

at the State Records Center and Archives

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**SERIES:** General Agency Operations (CPR-100)

**NUMBER:** CPR-113

TITLE: Records Management

### **PURPOSE:**

The purpose of this policy is to provide guidance and direction on the management and disposition of records and to delineate staff responsibilities in accordance with existing laws, rules, and best practices.

### **DEFINITIONS:**

"Destruction" means the disposal of records of no further operational, legal, fiscal or historical value by shredding, burial, pulping, electronic overwrite or some other process, resulting in the obliteration of information contained on the record.

"Disposition" means final action that puts into effect the results of an appraisal decision for a series of records, i.e., transfer to archives or destruction.

"Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency, extra copies of official records, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters, and reading files or informational files.

"Official copy of record" the single record determined to be the official copy for the purposes of fulfilling the retention requirements.

"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. Library or museum material of the state library, state institutions and state museums, extra copies of documents preserved only for convenience of reference and stocks of publications and processed documents are not included.

"Record" means information preserved by any technique in any medium now known or later developed, that can be recognized by ordinary human sensory capabilities either directly or with the aid of technology.

"Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

"Records retention and disposition schedule" means rules adopted by the commission pursuant to Section 14-3-6 NMSA, 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

"**Retention**" means the period of time during which records shall be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

### A. GENERAL PROVISIONS:



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The following broad principles apply to the record keeping and records management practices of the Commission of Public Records (CPR):

- 1. the CPR follows industry standards and best practices for the creation, maintenance, retention and disposition of all records, including electronic records;
- 2. the records management procedures of the CPR comply with legal requirements, including those for the provision of evidence; and
- 3. the CPR follows industry standards and best practices for the security, privacy, and confidentiality of its records.

#### B. RELATIONSHIP WITH OTHER POLICIES AND RULES:

This records management policy is related to the e-mail management policy (CPR-115); official copy of record policy (CPR-112); information security operation management, 1.12.20 NMAC; and Internet, intranet, email, and digital network usage, 1.12.10 NMAC.

### C. SCOPE AND INTENDED AUDIENCE:

- 1. Applicability to employees and contractors
  - a. This policy applies to all staff of the CPR.
  - b. This policy also applies to contractors who create records on behalf of the CPR.
  - c. Employees who willfully violate the provisions in this policy will face disciplinary action.

## 2. Applicability to records

- a. Records identified to be public records, as defined above, shall be managed and kept for as long as required by retention and disposition of public records, 1.21.2 NMAC, commonly referred to as the Functional Records Retention and Disposition Schedule (FRRDS).
- b. Examples of records created by staff include, but are not limited to, paper records, electronic records and any associated metadata (e.g., e-mails, Microsoft office documents, databases, content management systems, Adobe documents, web content, audio files, or video files), or microforms.

#### D. ROLES AND RESPONSIBILITIES:

## 1. Staff

- a. Staff members are responsible for ensuring that records identified to be public records as defined above are managed in accordance with existing laws, rules, policies, and procedures.
- b. Staff members are responsible for ensuring that records are classified correctly and that the appropriate procedures are followed for the storage and disposition of said records.
- c. In the event that a staff member leaves the agency, physical custody of and responsibility for his/her records passes to his/her direct supervisor.

## 2. Designated Records Management Personnel

- a. The chief records officer (CRO) is responsible for administering the agency's records management program, reviewing records for legal holds, and approval of destruction and transfer to archives memos. The CRO shall maintain all destruction and transfer to archives memos for the duration of their retention. The CRO shall also maintain all records custody and disposition authorization paperwork for the duration of their retention.
- b. Records liaison officers (RLO) are responsible for reviewing and signing off on records custody and disposition authorization paperwork. RLOs are also responsible for forwarding all approved paperwork to the CRO.

# E. MANAGEMENT OF RECORDS:

- 1. Determining if the record is a public record
  - A public record is: <u>all books</u>, <u>papers</u>, <u>maps</u>, <u>photographs</u> or <u>other documentary materials</u>, <u>regardless</u> of <u>physical form or characteristics</u>, <u>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</u>, by the agency or its legitimate successor as evidence of the organization, functions,



at the State Records Center and Archives

Your Access to Public Information

<u>policies</u>, <u>decisions</u>, <u>procedures</u>, <u>operations</u> or other <u>activities</u> of the <u>government</u> or because of the informational and historical value of data contained therein. Library or museum material of the state library, state institutions and state museums, extra copies of documents preserved only for convenience of reference and stocks of publications and processed documents are not included.

b. Non-record material is not public record, and includes: extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency, extra copies of official records, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters, and reading files or informational files.

### 2. Classification of records

Public records determined to be the official copy should be managed according to the classifications identified in the FRRDS. Classifications are determined according to the function of the record beginning with the category, then the sub-category, and finally the function. The function of a record can be described as being the primary use of the record according to the daily job activities of a position. For additional guidance on classifying records, please contact an agency analysis bureau analyst or refer to the <u>FRRDS</u> classification tool (http://164.64.110.239/FRRDS/FRRDS Classification Tool.html).

3. Determining the official copy of record

For guidance in this determination see the official copy of record policy (CPR-112) and the e-mail policy (CPR-115). Public records identified to be the official copy shall be maintained for the duration of their retention period as required by the FRRDS.

4. Storage and retrieval of records

Records shall be maintained in a manner that ensures timely, efficient, and accurate retrieval of information while also allowing for their timely disposition upon having met retention. For ease of retrieval and to simplify the transition from active file management to inactive file management and disposition, filing according to classification and retention trigger is recommended. For example general correspondence, which has a calendar year based retention, would be filed by classification (1.21.2.104 – Correspondence-General), then by calendar year. Each division shall specify procedures for the implementation and maintenance of a filing plan for active and inactive records by classification. In addition to retention based filing, when creating a file plan, a secondary level of description (subject, agency, collection, etc.) should be added for ease of retrieval.

Paper records common to a program, unit, or bureau, shall be maintained in a centralized location and not in an employee's individual workspace. Electronic public records determined to be the official copy of record, and which are not housed in a database or another content management system (i.e., heritage), shall be maintained in the Centralized Electronic Records Repository (CERR). All e-mails determined to be public records shall be maintained in the CERR.

All electronic records shall have a file name which includes, at a minimum, a date, a descriptor which reflects the content of the file, and if applicable, the contributor's initials. All e-mails shall have a subject line that accurately describes the topic of the message and/or attachments. Each division shall specify procedures for the standardization of naming conventions for records created within their division, this includes both paper and electronic records.

#### 5. Security and Access

The enforcement of security protocols and access controls assist in protecting information and mitigating risk while allowing staff to retrieve necessary information. Access to records should be restricted to staff



at the State Records Center and Archives

#### Your Access to Public Information

who need the records to carry out their job duties. Physical access controls include housing the records in locations with restricted access (e.g., locking doors, key card entry) and locking file cabinets. Electronic access controls include user authentication, protected and segregated network drives, and password protected folders. Encryption of electronic files is strongly discouraged unless authorized by management. Records that contain confidential or sensitive information shall be secured and access limited to authorized personnel. Staff who utilizes portable media to store records shall ensure the location of the device is secure at all times.

## 6. Designation of Records Management Personnel

The designation of records management personnel must comply with the regulations delineated in 1.13.12 NMAC, Designation of Records Management Personnel. A chief records officer shall be designated each fiscal year. The designation of a CRO must be submitted to the records center bureau on the form approved by the administrator. A minimum of one RLO shall be designated per division each fiscal year. The designation of a RLO must be submitted to the agency analysis bureau on the form approved by the administrator.

## 7. Disposition of Records

The disposition of records must comply with the regulations delineated in 1.13.30 NMAC, Disposition of Public Records and Non-Records.

- Records which have met retention must be checked for legal holds by the agency's legal counsel
  or the chief records officer prior to being submitted for destruction or transfer.
- b. Records considered to be public records shall not be destroyed or transferred to archives without written approval of the State Records Administrator. Requests to transfer or destroy records must be made on the form approved by the administrator.
- c. Upon receipt of approval to transfer records to archives, the CRO shall work with the owner of the record and the state archives of New Mexico director to complete the necessary accession paperwork.
- d. Upon receipt of approval to destroy paper records, the submitting RLO shall work with the owner of the record to ensure that all copies of the record are destroyed (e.g., duplicates of paper originals).
  - To ensure that all copies of electronic records are destroyed (e.g., portable media, network servers, back-ups, etc.), upon receipt of approval to destroy electronic records, the submitting RLO shall work with the agency CIO and the owner of the record to identify and delete the records and any existing copies. ITD involvement is necessary to guarantee access to all copies, and confirm that the records are accurately identified and deleted.
- e. Upon destruction of the records, if conducted on-site, the submitting RLO shall forward all documentation to the CRO (including a certificate of destruction as described in 1.13.30 NMAC, Disposition of Public Records and Non-Records).
- f. Non-record material generated by the CPR shall not be destroyed without written approval of the State Records Administrator. Requests to destroy this material must be made on the form approved by the administrator.

#### F. MONITOR AND REVIEW:

This policy shall be reviewed on a regular basis and shall be adapted appropriately to ensure that it meets the business and service delivery requirements of CPR.

APPROVED:	EFFECTIVE DATE:	
Melissa Salazar	<del></del>	
State Records Administrator		