TITLE 1   GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18   EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 361   ERRDS, OFFICE OF THE CHIEF INFORMATION OFFICER

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

1.18.361.2   SCOPE: office of the chief information officer
[1.18.361.2 NMAC - N, 4/5/2004]

1.18.361.3   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.
[1.18.361.3 NMAC - N, 4/5/2004]

1.18.361.4   DURATION: permanent
[1.18.361.4 NMAC - N, 4/5/2004]

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

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

1.18.361.7   DEFINITIONS:
      A.   **"Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
      B.   **"Access protocols"** means the standard set of protocols and ports for all types of access as defined by the internet architecture board of the internet society international board.
      C.   **"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).
      D.   **"Agency plan"** means an executive agency's annual information technology plan.
      E.   **"Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
      F.   **"Information technology"** means computer and voice and data communication software and hardware, including imaging systems, terminals and communication networks and facilities, staff information systems services and professional services contracts for information system services.
      G.   "**Protocol**" means a set of rules and formats, semantic and syntactic, that govern the interaction among processes, devices and components, and allow information systems to exchange information with one another.
      H.   **"Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
[1.18.361.7 NMAC - N, 4/5/2004]

1.18.361.8   ABBREVIATIONS AND ACRONYMS:
      A.   **"IP"** stands for internet protocol.
      B.   **"IT"** stands for information technology.
      C.   **"ITC"** stands for the information technology commission.
      D.   **"NM"** stands for the state of New Mexico.
      E.   **"NMAC"** stands for New Mexico administrative code.
      F.   **"NMSA"** stands for New Mexico statutes annotated.
      G.   **"OCIO"** stands for the office of the chief information officer.
[1.18.361.8 NMAC - N, 4/5/2004]

1.18.361.9   INSTRUCTIONS:
     A.   For records of a general administrative nature, refer to the Records Retention and Disposition Schedule for the General Administrative Records, 1.15.2 NMAC.
     B.   For records of a financial nature, refer to the Records Retention and Disposition Schedule for General Financial Records, 1.15.4 NMAC.
     C.   For records of a personnel nature, refer to the Records Retention and Disposition Schedule for the General Personnel Records, 1.15.6 NMAC.
     D.   For records of a 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 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 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, micro-photographed 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 and 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.
[1.18.361.9 NMAC - N, 4/5/2004]

1.18.361.10 - 1.18.361.14 [RESERVED]

1.18.361.15   STATE INFORMATION TECHNOLOGY STRATEGIC PLAN FILES:
     A.   **Program:** primary mission
     B.   **Maintenance system:** chronological by state fiscal year
     C.   **Description:** the OCIO plan that assesses information technology in state government, provides IT guidance to all branches of state government and attempts to maximize the positive benefits of IT. The file consists of two parts: the strategic plan itself and preliminary work papers. The plan may include a strategic vision statement; list of critical IT issues; strategies and implementation objectives; yearly updates; etc. Work papers may contain notes, research studies, drafts, memoranda, etc.
     D.   **Retention:**
        (1)   **Strategic plan (including updates):** permanent
        (2)   **Work papers:** three years from publication year of state IT strategic plan
[1.18.361.15 NMAC - N, 4/5/2004]
[The *state information technology strategic plan* is posted on the OCIO website.]

1.18.361.16   AGENCY PLAN REVIEW FILES:
     A.   **Program:** primary mission
     B.   **Maintenance system:** alphabetical by agency name, then chronological by state fiscal year of plan

C. **Description:** record of the OCIO evaluations of executive agency annual IT plans for compliance with the current *state information technology strategic plan*. Files consist of the agency plan and plan evaluation materials. The agency plan may contain an executive summary, agency overview, inventory forms, an IT implementation plan for the next state fiscal year, etc. Plan evaluation materials may consist of plan reviews, copies of correspondence with state agency, recommendations to the ITC, modification history of original agency plan, etc.

D. **Retention:** 10 years from end of the fiscal year in which IT plan is submitted, then transfer to archives for final review and disposition

[1.18.361.16 NMAC - N, 4/5/2004]

1.18.361.17 **IT POLICY MEMORANDA FILES:**
    A. **Program:** policy
    B. **Maintenance system:** chrono-numerical by two digit year and order within year
    C. **Description:** records concerning policy memoranda issued by the OCIO that prescribe IT policy or guidance to assist state agencies in the use of IT resources and provides governance of IT plans and operations, purchases. File may consist of notes, copy of *IT policy memoranda*, relating correspondence, etc.
    D. **Retention:**
      (1) **IT policy memoranda:** permanent, transfer to archives one year after date superseded or repealed
      (2) **All other documentation:** 10 years from end of the fiscal year in which memoranda is issued, then transfer to archives for final review and disposition

[1.18.361.17 NMAC - N, 4/5/2004]

[The policy memoranda are posted on the web site of the OCIO.]

1.18.361.18 **IT PROCUREMENT EVALUATION FILE**:
    A. **Program:** primary mission
    B. **Maintenance system:** numerical by contract number
    C. **Description:** evaluation of executive agency IT *requests for proposals* and contract vendor requests that are subject to the Procurement Code, Sections 13-1-1 through 13-1-28 NMSA 1978. File may consist of copy of *request for proposal*, evaluation form, notes, description of final action taken, list of communications between the OCIO and agency, memoranda, etc.
    D. **Retention:** 10 years after date contract submitted to the OCIO

[1.18.361.18 NMAC - N, 4/5/2004]

1.18.361.19 **IT STANDARDS FILE**:
    A. **Program:** primary mission
    B. **Maintenance system:** alphabetical by name of standard
    C. **Description:** information technology standards proposed and adopted by the OCIO. File may include the technical specifications for information architecture and computer system purchases for executive agencies, proposed standards, implemented standards, and standards no longer in effect, memoranda, etc.
    D. **Retention:**
      (1) **IT standard:** permanent, transfer to archives one year after date superseded or repealed
      (2) **All other documentation:** 10 years from end of the fiscal year in which standard is issued, then transfer to archives for final review and disposition

[1.18.361.19 NMAC - N, 4/5/2004]

[The IT standards are posted on the web site of the OCIO.]

1.18.361.20 **VARIANCES TO IT STANDARDS FILE**:
    A. **Program:** primary mission
    B. **Maintenance system:** alphabetical by name of agency requesting variance
    C. **Description:** records concerning requests and reviews to exceptions to an OCIO IT standards. File may contain request for variance by state agency, analysis of justification for variance, OCIO response letter, memoranda, etc.
    D. **Retention:** 10 years after variance is granted or denied or until variance is corrected, which ever is longer

[1.18.361.20 NMAC - N, 4/5/2004]

1.18.361.21   IP ADDRESSES AND ACCESS PROTOCOLS LISTING:
        A.   **Program:** internet security
        B.   **Maintenance system:** alphabetical by name of agency
        C.   **Description:** OCIO listing concerning the internet address information of the computers and networks used by agencies that are exclusively hosted by general services department. Listing may contain IP addresses and protocol listings, etc.
        D.   **Retention:** until information is superseded
[1.18.361.21 NMAC - N, 4/5/2004]

HISTORY OF 1.18.361 NMAC: [RESERVED]