

**TITLE 1 GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 18 EXECUTIVE RECORD RETENTION AND DISPOSITION SCHEDULES (ERRDS)**  
**PART 464 ERRDS, STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND SURVEYORS**

**1.18.464.1 ISSUING AGENCY:** New Mexico Commission of Public Records - State Records Center and Archives  
[1.18.464.1 NMAC - Rp, 1.18.464.1 NMAC, 4/22/2013]

**1.18.464.2 SCOPE:** state board of licensure for professional engineers and surveyors  
[1.18.464.2 NMAC - Rp, 1.18.464.2 NMAC, 4/22/2013]

**1.18.464.3 STATUTORY AUTHORITY:** Section 14-3-4 NMSA 1978, it shall be the duty of the commission to adopt and publish rules to carry out the purposes of the Public Records Act. 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.  
[1.18.464.3 NMAC - Rp, 1.18.464.3 NMAC, 4/22/2013]

**1.18.464.4 DURATION:** permanent  
[1.18.464.4 NMAC - Rp, 1.18.464.4 NMAC, 4/22/2013]

**1.18.464.5 EFFECTIVE DATE:** April 22, 2013, unless a later date is cited at the end of a section  
[1.18.464.5 NMAC - Rp, 1.18.464.5 NMAC, 4/22/2013]

**1.18.464.6 OBJECTIVE:** To establish a records retention schedule for the orderly management, retention, disposition and preservation of records necessary for carrying out the Public Records Act pursuant to Section 14-3-6 NMSA 1978.  
[1.18.464.6 NMAC - Rp, 1.18.464.6 NMAC, 4/22/2013]

**1.18.464.7 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 permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico. The term also refers to the organizational unit of the SRCA storing these records.
- D. "Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
- E. "Certification"** refers to the process by which any engineer or surveyor intern is certified as having demonstrated certain skills and fundamentals for a respective profession within these fields.
- F. "Commission"** means the state commission of public records (Section 14-3-2 NMSA 1978).
- 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. "Licensure"** refers to the process by which any engineer or surveyor has been licensed by the state board of licensure for professional engineers and surveyors for having completed the prescribed requirements and passing the necessary examinations for the respective profession within these fields.
- I. "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.
- J. "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.

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

**L. "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).

**M. "Records custodian"** means the statutory head of the agency using or maintaining the records or the custodian's designee.

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

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

**P. "Records retention and disposition schedule"** means rules adopted by the commission pursuant to Section 14-3-4 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

**Q. "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.  
[1.18.464.7 NMAC - Rp, 1.18.464.7 NMAC, 4/22/2013]

#### **1.18.464.8 ABBREVIATIONS AND ACRONYMS:**

- A. "CFR"** stands for code of federal regulations.
- B. "EDRRDS"** stands for education records retention and disposition schedules.
- C. "ERRDS"** stands for executive records retention and disposition schedules.
- D. "GRRDS"** stands for general records retention and disposition schedules.
- E. "JRRDS"** stands for judicial records retention and disposition schedules.
- F. "LRRDS"** stands for legislative records retention and disposition schedules.
- G. "LGRRDS"** stands for local government records retention and disposition schedules.
- H. "SRCA"** stands for state records center and archives.
- I. "USC"** stands for United States code.

[1.18.464.8 NMAC - Rp, 1.18.464.8 NMAC, 4/22/2013]

#### **1.18.464.9 INSTRUCTIONS:**

**A.** Records 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 several types of records retention and disposition schedules promulgated by the commission for state agencies. General schedules list records common to all agencies and executive schedules list records 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** - defines 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, 1.15.2 NMAC.

**C.** For records of a financial nature, refer to the GRRDS, General Financial, 1.15.4 NMAC.

**D.** For records of a personnel nature, refer to the GRRDS, General Personnel, 1.15.6 NMAC.

**E.** For records of a medical nature, refer to the GRRDS, General Medical, 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 included 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 files likely to contain confidential materials or information; however files without a confidentiality note may contain confidential or privileged information. Failure to include a confidentiality note in the description of a record series does not waive confidentiality. Refer questions concerning the confidentiality of a file to legal counsel for the agency.

**I.** Access to confidential documents, information or files shall be only by authorization of the agency records custodian (Section 14-2-8 NMSA 1978), or by the office of the attorney general or by court order, unless otherwise provided by law. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

**J.** Records may be photographed, microfilmed, digitized or converted to computer output microfilm provided a microphotography plan has been approved by the state records administrator (Section 14-3-17 NMSA 1978). Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction as evidence in all courts or administrative agencies (Section 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 is a transmission medium for content that may or may not be a public record. 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 records retention and disposition schedules. Email messages are required to be categorized, filed and retained on the basis of content (1.13.4 NMAC, Records Management Requirements for Electronic Messaging). The content of email messages may vary considerably; therefore, each email shall be evaluated to determine if it meets the definition of a public record as defined in the Public Records Act. Non-records or transitory emails that do not provide evidence of official agency policies or business transactions may be deleted.

**M.** Non-scheduled public records created by an agency in pursuance of law or in connection with the transaction of public business shall have a retention period of permanent until such time the non-scheduled record has been scheduled and a retention period adhering to operational, legal, fiscal, historical or other purposes is established.

[1.18.464.9 NMAC - Rp, 1.18.464.8 NMAC, 4/22/2013]

#### **1.18.464.10 - 1.18.464.14 [RESERVED]**

##### **1.18.464.15 INTERN FILES:**

**A. Program:** licensure

**B. Maintenance system:** chronological by year, then alphabetical by applicant surname

**C. Description:** records documenting application for professional engineer or surveyor intern status for qualified individuals. Files may include applications, transcripts, fundamentals of engineering exam score sheets, fundamentals of surveying exam score sheets, correspondence, etc.

**D. Retention:** three years from date of application or last examination date

**E. Confidentiality:** Portions of this record may contain confidential information pursuant, but not limited to, 5 USC Section 552a (i.e., social security number) and Section 61-23-12 NMSA, 1978 Records and reports (i.e., "letters of inquiry and reference concerning applicants").

[1.18.464.15 NMAC - Rp, 1.18.464.15 NMAC, 4/22/2013]

[*Intern files*, 1.18.464.15 NMAC are transferred to *licensure files*, 1.18.464.16 NMAC upon successful completion of required licensure examinations.]

##### **1.18.464.16 LICENSURE FILES:**

**A. Program:** licensure

**B. Maintenance system:** chronological by year, then alphabetical by applicant surname

**C. Description:** records documenting the application and licensure history of professional engineers and surveyors. Files may include applications for certification, transcripts, letters of reference, professional licensure notification letters, application for licensure, *abstract of applicant statement form*, *reference form*,

licensure renewal application, copy of letter of audit notice, response and documentation, letter of contemplated action, correspondence, etc.

**D. Retention:** 30 years from date licensure lapses, revocation or notification of death of licensee

**E. Confidentiality:** Portions of this record may contain confidential information pursuant, but not limited to, 5 USC Section 552a (i.e., social security number) and Section 61-23-12 NMSA, 1978 Records and reports (i.e., "letters of inquiry and reference concerning applicants").

[1.18.464.16 NMAC - Rp, 1.18.464.16 NMAC, 4/22/2013]

#### **1.18.464.17 - 1.18.464.18 [RESERVED]**

#### **1.18.464.19 SURVEYOR INTERN EXAMINATION FILES:**

**A. Program:** testing

**B. Maintenance system:** chronological by year

**C. Description:** record of examinations administered for intern surveyors. Files may include examination booklets, sign-in sheets, answer keys, score reports, etc.

**D. Retention:** five years from examination date

**E. Confidentiality:** Portions of this record may contain confidential information pursuant, but not limited to, Section 61-23-12 NMSA, 1978 Records and reports (i.e., "file records of examination problem solutions").

[1.18.464.19 NMAC - Rp, 1.18.464.19 NMAC, 4/22/2013]

#### **1.18.464.20 COMPLAINT FILES:**

**A. Program:** licensure

**B. Maintenance system:** chronological by year, then numerical by case number

**C. Description:** record of complaints filed against a certified intern, licensed professional engineers or surveyors or individuals practicing engineering or surveying without certification or licensure. Files may include notarized *affidavit of witness form*, *complaint form*, *complainant's exhibits form*, *statement continuation form*, investigation reports, notices of contemplated action, board decisions, correspondence, etc.

**D. Retention:**

(1) **Complaints resulting in disciplinary action:** 25 years from date case closed

(2) **Complaints dismissed:** six years from date complaint dismissed

**E. Confidentiality:** Portions of this record may contain confidential information pursuant, but not limited to, 5 USC Section 552a (i.e., social security number) and Section 61-23-12 NMSA, 1978 Records and reports (i.e., "investigation files where any investigation is ongoing or is still pending").

[1.18.464.20 NMAC - Rp, 1.18.464.20 NMAC, 4/22/2013]

#### **HISTORY OF 1.18.464 NMAC:**

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

SRC Rule 71-18, Records Retention and Disposal Schedule for Professional Engineers and Land Surveyors, filed 11/29/71.

SRC Rule 76-5, Records Retention and Disposal Schedule for Professional Engineers and Land Surveyors, filed 5/5/76.

SRC Rule 83-07, Records Retention and Disposition Schedule for Professional Engineers and Land Surveyors Board, filed 3/1/83.

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

1.18.464 NMAC ERRDS, Professional Engineers and Land Surveyors Board, filed 8/29/2001 - Repealed effective 4/5/2004

1.18.464 NMAC ERRDS, State Board of Licensure for Professional Engineers and Surveyors, filed 3/5/2004 - Repealed effective 4/22/2013