

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORD RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 609 ERRDS, INDIAN AFFAIRS DEPARTMENT

1.18.609.1 ISSUING AGENCY: New Mexico Commission of Public Records - State Records Center and Archives
[1.18.609.1 NMAC - Rp, 1.18.609.1 NMAC, 4/5/2004]

1.18.609.2 SCOPE: Indian affairs department
[1.18.609.2 NMAC - Rp, 1.18.609.2 NMAC, 4/5/2004]

1.18.609.3 STATUTORY AUTHORITY: Section 14-3-1 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.
[1.18.609.3 NMAC - Rp, 1.18.609.3 NMAC, 4/5/2004]

1.18.609.4 DURATION: permanent
[1.18.609.4 NMAC - Rp, 1.18.609.4 NMAC, 4/5/2004]

1.18.609.5 EFFECTIVE DATE: April 5, 2004 unless a later date is cited at the end of a section.
[1.18.609.5 NMAC - Rp, 1.18.609.5 NMAC, 4/5/2004]

1.18.609.6 OBJECTIVE: To establish a records retention schedule for the orderly management and retirement of records necessary for the carrying out the Public Records Act per Section 14-3-6 NMSA 1978.
[1.18.609.6 NMAC - Rp, 1.18.609.6 NMAC, 4/5/2004]

1.18.609.7 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. "Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
- G. "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.
- H. "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).
[1.18.609.7 NMAC - Rp, 1.18.609.7 NMAC, 4/5/2004]

1.18.609.8 [RESERVED]

1.18.609.9 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 GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.**

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

D. For records of a medical nature, refer to the GRRDS, 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 file 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 for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

H. Access to confidential documents and confidential files shall be only by authorization of agency, 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, micro-photographed or reproduced on film. Such photographs, microfilm, 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 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems. [1.18.609.9 NMAC - Rp, 1.18.609.9 NMAC, 4/5/2004]

1.18.609.10 - 1.18.609.19 [RESERVED]

1.18.609.20 NEW MEXICO INDIANS, ORGANIZATIONS AND TRIBES, GENERAL FILES:

A. **Program:** Indian affairs

B. **Maintenance system:** chronological by calendar year, then alphabetical by tribal name

C. **Description:** file maintained to document the interactions of state government with tribal governments in New Mexico. File may contain information on: tribal administration of pueblos or reservations; tribal history; legal matters; primary, secondary, postsecondary education; health; water rights; arts and crafts; recreation; aboriginal American linguistic matters; etc. File may also contain news clippings, copies of tribal constitutions, copies of resolutions, reports, studies, statistics, correspondence, etc.

D. **Retention:** permanent. Transfer to archives 10 years after the calendar year in which created. [1.18.609.20 NMAC - Rp, 1.18.609.120 NMAC, 4/5/2004]

HISTORY OF 1.18.609 NMAC:

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

SRC Rule 72-5, Records Retention and Disposal Schedule for Commission on Indian Affairs, filed 4/26/72.

History of Repealed Material:

1.18.609 NMAC ERRDS, Office of Indian Affairs, filed 5/16/2001, repealed 4/5/2004.