

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 794 ERRDS, NEW MEXICO MOUNTED PATROL

1.18.794.1 ISSUING AGENCY: [New Mexico Commission of Public Records] - State Records Center and Archives
[5-25-95; 1.18.794.1 NMAC - Rn, 1 NMAC 3.2.93.1, 7/22/2002]

1.18.794.2 SCOPE: New Mexico Mounted Patrol
[5-25-95; 1.18.794.2 NMAC - Rn, 1 NMAC 3.2.93.2, 7/22/2002]

1.18.794.3 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; 1.18.794.3 NMAC - Rn, 1 NMAC 3.2.93.3, 7/22/2002]

1.18.794.4 DURATION: Permanent
[5-25-95, 5-19-97; 1.18.794.4 NMAC - Rn, 1 NMAC 3.2.93.4, 7/22/2002]

1.18.794.5 EFFECTIVE DATE: April 30, 1999, unless a different date is cited at the end of a section or paragraph.
[5-25-95, 5-19-97; 1.18.794.5 NMAC - Rn, 1 NMAC 3.2.93.5, 7/22/2002]

1.18.794.6 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; 1.18.794.6 NMAC - Rn, 1 NMAC 3.2.93.6, 7/22/2002]

1.18.794.7 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. "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; 1.18.794.7 NMAC - Rn, 1 NMAC 3.2.93.7, 7/22/2002]

1.18.794.8 [RESERVED]

1.18.794.9 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; 1.18.794.9 NMAC - Rn, 1 NMAC 3.2.93.8, 7/22/2002]

1.18.794.10 - 99 [RESERVED]

1.18.794.100 NM MOUNTED PATROL MEMBER FILES:

- A. Program:** New Mexico mounted patrol
 - B. Maintenance system:** alphanumeric by name of member and badge number
 - C. Description:** records concerning the membership of the New Mexico mounted patrol. Files may include notarized application, copy of FBI fingerprint clearance, notarized mounted patrol license plate waiver and release form, notarized New Mexico mounted patrol memorandum form, signed pocket commission, copies of training records, copies of transcripts, commendations, disciplinary actions, letters of reference, etc.
 - D. Retention:** 10 years after date member separates from organization
 - E. Confidentiality:** portions of records contained in these files may be confidential under 2-14-1, NMSA 1978.
- [4-30-99; 1.18.794.100 NMAC - Rn, 1 NMAC 3.2.93.794.100, 7/22/2002]

1.18.794.101 REQUEST FOR ASSISTANCE:

- A. Program:** New Mexico mounted patrol
 - B. Maintenance system:** chronological by date of service
 - C. Description:** request for assistance of mounted patrol by law enforcement entities. Request shows law enforcement entity requesting assistance, requesting entity supervisor's name, description of assignment or incident, date and time of service requested, etc.
 - D. Retention:** 10 years after date of service
- [4-30-99; 1.18.794.101 NMAC - Rn, 1 NMAC 3.2.93.794.101, 7/22/2002]

1.18.794.102 NM MOUNTED PATROL ASSISTANCE FORM:

- A. Program:** New Mexico mounted patrol
 - B. Maintenance system:** chronological by date of service
 - C. Description:** record used by mounted patrol officer to verify service rendered to law enforcement entities. Form shows date of request, law enforcement entity requesting assistance, type of activity, date of service, officer name, signature of law enforcement supervisor requesting service, etc.
 - D. Retention:** 10 years after date of service
- [4-30-99; 1.18.794.102 NMAC - Rn, 1 NMAC 3.2.93.794.102, 7/22/2002]

1.18.794.103 - 149 [RESERVED]

1.18.794.150 NM MOUNTED PATROL MEMBERSHIP DATABASE:

- A. Program:** New Mexico mounted patrol
 - B. Maintenance system:** none
 - C. Description:** system used to track and monitor mounted patrol officers. Database may contain officer name, rank, address, badge number, license plate number, blood type, telephone numbers (home and work), spouses name, etc.
 - D. Retention:** two years after date member separates from organization
 - E. Confidentiality:** confidential
- [4-30-99; 1.18.794.150 NMAC - Rn, 1 NMAC 3.2.93.794.150, 7/22/2002]
[Note 1: for retention on database, software and documentation, refer to documentation tape file, 1.15.2.301 NMAC. Note 2: portions of information contained in this database may be confidential. Access to database is limited to authorized personnel only.]

1.18.794.151 NM MOUNTED PATROL SYSTEM HARD COPY INPUT DOCUMENTS:

- A. Program:** New Mexico mounted patrol
 - B. Maintenance system:** none
 - C. Description:** membership documents: Information may include officer name, rank, address, badge number, license plate number, blood type, telephone numbers (home and work), spouses name, training information, etc. Information is derived from documentation found in officer's member file, such as application, training certificates, etc.
 - D. Retention:** filed in NM mounted patrol member files, 1.18.794.100 NMAC.
- [4-30-99; 1.18.794.151 NMAC - Rn, 1 NMAC 3.2.93.794.151, 7/22/2002]

1.18.794.152 NM MOUNTED PATROL SYSTEM HARD COPY OUTPUT DOCUMENTS:

- A. **Program:** New Mexico mounted patrol
 - B. **Maintenance system:** chronological by year
 - C. **Description:**
 - (1) **NM mounted patrol annual roster:** listing of current mounted patrol members. Listing shows rank, address and telephone number, etc.
 - (2) **ad hoc reports:** reports generated upon request
 - D. **Retention:**
 - (1) **NM mounted patrol annual roster:** until superseded by new roster
 - (2) **ad hoc reports:** until no longer needed for reference
- [4-30-99; 1.18.794.152 NMAC - Rn, 1 NMAC 3.2.93.794.152, 7/22/2002]

HISTORY OF 1.18.794 NMAC: [RESERVED]