

**TITLE 1 GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 17 JUDICIAL RECORDS RETENTION AND DISPOSITION SCHEDULES (JRRDS)**  
**PART 205 JRRDS, SUPREME COURT LAW LIBRARY**

**1.17.205.1 ISSUING AGENCY:** State Commission of Public Records - State Records Center and Archives  
[1.17.205.1 NMAC - Rp, 1.17.205.1 NMAC, 10/1/2007]

**1.17.205.2 SCOPE:** supreme court law library  
[1.17.205.2 NMAC - Rp, 1.17.205.2 NMAC, 10/1/2007]

**1.17.205.3 STATUTORY AUTHORITY:** Section 14-3-6 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.  
[1.17.205.3 NMAC - Rp, 1.17.205.3 NMAC, 10/1/2007]

**1.17.205.4 DURATION:** permanent  
[1.17.205.4 NMAC - Rp, 1.17.205.4 NMAC, 10/1/2007]

**1.17.205.5 EFFECTIVE DATE:** October 1, 2007 unless a later date is cited at the end of a section.  
[1.17.205.5 NMAC - Rp, 1.17.205.5 NMAC, 10/1/2007]

**1.17.205.6 OBJECTIVE:** To establish a records retention and disposition schedule for the orderly management and retirement of records necessary for carrying out the Public Records Act per Section 14-3-6 NMSA 1978.  
[1.17.205.6 NMAC - Rp, 1.17.205.6 NMAC, 10/1/2007]

**1.17.205.7 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. "Archives"** means the state archives of the commission of public records.
- D. "Disposition"** means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).
- E. "Microphotography"** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission of public records.
- F. "Non-record"** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity, and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- G. "Public record"** 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).
- H. "Records custodian"** means the statutory head of the agency using or maintaining the records or the custodian's designee.
- I. "Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
- J. "Records retention and disposition schedule"** means rules adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

**K.** “Retention” 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.  
[1.17.205.7 NMAC - Rp, 1.17.205.7 NMAC, 10/1/2007]

**1.17.205.8 ABBREVIATIONS AND ACRONYMS:**

**A.** “NMAC” stands for the New Mexico administrative code.

**B.** “NMSA” stands for New Mexico statutes annotated.

[1.17.205.8 NMAC - N, 10/1/2007]

**1.17.205.9 INSTRUCTIONS:**

**A.** For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.

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

**C.** For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.7 NMAC.

**D.** For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 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.** 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 for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

**H.** Access to confidential documents and files shall be only by authorization of the records custodian, 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.** Records, papers or documents may be reformatted thorough microphotography. Such reformatted records 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 and 14-1-6 NMSA 1978).

**J.** Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.17.205.9 NMAC - Rp, 1.17.205.9 NMAC, 10/1/2007]

**1.17.205.10 - 1.17.205.14 [RESERVED]**

**1.17.205.15 ACCESSION RECORDS:**

**A. Program:** supreme court law library

**B. Maintenance system:** numerical by accession number

**C. Description:** records concerning the acquisition of library monographs, films, photographs, book collections, deed of gifts, etc. Records may contain library of congress call number, author, title, publisher, date of publication, date of purchase, purchase order number, payment voucher number, cost of acquisition, etc.

**D. Retention:** permanent

[1.17.205.15 NMAC - N, 10/1/2007]

**1.17.205.16 DEACCESSION FILES:**

**A. Program:** supreme court law library

**B. Maintenance system:** numerical by accession number

**C. Description:** records concerning items identified for removal from the permanent collection. Files may contain assigned accession identification number, name and description of items, catalogue number, library of congress call number, date removed from permanent collection, memoranda, etc.

**D. Retention:** permanent  
[1.17.205.16 NMAC - N, 10/1/2007]

#### **1.17.205.17 SUPREME COURT LAW LIBRARY CIRCULATION AND CATALOG SYSTEM:**

**A. Program:** supreme court law library  
**B. Maintenance system:** numerical by primary key (control number or barcode)  
**C. Description:** system used to maintain electronic catalog records for library materials held by the supreme court law library. Database may contain item records (shelf location, barcode number, number of times the book has been loaned, current loan status, bibliographical data, etc.), patron name, circulation (patron review, checkout data, check-in data, loan renewal data, etc.), disposition information, etc.

**D. Retention:**  
(1) **Cataloging data:** until materials deaccessioned from inventory  
(2) **Library item records data:** until materials de-accessioned from inventory  
(3) **Patron data:** until no longer needed for reference or patron requests deletion  
(4) **Circulation data:** until superseded by new information  
(5) **Depository shipping data:** 90-days after entered into system  
**E. Confidentiality:** Portions of these records are confidential under the Library Privacy Act 18-9-4 NMSA 1978 (i.e., patron record).

**F. Input:** All documents used for input to *supreme court law library circulation and catalog system* are filed in the *accession records* or the *catalog holdings* (1.15.2.602 NMAC). Those documents include the following: federal, New Mexico and out-of state shelf list library catalog card information, etc. Another method of input is an electronic transfer of cataloging data from *machine readable cataloging* (MARC) upon acquisition of materials.

**G. Output:** Because the *supreme court law library circulation and catalog system* is a data-based system, required and ad hoc reports may be generated upon request or demand. When produced, these reports are either forwarded to the requesting entity, filed in *reports (routine, interim or progress reports, 1.15.2.117 NMAC)*. Some of these reports include annual circulation statistics; annual cataloging statistics; annual shelf list of holdings; and an annual new titles list.  
[1.17.205.17 NMAC - Rp, 1.17.205.104 NMAC, 10/1/2007]

#### **1.17.205.18 [RESERVED]**

#### **1.17.205.19 COPYRIGHT MATERIAL REQUESTS:**

**A. Program:** supreme court law library  
**B. Maintenance system:** chronological by calendar year, then by date of request  
**C. Description:** records used to track requests for reproduction of copyrighted materials. Records may contain journal title, year of request, date request received, name and address of patron, etc.  
**D. Retention:** three years after close of calendar year in which copyrighted material is reproduced  
**E. Confidentiality:** Portions of these records are confidential under the Library Privacy Act 18-9-4 NMSA 1978 (i.e., patron record).

[1.17.205.19 NMAC - N, 10/1/2007]

[Retention is based off of the United States Copyright Office Circular 21, p. 19]

#### **HISTORY OF 1.17.205 NMAC:**

##### **History of Repealed Material:**

1.17.205 NMAC, JRRDS, Supreme Court Law Library, filed 12/7/2001, repealed 10/1/2007