

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 337 ERRDS, STATE INVESTMENT COUNCIL

1.18.337.1 ISSUING AGENCY: [New Mexico Commission of Public Records] - State Records Center and Archives
[5-25-95; 1.18.337.1 NMAC - Rn, 1 NMAC 3.2.93.1, 7/22/2002]

1.18.337.2 SCOPE: State Investment Council
[5-25-95; 1.18.337.2 NMAC - Rn, 1 NMAC 3.2.93.2, 7/22/2002]

1.18.337.3 STATUTORY AUTHORITY: Section 14-3-6 NMSA 1978. Administrator: duties. The administrator shall establish a records management program for the application of efficient and economical management methods to 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 date of filing.
[5-25-95, 5-19-97; 1.18.337.3 NMAC - Rn, 1 NMAC 3.2.93.3, 7/22/2002]

1.18.337.4 DURATION: Permanent
[5-25-95, 5-19-97; 1.18.337.4 NMAC - Rn, 1 NMAC 3.2.93.4, 7/22/2002]

1.18.337.5 EFFECTIVE DATE: January 10, 1997, unless a different date is cited at the end of a section or paragraph.
[5-25-95, 5-19-97; 1.18.337.5 NMAC - Rn, 1 NMAC 3.2.93.5, 7/22/2002]

1.18.337.6 OBJECTIVE:
A. To establish a records management program for the application of 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).
[5-25-95, 5-19-97; 1.18.337.6 NMAC - Rn, 1 NMAC 3.2.93.6, 7/22/2002]

1.18.337.7 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-record" 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 14-3-2C NMSA 1978). The following specific types of materials are non-records: extra copies of correspondence; documents preserved only for convenience of reference; blank forms and 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 1.15.2.101 and 1.15.2.102 NMAC, General Administrative Records Retention and Disposition Schedule for general administrative records. [5-25-95, 5-19-97; 1.18.337.7 NMAC - Rn, 1 NMAC 3.2.93.7, 7/22/2002]

1.18.337.8 [RESERVED]

1.18.337.9 INSTRUCTIONS:

- A.** For records of a general administrative nature, refer to the General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.
- B.** For records of a financial nature, refer to the General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.
- C.** For records of a personnel nature, refer to the General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.
- D.** For records of medical nature, refer to the 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.** 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 and 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 Produced by Information Technology Systems.

[5-25-95, 5-19-97; 1.18.337.9 NMAC - Rn, 1 NMAC 3.2.93.8, 7/22/2002]

1.18.337.10 - 100 [RESERVED]

1.18.337.101 INVESTMENT DETAIL TRANSACTION REPORTS: MONTHLY PRINTOUT:

- A. Program:** state investment council
- B. Maintenance system:** chronological
- C. Description:** show monthly report of transactions.
- D. Retention:** permanent

[3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.101 NMAC - Rn, 1 NMAC 3.2.93.337.101, 7/22/2002]

1.18.337.102 INVESTMENT PORTFOLIO AND EARNING REPORTS: MONTHLY PRINTOUT:

- A. Program:** state investment council
- B. Maintenance system:** chronological
- C. Description:** show interest rate, face rate, yield, maturity date, par value, book value, purchase date, etc.
- D. Retention:** three years after audit has been released

[3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.102 NMAC - Rn, 1 NMAC 3.2.93.337.102, 7/22/2002]

1.18.337.103 INVESTMENT CASE FILES:

- A. Program:** state investment council
- B. Maintenance system:** alphabetical
- C. Description:** contain investment information on SIC owned stocks, bonds, and certificates of deposit.
- D. Retention:** three years after audit has been released

[3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.103 NMAC - Rn, 1 NMAC 3.2.93.337.103, 7/22/2002]

1.18.337.104 SMALL BUSINESS ADMINISTRATION LOAN CASE FILES:

- A. Program:** state investment council
- B. Maintenance system:** numerical
- C. Description:** contain remittance reports.
- D. Retention:** three years after close of fiscal year in which final payment is received

[3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.104 NMAC - Rn, 1 NMAC 3.2.93.337.104, 7/22/2002]

1.18.337.105 MULTI-UNIT MORTGAGE LOAD FILES:

- A. Program:** state investment council
- B. Maintenance system:** alphabetical
- C. Description:** contain physical inspection reports, notice of payment, purchase vouchers, insurance policies, amortization schedules, correspondence, etc.
- D. Retention:** three years after retirement of mortgage

[3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.105 NMAC - Rn, 1 NMAC 3.2.93.337.105, 7/22/2002]

1.18.337.106 MORTGAGE SERVICER FILES:

- A. Program:** state investment council
- B. Maintenance system:** numerical
- C. Description:** contain servicer approval, contract, financial statements, insurance certificates for bond, correspondence, etc.
- D. Retention:** six years after termination of contract

[3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.106 NMAC - Rn, 1 NMAC 3.2.93.337.106, 7/22/2002]

1.18.337.107 HOME LOAN FILES:

- A. Program:** state investment council
- B. Maintenance system:** numerical by servicer and load number
- C. Description:** contain mortgage voucher, amortization schedule, payment record, plot, insurance claims and foreclosed loans or deeds in lieu of foreclosure, etc.
- D. Retention:** one year after audit has been released

[3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.107 NMAC - Rn, 1 NMAC 3.2.93.337.107, 7/22/2002]

[Note: state treasurer retains original note and upon final payment returns to mortgagor.]

1.18.337.108 DATA INPUT FILES:

- A. **Program:** state investment council
 - B. **Maintenance system:** chronological
 - C. **Description:** contain copy of receipt, and any transaction or changes.
 - D. **Retention:** one year after audit has been released
- [3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.108 NMAC - Rn, 1 NMAC 3.2.93.337.108, 7/22/2002]

1.18.337.109 CERTIFICATE OF DEPOSIT QUARTERLY REPORTS:

- A. **Program:** state investment council
 - B. **Maintenance system:** alphabetical by financial institutions
 - C. **Description:** show reports.
 - D. **Retention:** three years after audit has been released
- [3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.109 NMAC - Rn, 1 NMAC 3.2.93.337.109, 7/22/2002]

1.18.337.110 CERTIFICATE OF DEPOSIT AND SUPPORT DOCUMENTS FILES:

- A. **Program:** state investment council
 - B. **Maintenance system:** alphabetical by financial institution
 - C. **Description:** contain purchase sheet, safe keeping receipts, and correspondence.
 - D. **Retention:** three years after maturity has occurred
- [3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.110 NMAC - Rn, 1 NMAC 3.2.93.337.110, 7/22/2002]

1.18.337.111 HOME LOAN REPORTS:

- A. **Program:** state investment council
 - B. **Maintenance system:** alphabetical by servicer
 - C. **Description:** show mortgage payment, amount of principal and interest, servicers name, delinquency information, etc.
 - D. **Retention:** one year after close of fiscal year in which payment is received
- [3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.111 NMAC - Rn, 1 NMAC 3.2.93.337.111, 7/22/2002]

1.18.337.112 ADVISOR FILES:

- A. **Program:** state investment council
 - B. **Maintenance system:** chronological
 - C. **Description:** contain information on stock, recommendations, correspondence, etc.
 - D. **Retention:** six years after termination of contract
- [3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.112 NMAC - Rn, 1 NMAC 3.2.93.337.112, 7/22/2002]

1.18.337.113 BROKERS FILES:

- A. **Program:** state investment council
 - B. **Maintenance system:** alphabetical by broker's name
 - C. **Description:** contain monthly transaction statement and broker's statement.
 - D. **Retention:** 10 years after audit has been released
- [3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.113 NMAC - Rn, 1 NMAC 3.2.93.337.113, 7/22/2002]

1.18.337.114 SECURITY LENDING MONTHLY REPORT FILES:

- A. **Program:** state investment council
 - B. **Maintenance system:** chronological
 - C. **Description:** contain agent statement, related documents, and correspondence.
 - D. **Retention:** one year after audit has been released
- [3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.114 NMAC - Rn, 1 NMAC 3.2.93.337.114, 7/22/2002]

1.18.337.115 OVERNIGHT INVESTMENT WORKSHEETS:

- A. **Program:** state investment council
 - B. **Maintenance system:** chronological by month
 - C. **Description:** contain released cash available worksheets, investment authorization letter and correspondence.
 - D. **Retention:** one year after audit has been
- [1-10-97; 1.18.337.115 NMAC - Rn, 1 NMAC 3.2.93.337.115, 7/22/2002]

1.18.337.116 CORRESPONDENCE BANK REPORTS, DAILY PRINTOUT REPORTS:

- A. Program:** state investment council
- B. Maintenance system:** chronological
- C. Description:** show date, credits for SIC, references, amount, funds, type, etc.
- D. Retention:** six years after termination of contract

[3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.116 NMAC - Rn, 1 NMAC 3.2.93.337.116, 7/22/2002]

1.18.337.117 FISCAL AGENT REPORTS, DAILY PRINTOUT REPORTS:

- A. Program:** state investment council
- B. Maintenance system:** chronological
- C. Description:** show date, transaction description principal transaction, dollar amount, closing asset position, etc.
- D. Retention:** six years after termination of contract

[3-25-74, 4-1-83, 1-11-88, 1-10-97; 1.18.337.117 NMAC - Rn, 1 NMAC 3.2.93.337.117, 7/22/2002]

HISTORY OF 1.18.337 NMAC:

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

SRC Rule 74-4, Records Retention and Disposal Schedule State Investment Council, 2-25-74.

SRC Rule No. 82-13A, Records Retention and Disposition Schedule State Investment Council, 3-1-83.

SRC Rule No. 87-06, Records Retention and Disposition Schedule for State Investment Council, 12-11-87.

History of Repealed Material: [RESERVED]