introduction to Storage Devices
for Electronic Records***

By Tom Chavarria

In today's world, we use computers to generate the records that we use to accomplish many

tasks. For previous generations of office workers, paper was the primary medium for storing records, and typewriters were the most often-used office machines. Despite advances in the quality of typewriters, computers with business applications such as word processors, spreadsheets and databases became dominant in the workplace. Computers made things easier. Unfortunately, this ease of use frequently caused problems for records managers.

A few years ago, employees debated over which word processing application was better for the office. Generally speaking, whichever application a person learned first became the favorite. Because companies want consumers to purchase their product, and to distinguish their product from those of other companies, manufacturers market products in a format that only *their company's* software will recognize as a native document. This marketing ploy generates anxiety for records managers and archivists, who must maintain and preserve permanent records. In addition to formatting issues, the storage of long-term and permanent records must be considered.

What records do we generate in the workplace, aside from memoranda, reports, e-mail, and the like? Without even touching a keyboard, we can generate records. In order to pay us, our employers must track the hours we work. To calculate retirement benefits, wages and the number of years worked are tracked. To support public services like police and fire protection, we are assessed and pay local taxes. For daily mail delivery and fuel for our vehicles, again we are assessed and pay state and federal taxes. Some of us generate interest on car loans, mortgages, charge cards, etc. Companies are sending offers for their new Super Duper Galactic charge card. Businesses on the Internet are generating targeted offers to send to personal e-mail addresses. The local supermarket is tracking our purchases for future advertising campaigns, targeting shoppers who share similar characteristics. Although we may not actively create records, records are being created for us or through us. As simple as it may sound, records are important aspects of life.

Information has always been important to us. We want things, and we want to know what we have. Be it a vehicle, a parcel of land, a house, or a painting -- we want to know it belongs to us, because we paid for it.

Records are important to us. Where and how do we keep these records? Aside from traditional file cabinets, where are your records kept? Most records are now created and maintained electronically, in digital and analog formats. With the increasing user-friendliness of computers and other electronic devices, our records are being maintained and stored in the ubiquitous "computer."

Next Issue: Magnetic Storage Devices.

Archives and Records Management Training Schedule 2002

Collection Survey and Development *Sandra Jaramillo, NM State Records*

This workshop will provide information on collection appraisal and development and on the value of establishing a collection policy. Participants will discuss the use of collection survey forms to assess the strengths and weaknesses of collections and how to establish collecting policies particular to their organizations.

August 13, 2002
Center and Archives(NMSRCA)
Albuquerque, NM
Fee: \$25.00

Basic Records Management *Donald Padilla*

This workshop will cover principles of a basic records management program, including: development and use of a records retention and disposition schedule; recovery of vital records; management of electronic records; and disposition of records.

September 16, 2002
NMSRCA - Santa Fe, NM
Fee: \$25.00

Filing Systems *Donald Padilla*

This workshop will offer instruction on determining filing classification systems for paper and electronic records based on examining established or existing conditions of paper and electronic records, such as: frequency of reference; availability of storage space; anticipated growth of records groups; office work flow; etc.

September 17, 2002
NMSRCA - Santa Fe, NM
Fee: \$25.00

Arrangement and Description *Valerie Nye and Melissa Salazar*

This workshop will introduce archival principles of arrangement and description and specific strategies for applying these principles to various types of collections (public records, private papers, images, etc.), with hands-on activities to reinforce discussions.

November 4, 2002
NMSRCA - Santa Fe, NM
Fee: \$25.00

Planning and Implementation for Digitizing Records *Brian Graney*

This workshop will provide participants with information required to effectively plan and implement a digital project. Participants will receive instruction to enable them to survey and assess their collections in order to ascertain the

appropriateness of digitization.

December 4-5, 2002
NMSRCA - Santa Fe, NM
Fee: \$40.00

For additional information, please contact
Kathy Mattison at 476-7902 or
kmattison@rain.state.nm.us.

JOB ANNOUNCEMENT

Director of New Mexico State Records Center & Archives

The NM Commission of Public Records (CPR) invites applications and nominations for the position of director of the NM State Records Center & Archives. The CPR seeks a person with strong administrative skills and management experience; a commitment to preserving the state's heritage in all formats; an ability to plan and implement programs for paper and electronic records management; and a vision of what a 21st-century state records and archives should be. The Director serves at the pleasure of the Commission of Public Records and supervises a staff of 36 in four divisions: Archives & Historical Services, Records Management, Administrative Law (Rules), and Administrative Services.

Qualifications: This position requires either a CRM (Certified Records Manager), a CA (Certified Archivist) or a masters degree in a related field. Candidates are expected to have at least five years of administrative experience in archives, records management or a related area, including management of staff budgets and records. The following are preferred: proficiency in Spanish; knowledge of state government, especially New Mexico; post-degree archival and records management course work; public speaking; and a knowledge of confidentiality and privacy issues. Applicants must be US citizens or have INS authorization to work in the US.

Please contact Kathy Mattison, NM State Records Center & Archives, 1205 Camino Carlos Rey, Santa Fe, NM 87505.

Phone: (505) - 476 - 7902, email:
<kmattison@rain.state.nm.us> for a full information and application packet. Packets will be mailed out starting July 23rd. Applications are due in Santa Fe by August 23, 2002.

The NM Commission of Public Records is an Equal Opportunity Employer.

Members of the New Mexico Commission of Public Records

Stanley Hordes, Ph.D., Chairman
Historian

The Honorable Patricia Madrid
Attorney General

The Honorable Domingo Martinez
State Auditor

The Honorable Rebecca Vigil-Giron
Secretary of State

Steven Beffort
Secretary, General Services Department

Thaddeus Bejnar
State Law Librarian, Supreme Court Law
Library

Thomas Wilson, Ph.D.
Director, Museum of New Mexico

Any questions or comments may be directed to L. Elaine Olah, State Records Administrator, (505) 476-7902. For a copy of our newsletter, please mail your request to the New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 8750, or call (505) 476-7902.

*The Quipu is available on-line at
<http://www.nmcpr.state.nm.us>.*

*Printed copies will be mailed
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tact Kathy Mattison at*

(505)476-7902 or

Email kmattison@rain.state.nm.us