

This is an amendment to 1.13.30 NMAC, Section 11, effective 12/31/2019.

1.13.30.11 ON-SITE DESTRUCTION OF RECORDS: On-site destruction of records may occur at the custodial agency's location. For approval of on-site destruction, the records custodian, chief records officer or records liaison officer shall submit a request on a form approved by the state records administrator.

A. The form may be submitted electronically with a valid digital signature issued by the state records administrator.

B. The state records administrator or designee may inspect records prior to approval of on-site destruction.

C. The state records administrator may suspend destruction of records determined to have historical value and, upon approval of the Commission, transfer the records to the state archives.

D. For legal and audit purposes, the agency shall retain a certificate of destruction as proof of the records destroyed. The certificate of destruction shall include, at a minimum, the following information:

- (1) For paper records:
 - (a) place and date of pick up;
 - (b) printed name and signature of employee(s) performing service;
 - (c) printed name and signature of witnesses;
 - (d) number of pounds destroyed/shredded (vendor) or number of boxes (agency certified);
 - (e) date of destruction/shredding;
 - (f) identification of company's authorizing agent by name and position;
 - (g) printed name and signature of official certifying the destruction (vendor or designated records management personnel); and
 - (h) statement that shredded records cannot be read, interpreted, or reconstructed.
- (2) For electronic records:
 - (a) records classification;
 - (b) printed name and signature of employee(s) performing destruction;
 - (c) printed name and signature of record owner;
 - (d) number of e-records destroyed;
 - (e) date of destruction;
 - (f) printed name and signature of official certifying the destruction (designated records management personnel); and
 - (g) statement that destroyed records cannot be read, interpreted, or reconstructed.

E. Approved methods for on-site destruction of records are as follows:

(1) Records that contain confidential or sensitive information shall be destroyed through a bonded ~~[insured, and national association for information destruction (NAID)-AAA]~~ and insured document recycling vendor by shredding in such a manner that the information cannot be read, interpreted or reconstructed.

- (2) Records that do not contain confidential or sensitive information shall be destroyed by:
 - (a) recycling by a bonded document recycling vendor;
 - (b) shredding; or
 - (c) dumpster burial.
- (3) Records which have been contaminated may be destroyed by:
 - (a) any of the approved methods described above; or
 - (b) incineration.
- (4) Agencies shall select from the following methods of destruction for electronic records:
 - (a) erasure from electronic media and all back up media;
 - (b) overwriting of reusable magnetic media multiple times as recommended by the United States (U.S.) department of defense;
 - (c) degaussing of the magnetic media; or
 - (d) physical destruction of the media as recommended by the U.S. department of defense.

[1.13.30.11 NMAC - Rp, 1.13.30.11 NMAC, 11/28/2017; A, 6/12/2018; A, 12/31/2019]