

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 17 JUDICIAL RECORDS RETENTION AND DISPOSITION SCHEDULES (JRRDS)
PART 210 JRRDS, JUDICIAL STANDARDS COMMISSION

1.17.210.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives
[1.17.210.1 NMAC - Rp, 1.17.210.1 NMAC, 4/19/2010]

1.17.210.2 SCOPE: judicial standards commission
[1.17.210.2 NMAC - Rp, 1.17.210.2 NMAC, 4/19/2010]

1.17.210.3 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.
[1.17.210.3 NMAC - Rp, 1.17.210.3 NMAC, 4/19/2010]

1.17.210.4 DURATION: permanent
[1.17.210.4 NMAC - Rp, 1.17.210.4 NMAC, 4/19/2010]

1.17.210.5 EFFECTIVE DATE: April 19, 2010, unless a later date is cited at the end of a section.
[1.17.210.5 NMAC - Rp, 1.17.210.5 NMAC, 4/19/2010]

1.17.210.6 OBJECTIVE: To establish a records disposal schedules for the orderly management and retirement of records necessary for carrying out the Public Records Act per Section 14-3-6 NMSA 1978.
[1.17.210.6 NMAC - Rp, 1.17.210.6 NMAC, 4/19/2010]

1.17.210.7 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 are 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. “Archives”** means the state archives of the commission of public records.
- G. “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).
- H. “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 or other material summarized in final or other form and which have no value once action has been taken; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- I. “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)
- J. “Records custodian”** means the statutory head of the agency using or maintaining the records or the custodian's designee.
- K. “Records management”** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

L. “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.

M. “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.
[1.17.210.7 NMAC - Rp, 1.17.210.7 NMAC, 4/19/2010]

1.17.210.8 ABBREVIATIONS AND ACRONYMS:

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

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

[1.17.210.8 NMAC - Rp, 1.17.210.8 NMAC, 4/19/2010]

1.17.210.9 INSTRUCTIONS:

A. Record retention and disposition schedules identify the types of records maintained by state agencies and specify a period of time which records must be retained. A retention period may be stated in terms of months or years and is sometimes expressed as contingent upon the occurrence of an event. There are two types of record retention and disposition schedules created by the state records center and archives. General schedules that list records common to all agencies and executive schedules which are specific to an agency. Each record series will be represented in the format listed below.

(1) **Program** - describes the function of the records

(2) **Maintenance system** - describes how an agency files (organizes) records

(3) **Description** - describes the purpose and content of a record

(4) **Retention** - The length of time records must be kept before they are eligible for destruction or archival preservation.

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

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

D. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC, and for officers personnel records, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.7 NMAC.

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

F. 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.

G. 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.

H. Confidentiality is denoted for each file but all materials in a file may be confidential. Refer to note. Where portions of file may be confidential, refer to legal counsel for agency.

I. 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.

J. 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).

K. 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.

L. Email messages that contain information sent or received by an agency in connection with the transaction of official state business or in pursuance of law are public records and are subject to retention requirements established in both general and executive records retention and disposition schedules.

[1.17.210.9 NMAC - Rp, 1.17.210.9 NMAC, 4/19/2010]

1.17.210.10 - 100 [RESERVED]

1.17.210.101 COMPLAINT CASE FILE:

A. Program: judicial standards commission
B. Maintenance system: chronological by year case opened, then numerical by sequential number
C. Description: file is used to document complaints received or initiated by the judicial standards commission. File may contain complaint, reports, transcripts, evidence, logs, findings and conclusions, recommendation to the supreme court, pleadings, orders, correspondence, etc.

D. Retention:

(1) Docketed files:

(a) Tapes and evidence: five years after date file closed

(b) All other records: permanent

(2) Un-docketed (dead files): five years after date received

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to NM

Constitution Article VI, Section 32.

[1.17.210.101 NMAC - Rp, 1.17.210.101 NMAC, 4/19/2010]

1.17.210.102 CASE DOCKET:

A. Program: judicial standards commission
B. Maintenance system: chronological by year case opened, then numerical by sequential number
C. Description: case docket is used to track and maintain all docketed complaints. Docket may contain name of subject of complaint, court location, filing date, closure date, case number, complainant name, etc.

D. Retention: permanent (stored on-site at agency)

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to NM

Constitution Article VI, Section 32.

[1.17.210.102 NMAC - Rp, 1.17.210.102 NMAC, 4/19/2010]

1.17.210.103 COMMISSION PROCEEDINGS:

A. Program: judicial standards commission
B. Maintenance system: chronological by date
C. Description: record is a written summary of all actions on matters under the judicial standards commission's purview. Record may contain meeting date and location, members present, record of all matters taken before the commission and actions of the commission, etc.

D. Retention: permanent (stored on-site at agency)

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to NM

Constitution Article VI, Section 32.

[1.17.210.103 NMAC - Rp, 1.17.210.103 NMAC, 4/19/2010]

HISTORY OF 1.17.210 NMAC:

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

SRC Rule No 94-12, Records Retention and Disposition Schedule for NM Judicial Standards Commission, 8/31/94.

History of Repealed Material:

1.17.210 NMAC, JRRDS, New Mexico Judicial Standards Commission, filed 12/7/2001 - Repealed effective 4/19/2010.