TITLE 1   GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 605   ERRDS, MARTIN LUTHER KING JR COMMISSION

1.18.605.1   ISSUING AGENCY: New Mexico Commission of Public Records - State Records Center and Archives
[1.18.605.1 NMAC - N, 09/30/02]

1.18.605.2   SCOPE: Martin Luther King Jr Commission
[1.18.605.2 NMAC - N, 09/30/02]

1.18.605.3   STATUTORY AUTHORITY: The administrator shall establish a record management program and 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 not become effective until thirty days after the filing date, Section 14-3-6 NMSA 1978.
[1.18.605.3 NMAC - N, 09/30/02]

1.18.605.4   DURATION: Permanent
[1.18.605.4 NMAC - N, 09/30/02]

1.18.605.5   EFFECTIVE DATE: September 30, 2002 unless a later date is specified at the end of a section.
[1.18.605.5 NMAC - N, 09/30/02]

1.18.605.6   OBJECTIVE: To establish records disposal schedules for the orderly retirement of records, Section 14-3-6 NMSA 1978.
[1.18.605.6 NMAC - N, 09/30/02]

1.18.605.7   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.   "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.
      H.   "Records retention schedule" means a document prepared as part of a records retention program that lists the period of time for retaining records.
[1.18.605.7 NMAC - N, 09/30/02]

1.18.605.8   [RESERVED]

1.18.605.9   INSTRUCTIONS:
      A.   For records of an administrative nature, refer to the Records Retention and Disposition Schedule for 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 General Personnel Records, 1.15.6 NMAC.
      D.   For records of a medical nature, refer to the Records Retention and Disposition Schedule for General Medical Records, 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 illustrative, 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. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

H. 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.

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. (Section 14-1-5, 14-1-6 NMSA 1978)

J. Electronic 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 the 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).
[1.18.605.9 NMAC - N, 09/30/02]

1.18.605.10 - 1.18.605.100 [RESERVED]

1.18.605.101   YOUTH ANTI - VIOLENCE PROGRAM FILE:
    A.   **Program:** youth anti - violence program
    B.   **Maintenance system:** alphabetical by project title
    C.   **Description:** record of anti-violence education program activities. File may contain program activity dates; program objectives and synopsis; program agenda and topics; names and titles of participants; sponsors name; program flyers and handouts; correspondence, etc.
    D.   **Retention:** three years after close of state fiscal year in which created
[1.18.605.101 - N, 09/30/02]

HISTORY of 1.18.605 NMAC: **[RESERVED]**