

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 780 ERRDS, CRIME VICTIMS REPARATION COMMISSION

1.18.780.1 ISSUING AGENCY: State Commission of Public Records
[1.18.780.1 NMAC - Rp, 1.18.780.1 NMAC, 01/12/2015]

1.18.780.2 SCOPE: crime victims reparation commission
[1.18.780.2 NMAC - Rp, 1.18.780.2 NMAC, 01/12/2015]

1.18.780.3 STATUTORY AUTHORITY: Public Records Act, Section 14-3-1 et seq. NMSA 1978
[1.18.780.3 NMAC - Rp, 1.18.780.3 NMAC, 01/12/2015]

1.18.780.4 DURATION: permanent
[1.18.780.4 NMAC - Rp, 1.18.780.4 NMAC, 01/12/2015]

1.18.780.5 EFFECTIVE DATE: January 12, 2015, unless a later date is cited at the end of a section.
[1.18.780.5 NMAC - Rp, 1.18.780.5 NMAC, 01/12/2015]

1.18.780.6 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, Section 14-3-1 et seq. NMSA 1978.
[1.18.780.6 NMAC - Rp, 1.18.780.6 NMAC, 01/12/2015]

1.18.780.7 DEFINITIONS:

- A. "Administrator" refer to Public Records Act, Section 14-3-2(A) NMSA 1978.
 - B. "Agency" refer to Public Records Act, Section 14-3-2(B) NMSA 1978.
 - C. "Archives" refer to 1.13.10.7 NMAC.
 - D. "Archives and historical services division" refer to 1.13.10.7 NMAC.
 - E. "Audit" means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
 - F. "Commission" refer to Public Records Act, Section 14-3-2(C) NMSA 1978.
 - G. "Disposition" refer to 1.13.10.7 NMAC.
 - H. "Inactive record" refer to 1.13.10.7 NMAC.
 - I. "Life cycle" refer to 1.13.10.7 NMAC.
 - J. "Microphotography" refer to Public Records Act, Section 14-3-2(D) NMSA 1978.
 - K. "Non-record" refer to 1.15.2.101 NMAC.
 - L. "Public record" refer to Public Records Act, Section 14-3-2(G) NMSA 1978.
 - M. "Records center" refer to Public Records Act, Section 14-3-2(H) NMSA 1978.
 - N. "Records custodian" refer to Public Records Act, Section 14-3-2(I) NMSA 1978.
 - O. "Records liaison officer" refer to 1.13.10.19 NMAC.
 - P. "Records management division" refer to 1.13.10.7 NMAC.
 - Q. "Records retention and disposition schedule" refer to Public Records Act, Section 14-3-2(J) NMSA 1978.
 - R. "Retention" refer to 1.13.10.7 NMAC.
- [1.18.780.7 NMAC - Rp, 1.18.780.7 NMAC, 01/12/2015]

1.18.780.8 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. "LGRRDS" stands for local government records retention and disposition schedules.
- G. "LRRDS" stands for legislative records retention and disposition schedules.
- H. "NMAC" stands for New Mexico administrative code.

- I. "NMSA" stands for New Mexico statutes annotated.
- J. "RRDS" stands for records retention and disposition schedules.
- K. "SRCA" stands for state records center and archives.
- L. "USC" stands for United States code.

[1.18.780.8 NMAC - Rp, 1.18.780.8 NMAC, 01/12/2015]

1.18.780.9 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 legislative schedules, judicial schedules, executive schedules and education schedules list records specific to an agency. Each record series will be itemized by NMAC section number and title 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 nature, refer to Title 1, Chapter 15 NMAC, General Records Retention and Disposition Schedules. This chapter includes schedules related to administrative, financial, personnel, and medical records.

C. Legislative entities shall also refer to Title 1, Chapter 16 NMAC, Legislative Records Retention and Disposition Schedules.

D. Judicial entities shall also refer to Title 1, Chapter 17 NMAC, Judicial Records Retention and Disposition Schedules.

E. Executive agencies shall also refer to Title 1, Chapter 18 NMAC, Executive Records Retention and Disposition Schedules.

F. Counties and municipalities may also refer to Title 1, Chapter 19 NMAC, Local Government Records Retention and Disposition Schedules.

G. Educational institutions shall also refer to Title 1, Chapter 20 NMAC, Education Records Retention and Disposition Schedules.

H. Agencies shall notify the records center of any extension of a retention period due to litigation, current claims, audit exception or court order involving a record.

I. Record series descriptions are not intended to be exhaustive. Descriptions may include records that do not appear in the files, and conversely, files may include records not listed in the description.

J. 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.

K. Records may be microfilmed or digitized provided a microphotography plan has been approved by the state records administrator. See Section 14-3-17 NMSA 1978; Title 1, Chapter 14 NMAC, Microphotography Systems. 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. See Section 14-1-6 NMSA 1978.

L. 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.

M. For guidance referring to electronic messaging, refer to 1.13.4 NMAC, Records Management Requirements for Electronic Messaging.

N. 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.

[1.18.780.9 NMAC - Rp, 1.18.780.9 NMAC, 01/12/2015]

1.18.780.10 - 1.18.780.14 [RESERVED]

1.18.780.15 VICTIM COMPENSATION CLAIM DATABASE:

- A. Program:** reparation claims
- B. Maintenance system:** numerical by primary key
- C. Description:** database tracks and maintains information on the application for eligibility of funding to victims of violent crimes. Information may include application data (e.g., victim name, claimant name, claim number, employment information, medical information, insurance name, commission decision, etc.), crime data (e.g., police report, offender name, date of crime, etc.), etc.
- D. Data retention:** 100 years from date of birth of individual applying for services
- E. Confidentiality:** Portions of this record may be confidential.
- F. Input:** Records used as input to the *victim compensation claim database* are filed in the corresponding *victim compensation claim files*, 1.18.780.16 NMAC.
- G. Output:** Because the *victim compensation claim database* is a data-based system, ad-hoc and regularly scheduled reports are produced. When produced, these reports are forwarded to the requesting entity. Some of these reports include *case log*, *monthly claim summary report*, *claim summary report for additional expenses*, *request for additional counseling*, etc.
[1.18.780.15 NMAC - Rp, 1.18.780.15 NMAC, 01/12/2015]

1.18.780.16 VICTIM COMPENSATION CLAIM FILES:

- A. Program:** reparation claims
- B. Maintenance system:** chronological by date, then alphabetical by victim surname, then numerical by claim number
- C. Description:** records documenting the application, eligibility review and award of funds to victims of a violent crime. Portions of this record are input to the *victim compensation claim database*, 1.18.780.15 NMAC. Files may include application, copies of police reports, copies of court orders, medical reports, itemized billings, loss of wages form, request of collateral sources, timesheet for time spent on claim, medical investigator report, copy of death certificate, *claim summary report*, payment or denial form, authorization for release of information form, *case log*, *monthly claim summary report*, *claim summary report for additional expenses*, *request for additional counseling*, correspondence, etc.
- D. Retention:** 100 years from date of birth of person applying for services
- E. Confidentiality:** Portions of this record may be confidential.
[1.18.780.16 NMAC - Rp, 1.18.780.16 NMAC, 01/12/2015]

HISTORY OF 1.18.780 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center under:
SRC Rule No. 91-02, Records Retention and Disposition Schedule for Crime Victims Reparation Commission, 12/13/91.
SRC Rule No. 94-04, Records Retention and Disposition Schedule for Crime Reparation Commission, 7/29/94.

History of Repealed Material:

1.18.780 NMAC, Executive Records Retention and Disposition Schedules, Crime Victims Reparation Commission, filed 6/21/2002 - Repealed, 4/5/2004.
1.18.780 NMAC, Executive Records Retention and Disposition Schedules, Crime Victims Reparation Commission, filed 03/05/2004 - Repealed, 01/12/2015.