

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 16 LEGISLATIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (LRRDS)
PART 119 LRRDS, LEGISLATIVE MAINTENANCE

1.16.119.1 ISSUING AGENCY: [New Mexico Commission of Public Records] - State Records Center and Archives.
[5-19-97; 1.16.119.1 NMAC - Rn, 1 NMAC 3.2.91.1, 7/22/2002]

1.16.119.2 SCOPE: Legislative Maintenance
[5-19-97; 1.16.119.2 NMAC - Rn, 1 NMAC 3.2.91.2, 7/22/2002]

1.16.119.3 STATUTORY AUTHORITY: Section 14-3-6 NMSA 1978. Administrator: duties. The administrator shall establish a record management program for the application of efficient and economical management methods of the creation, utilization, maintenance, retention, preservation and disposal of official records. The administrator shall establish records disposal schedules for the orderly retirement of records and adopt regulations necessary for the carrying out of the Public Records Act. Records disposal schedules shall be filed with the librarian of the supreme court library, and shall not become effective until thirty days after the filing date.
[5-19-97; 1.16.119.3 NMAC - Rn, 1 NMAC 3.2.91.3, 7/22/2002]

1.16.119.4 DURATION: Permanent
[5-19-97; 1.16.119.4 NMAC - Rn, 1 NMAC 3.2.91.4, 7/22/2002]

1.16.119.5 EFFECTIVE DATE: January 10, 1997
[5-19-97; 1.16.119.5 NMAC - Rn, 1 NMAC 3.2.91.5, 7/22/2002]

1.16.119.6 OBJECTIVE:

A. To establish a records management program for the application of and efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official records (Section 14-3-6 NMSA 1978).

B. To establish records disposal schedules for the orderly retirement of records and adopt regulations necessary for the carrying out of the Public Records Act (Section 14-3-6 NMSA 1978).
[5-19-97; 1.16.119.6 NMAC - Rn, 1 NMAC 3.2.91.6, 7/22/2002]

1.16.119.7 DEFINITIONS:

A. "Administrator" means the state records administrator (Section 14-3-2 NMSA 1978).

B. "Agency" means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).

C. "Audit" means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.

D. "Commission" means the state commission of public records (Section 14-3-2 NMSA 1978).

E. "Pending litigation" means a proceeding in a court of law whose activity is in progress but not yet completed.

F. "Record destruction" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

G. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

H. "Records retention period" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

I. "Records retention schedule" means a document prepared as part of a records retention program that lists the period of time for retaining records.

J. "Public records" means 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, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).

K. "Non-records" means library or museum material of the state library, state institutions and state museums, extra copies of documents reserved only for convenience of reference and stocks of publications and processed documents are non-records (Section 14-3-2 C, NMSA 1978). The following specific types of materials are non-records: extra copies of correspondence; documents preserved only for convenience of reference; blank forms, books which are outdated; materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; preliminary and non-final drafts of letters; reports and memoranda which may contain or reflect the working or deliberative process by which a final decision or position of the agency, board, department or subdivision thereof is reached: shorthand notes, steno tapes, mechanical recordings which have been transcribed, except where noted on agency retention schedules; routing and other interdepartmental forms which are not significant evidence of the activity concerned and do not otherwise have value as described above; stocks of publications already sent to archives and processed documents preserved for supply purposes only; form and guide letters, sample letters, form paragraphs; subject files, including copies of correspondence, memoranda, publications, reports and other information received by agency and filed by subject (also referred to as reading files or information files). See also Item No. 1.15.2.101 NMAC of Records Retention and Disposition Schedule for General Administrative Records. [5-19-97; 1.16.119.7 NMAC - Rn, 1 NMAC 3.2.91.7, 7/22/2002]

1.16.119.8 INSTRUCTIONS:

A. For records of an administrative nature, refer to the Records Retention and Disposition Schedule for General Administrative Records, 1.15.2 NMAC.

B. For records of a financial nature, refer to the Records Retention and Disposition Schedule for General Financial Records, 1.15.4 NMAC.

C. For records of a personnel nature, refer to the Records Retention and Disposition Schedule for General Personnel Records, 1.15.6 NMAC.

D. For records of a medical nature, refer to the Records Retention and Disposition Schedule for General Medical Records, 1.15.8 NMAC.

E. Retention periods shall be extended until six months after all current or pending litigation, current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

G. Confidentiality is denoted as "-C-". Not all materials in a file may be confidential. Refer to note. Where portions of file may be confidential, refer to legal counsel for agency.

H. Access to confidential documents or confidential files shall be only by authorization of agency or attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

I. All records, papers or documents may be photographed, microfilmed, microphotographed or reproduced on film. Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5, 14-1-6 NMSA 1978).

J. Data processing and other machine readable records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically over-written on machine readable media on which it is stored (or media destroyed). (See also 1 NMAC 3.2.70.1 (1.13.70 NMAC): Performance Guidelines for the Legal Acceptance of Public Records Produces by Information Technology Systems).

[5-19-97; 1.16.119.8 NMAC - Rn, 1 NMAC 3.2.91.8, 7/22/2002]

1.16.119.9 - 1.16.119.100 [RESERVED]

1.16.119.101 GROUP INSURANCE POLICY ENROLLMENT CARDS:

- A. **Program:** legislative maintenance
 - B. **Maintenance system:** alphabetical
 - C. **Description:** show enrollees name, social security number, hiring date, benefit information, dependent changes, deduction change information, etc.
 - D. **Retention:** six years after date of policy expiration
- [9-29-77, 10-11-86, 1-10-97; 1.16.119.101 NMAC - Rn, 1 NMAC 3.2.91.119.101, 7/22/2002]

1.16.119.102 WORKMEN'S COMPENSATION FILES:

- A. **Program:** legislative maintenance
 - B. **Maintenance system:** numerical
 - C. **Description:** contain notification of account transfers.
 - D. **Retention:** six years after date of account transfer
- [9-29-77, 10-11-86, 1-10-97; 1.16.119.102 NMAC - Rn, 1 NMAC 3.2.91.119.102, 7/22/2002]

1.16.119.103 VEHICLE REGISTRATIONS

- A. **Program:** legislative maintenance
 - B. **Maintenance system:**
 - C. **Description:**
 - D. **Retention:** until new registration issued or disposition of vehicle
- [9-29-77, 10-11-86, 1-10-97; 1.16.119.103 NMAC - Rn, 1 NMAC 3.2.91.119.103, 7/22/2002]

1.16.119.104 AGENCY SQUARE FOOTAGE LISTING:

- A. **Program:** legislative maintenance
 - B. **Maintenance system:** numerical
 - C. **Description:** shows square footage breakdown of agencies in state capitol and state library buildings for maintenance and insurance purposes.
 - D. **Retention:** until new listing issued
- [9-29-77, 10-11-86, 1-10-97; 1.16.119.104 NMAC - Rn, 1 NMAC 3.2.91.119.104, 7/22/2002]

1.16.119.105 INCOMING SERVICE REQUESTS:

- A. **Program:** legislative maintenance
 - B. **Maintenance system:** numerical
 - C. **Description:** show requests for keys, committee rooms, flags, information, etc.
 - D. **Retention:** six months after date of request
- [9-29-77, 10-11-86, 1-10-97; 1.16.119.105 NMAC - Rn, 1 NMAC 3.2.91.119.105, 7/22/2002]

HISTORY OF 1.16.119 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

SRC Rule 77-6, Records Retention and Disposal Schedule Legislative Maintenance, 8-29-77.

SRC Rule No. 86-15, Records Retention and Disposition Schedule for Legislative Maintenance, 9-11-86.

History of Repealed Material: [RESERVED]