

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 469 ERRDS, STATE RACING COMMISSION

1.18.469.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives
[1.18.469.1 NMAC - Rp, 1.18.469.1 NMAC, 4/19/2010]

1.18.469.2 SCOPE: state racing commission
[1.18.469.2 NMAC - Rp, 1.18.469.2 NMAC, 4/19/2010]

1.18.469.3 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.
[1.18.469.3 NMAC - Rp, 1.18.469.3 NMAC, 4/19/2010]

1.18.469.4 DURATION: permanent
[1.18.469.4 NMAC - Rp, 1.18.469.4 NMAC, 4/19/2010]

1.18.469.5 EFFECTIVE DATE: April 19, 2010, unless a later date is cited at the end of a section.
[1.18.469.5 NMAC - Rp, 1.18.469.5 NMAC, 4/19/2010]

1.18.469.6 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.
[1.18.469.6 NMAC - Rp, 1.18.469.6 NMAC, 4/19/2010]

1.18.469.7 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. "Association"** means an individual or business entity holding a license from the commission to conduct racing with pari-mutuel wagering.
- E. "Bleeder"** means any horse, which exhibits symptoms of epistaxis or respiratory tract hemorrhage.
- F. "Category number"** means numerical number used to classify investigation type.
- 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. "Meeting"** means the specified period and dates each year during which an association is authorized to conduct racing by approval of the racing commission.
- I. "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.
- J. "Official or racing official"** means assistant racing secretary, chief of security, director of racing or similar position, clerk of scales, clocker, general manager, handicapper, horse identifier, horsemen's bookkeeper, jockey room custodian, official veterinarian, paddock judge, pari-mutuel manager, patrol judge, placing judges, racing secretary, racing veterinarian, stable superintendent, starter, steward, timer, and track superintendent.
- K. "Pari-mutuel system"** means the manual, electromechanical, or computerized system and all software (including the totalisator, account betting system and offsite betting equipment) that is used to record bets and transmit wagering data.
- L. "Pari-mutuel wagering"** means a form of wagering on the outcome of an event in which all wagers are pooled and held by an association for distribution of the total amount, less the deductions authorized by law, to holders of tickets on the winning horses.

M. "Protest" means a written complaint alleging that a horse is or was ineligible to race.

N. "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 1978 NMAC).

O. "Purse" means the total cash amount for which a race is contested whether paid at the time of the race or at a future date.

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

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

R. "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.

S. "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.

T. "Stakes race" means a contest in which nomination, entry or starting fees contribute to the purse.

U. "Steward" means a duly appointed racing official with powers and duties specified by the New Mexico Horse Racing Act and NMAC rules adopted by the racing commission.

V. "Totalisator" means the system used for recording, calculating, and disseminating information about ticket sales, wagers, odds and payout prices to patrons at a pari-mutuel wagering facility.
[1.18.469.7 NMAC - Rp, 1.18.469.7 NMAC, 4/19/2010]

1.18.469.8 ABBREVIATIONS AND ACRONYMS:

A. "NMAC" stands for New Mexico administrative code.

B. "NMSA" stands for New Mexico statutes annotated.

[1.18.469.8 NMAC - N, 4/19/2010]

1.18.469.9 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. [1.18.469.9 NMAC - Rp, 1.18.469.8 NMAC, 4/19/2010]

1.18.469.10 - 100[RESERVED]

1.18.469.101 INVESTIGATIVE CASE FILE:

A. Program: investigations and enforcement

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

C. Description: file is used to maintain investigation information obtained by racing commission on licensees (i.e., horse owners, jockeys, track personnel, etc.). File may contain written complaints, protests, copies of rulings, copies of license information, pictures of photo finishes, film footage, correspondence, investigative reports, commission findings, etc.

D. Retention: six years after date case file closed

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).

[1.18.469.101 NMAC - Rp, 1.18.469.101 NMAC, 4/19/2010]

1.18.469.102 TRACK FILE:

A. Program: race meet oversight

B. Maintenance system: chronological by year

C. Description: file contains annual information of activity on all horse racing track associations licensed by the racing commission. File may contain commission rulings, list of officials background material (i.e., resumes, past work experience, etc.), steward cash reports, report of stake race payments, house rules, security reports, contingency plans for emergencies, pre-opening checklists, track surface reports, correspondence, inter-track wagering report, etc.

D. Retention:

(1) **Secondary application:** one year after no longer associated with track

(2) **Commission rulings:** six years from end of calendar year in which ruling issued

(3) **All other documentation:** three years after end of racing season in which created

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).

[1.18.469.102 NMAC - Rp, 1.18.469.102 NMAC, 4/19/2010]

1.18.469.103 MEDICATION FILE:

A. Program: equine drug testing

B. Maintenance system: chronological by race date

C. Description: records concerning the study and analysis of equine drug testing. File may contain Lasix bleeder list, certifications of examination, bleeder treatment report, veterinarian medication report, urine specimen test card, test procedures, test results, purse releases, daily veterinarian report, state veterinarian seal log, laboratory seal log, receipt of samples, etc.

D. Retention: five years after end of racing season

[1.18.469.103 NMAC - Rp, 1.18.469.103 NMAC, 4/19/2010]

1.18.469.104 TRACK-DAY RACE FILE:

- A. Program:** race meet oversight
 - B. Maintenance system:** chronological by calendar year created, then alphabetical by track name
 - C. Description:** file contains race meet information for New Mexico race tracks. File may contain daily official programs, in-today lists, overnight lists, race results sheets, daily racing forms, etc.
 - D. Retention:** one year after end of racing season
- [1.18.469.104 NMAC - Rp, 1.18.469.104 NMAC, 4/19/2010]

1.18.469.105 FINGERPRINT CARD FILE:

- A. Program:** investigation and enforcement
 - B. Maintenance system:** alphabetical by surname and by date
 - C. Description:** file contains fingerprint cards on all individuals who possess a New Mexico racing license. File may include licensee information (i.e., name, address, date of birth, social security number, gender, race, height, eye color, hair color, place of birth, etc.), signature of person being fingerprinted, aliases, date fingerprinted, signature of official taking fingerprints, employer address, reason fingerprinted, citizenship status, track fingerprint log, federal bureau of investigations or department of public safety investigation report, etc.
 - D. Retention:** six years from date of creation
 - E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).
- [1.18.469.105 NMAC - Rp, 1.18.469.105 NMAC, 4/19/2010]

1.18.469.106 APPRENTICE JOCKEY CERTIFICATES:

- A. Program:** licensing
 - B. Maintenance system:** chronological by date issued
 - C. Description:** records concerning applications and certification of apprentice jockeys. Portions of this record may be input to the licensing database, 1.18.469.110 NMAC. Certificate may include jockeys information (i.e., name, social security number, address, date of birth, place of birth, parents or guardians signature, guardians address, notarization, date and place of first and second mount, winning record, date of extension due to injury, etc.), etc.
 - D. Retention:** four years after date of issue
 - E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).
- [1.18.469.106 NMAC - Rp, 1.18.469.106 NMAC, 4/19/2010]

1.18.469.107 EXAMINATION FILE:

- A. Program:** licensing
 - B. Maintenance system:** chronological by year, then numerical by category number and number assigned
 - C. Description:** records concerning examinations based on horse racing knowledge to determine if individuals are qualified to receive a license as a jockeys agent, farrier, trainer or assistant trainer. Portions of this record may be input to the licensing database, 1.18.469.110 NMAC. File may contain exam results, letters of reference, correspondence, barn test results, etc.
 - D. Retention:** one year after date of examination
 - E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).
- [1.18.469.107 NMAC - Rp, 1.18.469.107 NMAC, 4/19/2010]

1.18.469.108 APPLICATION FOR LICENSE:

- A. Program:** license
- B. Maintenance system:** numerical by license number
- C. Description:** file contains occupational license from the racing commission to engage in horse racing activity (i.e., trainer's license, stable name license, owner or lessee license, pari mutuel license, jockey agent license, etc.). Portions of this record may be input to the *licensing database*, 1.18.469.110 NMAC. License application may include the following information: license fee, year applying for, licensee information (i.e., name, age, height, weight, hair color, eye color, gender, citizenship, date and place of birth, social security number, driver's license number, permanent address, nearest living relative to notify in emergency, present employer, etc.),

fingerprint date, track name, license number issued, ruling information, race track ejection or privilege denial information, conviction and arrest information, certification of statements made and agreed conditions, applicant signature and date, certification of employment, approval of recommendation on license by the board of stewards to the state racing commission, board of stewards signatures, etc.

D. Retention:

- (1) **Approved:** six years after close of calendar year in which licensed issued
- (2) **Denied:** sent back to applicant for incomplete information or appeal

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).

[1.18.469.108 NMAC - Rp, 1.18.469.110 NMAC 4/19/2010]

[Note: application is used as input into license database]

1.18.469.109 PRIMARY APPLICATION FILE:

A. Program: licensing

B. Maintenance system: numerical by track number

C. Description: record concerning the application for license to conduct a race meet. Record may contain application, feasibility study, race trace blueprints, concessionaire contracts, financial statements, marketing analysis, audited balance sheets, stockholders, race type, commissions' decision, correspondence, etc.

D. Retention:

- (1) **Original primary application:** permanent (stored at agency)
- (2) **Annual primary application:** three years after end of racing season in which created
- (3) **Denied application:** six years after date created

[1.18.469.109 NMAC - N, 4/19/2010]

1.18.469.110 LICENSING DATABASE:

A. Program: licensing

B. Maintenance system: numerical by primary key

C. Description: database used to maintain occupational license information. Database also tracks investigative case files. Date may include application information (i.e., name, social security number, address, license status, fingerprint date, phone number, etc), investigative case file information (i.e., case number, case status, disposition of case, comments, rulings, etc).

D. Data retention: permanent

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).

F. Input: All documents used as input for the *licensing database* are filed in *apprentice jockey certificates*, 1.18.469.106 NMAC; *examination file*, 1.18.469.107 and *application for license file*, 1.18.469.108 NMAC.

G. Output: Because the *licensing database* is a data-based system, ad hoc reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity.

[1.18.469.110 NMAC - N, 4/19/2010]

HISTORY OF 1.18.469 NMAC:

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

SRC Rule 73-5, Records Retention and Disposal Schedule for State Racing Commission, filed 2/5/73.

SRC Rule No. 82-1, Records Retention and Disposal Schedule for State Racing Commission, filed 12/14/81

SRC Rule No. 87-03, Records Retention and Disposition Schedule for State Racing Commission, filed 4/1/87

SRC Rule No. 90-01, Records Retention and Disposition Schedule for State Racing Commission, filed 8/31/90

History of Repealed Material:

1.18.469 NMAC, ERRDS, New Mexico Racing Commission, filed 5/16/2001 - Repealed effective 4/19/2010