

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 342 ERRDS, PUBLIC SCHOOL INSURANCE AUTHORITY

1.18.342.1 ISSUING AGENCY: [New Mexico Commission of Public Records] - State Records Center and Archives
[5-25-95; 1.18.342.1 NMAC - Rn, 1 NMAC 3.2.93.1, 7/22/2002]

1.18.342.2 SCOPE: Public School Insurance Authority
[5-25-95; 1.18.342.2 NMAC - Rn, 1 NMAC 3.2.93.2, 7/22/2002]

1.18.342.3 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; 1.18.342.3 NMAC - Rn, 1 NMAC 3.2.93.3, 7/22/2002]

1.18.342.4 DURATION: Permanent
[5-25-95, 5-19-97; 1.18.342.4 NMAC - Rn, 1 NMAC 3.2.93.4, 7/22/2002]

1.18.342.5 EFFECTIVE DATE: July 13, 1998, unless a different date is cited at the end of a section or paragraph.
[5-25-95, 5-19-97; 1.18.342.5 NMAC - Rn, 1 NMAC 3.2.93.5, 7/22/2002]

1.18.342.6 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; 1.18.342.6 NMAC - Rn, 1 NMAC 3.2.93.6, 7/22/2002]

1.18.342.7 DEFINITIONS:

A. "Administrator" means the state records administrator (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; 1.18.342.7 NMAC - Rn, 1 NMAC 3.2.93.7, 7/22/2002]

1.18.342.8 [RESERVED]

1.18.342.9 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; 1.18.342.9 NMAC - Rn, 1 NMAC 3.2.93.8, 7/22/2002]

1.18.342.10 - 99 [RESERVED]

1.18.342.100 INSURANCE POLICIES MASTER FILES:

- A. Program:** New Mexico public school insurance authority
- B. Maintenance system:** alphabetical by insurance carrier
- C. Description:** records concerning insurance policies purchased by the New Mexico public school insurance authority (NMPSIA) and contracted out to third party administrators (TPAs) for the purpose of processing group insurance claims for all New Mexico public school districts, with the exception of Albuquerque public schools, which by law does not fall under the NMPSIA. Files include requests for proposals (RFP), bid award, original policies, other related correspondence, etc.
- D. Retention:** 10 years after expiration of policy
[7-13-98; 1.18.342.100 NMAC - Rn, 1 NMAC 3.2.93.342.100, 7/22/2002]

1.18.342.101 REQUESTS FOR PROPOSALS FILES:

- A. Program:** New Mexico public school insurance authority
- B. Maintenance system:** alphabetical by vendor name
- C. Description:** records concerning requests for proposals solicited by NMPSIA and include description, evaluation of proposal, evaluation criteria, overview, audit objectives, scope of work, compensation, bid format, additional conditions, etc.
- D. Retention:** three years after close of fiscal year in which bid is awarded
[7-13-98; 1.18.342.101 NMAC - Rn, 1 NMAC 3.2.93.342.101, 7/22/2002]

1.18.342.102 CONTRACT FILES:

- A. Program:** New Mexico public school insurance authority
- B. Maintenance system:** alphabetical by vendor name
- C. Description:** records concerning contracts let through bid by PSIA. Files may include original contract, bid information, contract specifications, correspondence, memoranda, etc.
- D. Retention:** six years after termination of contract
[7-13-98; 1.18.342.102 NMAC - Rn, 1 NMAC 3.2.93.342.102, 7/22/2002]

1.18.342.103 EMPLOYEE BENEFIT ENROLLMENT FILES:

- A. Program:** New Mexico public school insurance authority
- B. Maintenance system:** alphanumeric by members surname and social security number
- C. Description:** records concerning enrollment for employee benefits. Files include original enrollment forms, copies of supporting documentation, etc.
- D. Retention:** six years after termination of coverage(s)
- E. Confidentiality:** some of the records contained in these files may be considered confidential under NMSA 1978, Article 14, Chapter 2, Section 14-2-1: Right to Inspect Public Records; Exceptions.
[7-13-98; 1.18.342.103 NMAC - Rn, 1 NMAC 3.2.93.342.103, 7/22/2002]
[Note: these records are maintained by the third party administrator (TPA) and are retrieved by the New Mexico public school authority (NMPSIA) when needed to resolve complaints arising from claims and benefits or for other personal data requests.]

1.18.342.104 BENEFIT CLAIM PRINTOUTS, WEEKLY:

- A. Program:** New Mexico public school insurance authority
- B. Maintenance system:** alphabetical by school district
- C. Description:** weekly printouts of insurance claims for medical benefits processed by and paid by the medical insurance carrier. Printout shows claim number, claimants social security number, amount paid, name of recipient, date paid, etc.
- D. Retention:**
 - (1) **Original claim:** six years after termination of coverage(s)
 - (2) **Claim printout:** until audit report is released by state auditor
- E. Confidentiality:** some of the records contained in these printouts may be considered confidential under NMSA 1978, Article 14, Chapter 2, Section 14-2-1: Right to Inspect Public Records; Exceptions.
[7-13-98; 1.18.342.104 NMAC - Rn, 1 NMAC 3.2.93.342.104, 7/22/2002]
[Note: original claims are maintained by the medical insurance carrier.]

1.18.342.105 RISK-RELATED CLAIM PRINTOUTS, MONTHLY:

- A. **Program:** New Mexico public school insurance authority
- B. **Maintenance system:** alphabetical by school district
- C. **Description:** monthly printouts of insurance claims for personal injuries processed by the TPA and paid by the insurance carrier. Printout shows claim number, claimants social security number, amount paid, name of recipient, date paid, etc.
- D. **Retention:**
 - (1) **Original claim:** six years after termination of claim(s)
 - (2) **Claim printout:** until audit report is released by state auditor
- E. **Confidentiality:** some of the records contained in these printouts may be considered confidential under NMSA 1978, Article 14, Chapter 2, Section 14-2-1: Right to Inspect Public Records; Exceptions. [7-13-98; 1.18.342.105 NMAC - Rn, 1 NMAC 3.2.93.342.105, 7/22/2002]
[Note: original claims are maintained by the TPA.]

1.18.342.106 EMPLOYEE BENEFIT COMPLAINT FILES:

- A. **Program:** New Mexico public school insurance authority
- B. **Maintenance system:** alphanumerical by members surname and social security number
- C. **Description:** records concerning complaints regarding insurance claims and benefits. Files may include original complaint, correspondence, memoranda, investigative reports, original claims, legal opinions, court documents, exhibits, depositions, resolutions, etc.
- D. **Retention:** until complaint is resolved
- E. **Confidentiality:** some of the records contained in these files may be considered confidential under NMSA 1978, Article 14, Chapter 2, Section 14-2-1: Right to Inspect Public Records; Exceptions. [7-13-98; 1.18.342.106 NMAC - Rn, 1 NMAC 3.2.93.342.106, 7/22/2002]
[Note: after complaint is resolved, records are filed in employee benefit enrollment files 1.18.342.103 NMAC.]

1.18.342.107 SCHOOL APPRAISAL FILES:

- A. **Program:** New Mexico public school insurance authority
- B. **Maintenance system:** alphabetical by school district
- C. **Description:** records concerning appraisals conducted for insurance liability purposes. Files may include photographs of school buildings, land surveys of school grounds, final appraisals, correspondence, memoranda, etc.
- D. **Retention:** until superseded by new appraisal, then transfer to archives for review and final disposal
[7-13-98; 1.18.342.107 NMAC - Rn, 1 NMAC 3.2.93.342.107, 7/22/2002]

1.18.342.108 CONTRIBUTIONS FILES:

- A. **Program:** New Mexico public school insurance authority
- B. **Maintenance system:** alphabetical by school district
- C. **Description:** records concerning insurance premiums paid by participating public schools, school board members, school board retirees, public school employees, and retirees within New Mexico for group insurance coverage(s). Files may include daily bank deposit slips, copies of checks received from school districts, copies of invoices and billings to school districts, notices of discrepancies from financial institutions, etc.
- D. **Retention:** six years after termination of policy period
[7-13-98; 1.18.342.108 NMAC - Rn, 1 NMAC 3.2.93.342.108, 7/22/2002]

1.18.342.109 COST-CONTAINMENT REPORTS:

- A. **Program:** New Mexico public school insurance authority
- B. **Maintenance system:** chronological by filing date
- C. **Description:** reports submitted annually by the NMPSIA to interim legislative committees. Reports show the effectiveness of the cost-containment measures in the procurement procedures of lines of insurance coverage(s) for participating school districts in New Mexico.
- D. **Retention:** two years after filing date
[7-13-98; 1.18.342.109 NMAC - Rn, 1 NMAC 3.2.93.342.109, 7/22/2002]

1.18.342.110 PARTICIPATION WAIVERS FILES:

- A. **Program:** New Mexico public school insurance authority

- B. Maintenance system:** alphabetical by school districts
- C. Description:** records concerning original requests for waivers stating reasons why the school district does not wish to participate in the NMPSIAs established line or lines of insurance. Files may include request for waiver, NMPSIAs board determinations, exhibits, correspondence, memoranda, etc.
- D. Retention:** permanent
[7-13-98; 1.18.342.110 NMAC - Rn, 1 NMAC 3.2.93.342.110, 7/22/2002]

HISTORY OF 1.18.342 NMAC: [RESERVED]

RESERVED