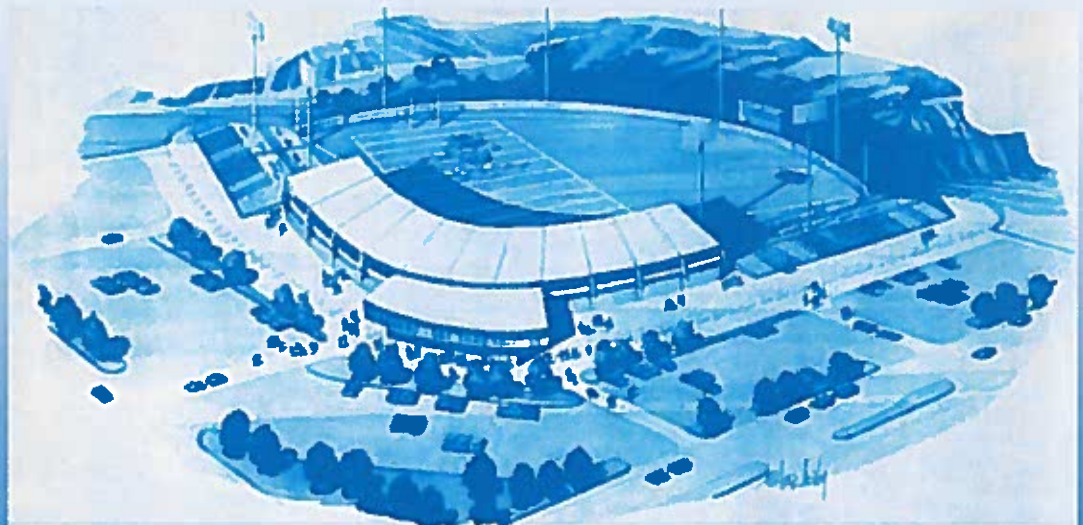


# New Mexico Commission of Public Records Record of Rulemaking

December 10, 2019

The Albuquerque  
sports Stadium, opened  
March 31, 1969.



albuquerque sports stadium


Walter Moore Bryan & Giddens  
ARCHITECTS PLANNERS

## **RULE HEARING**

### **A. Amend**

1.13.30 NMAC Disposition of Public Records and Non-Records (CPR and SRA Rule)

1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)

  
**NEW MEXICO**  
**State Records Center and Archives**  
 COMMISSION OF PUBLIC RECORDS  
 Your Access to Public Information

**IN RE: THE MATTER CONCERNING )**  
**A PUBLIC HEARING REGARDING )**  
**PROPOSED CHANGES TO CERTAIN )**  
**RULES BY THE COMMISSION OF )**  
**PUBLIC RECORDS AND STATE )**  
**RECORDS ADMINISTRATOR )**

**DECEMBER 10, 2019 RULE HEARING EXHIBIT LIST**

COMES NOW, the Rule Hearing Officer and hereby identifies the following exhibits to be introduced and considered.

<i>Exhibit</i>	<i>Description</i>	<i>Accepted</i>	<i>Denied</i>
A.	Notice of Hearing, Published on September 24, 2019 in Volume 30, Issue 18 of the NM REGISTER	x	
B.	Notice of Rule Hearing, as posted on <a href="http://www.nmcpr.state.nm.us/">http://www.nmcpr.state.nm.us/</a> website (screen shot paper copy)	x	
C.	Agenda, as posted on <a href="http://www.nmcpr.state.nm.us/">http://www.nmcpr.state.nm.us/</a> website and as posted outside rule hearing room	x	
D.	Email to Legislative Council Services with Notice of Regular Meeting and Rulemaking	x	
E.	Posting to Sunshine Portal with Notice of Regular Meeting and Rulemaking	x	
F.	Email to agency heads, CROs and RLOs, dated September 24, 2019	x	
G.	Proposed Amendment to 1.13.30 NMAC Disposition of Public Records and Non-Records (CPR and SRA Rule)	x	
H.	Proposed amendment to 1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)	x	
I.	Sign In Sheet	x	

1205 Camino Carlos Rey | Santa Fe, NM 87507 | [nmcpr.state.nm.us](http://nmcpr.state.nm.us)

Hon. Hector Balderas  
*Attorney General*

Hon. Brian S. Colón  
*State Auditor*

Hon. Maggie Toulouse Oliver  
*Secretary of State*

Debra Garcia y Griego  
*Department of Cultural Affairs*  
*Library*

Kenneth Ortiz  
*General Services Department*

Daniel Cordova  
*Interim Director, NM State Law*

## New Mexico Register / Volume XXX, Issue 18 / September 24, 2019

## NOTICE OF REGULAR MEETING AND OF RULEMAKING

The New Mexico Commission of Public Records (CPR) has scheduled a regular meeting and rule hearing for Tuesday, December 10, 2019, at 10:00 A.M. at the New Mexico State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the meeting, please contact Georgette Chavez at 476-7926 by November 19, 2019, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

The Commission of Public Records ("CPR") and State Records Administrator ("SRA") may consider the following items of rulemaking at the meeting:

**Amend:**

1.13.30 NMAC, Disposition of Public Records and Non-Records (CPR and SRA Rule).

**Synopsis:**

The proposed amendment of 1.31.30 NMAC consists of the following modifications:

Section 11 is being amended to remove the requirement of a destruction vendor having the national association for information destruction (NAID) AAA certificate.

1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule).

**Synopsis:**

The proposed amendment of 1.21.2 NMAC consists of the following modifications:

Section 519 is being amended to add response and denied to description and to change the retention to destroy 4 years from date request fulfilled or denied

Section 612 is being amended to add two retentions for judgment satisfied and judgment not satisfied records.

Section 708 is being added to create a classification for Veterinarian client/patient files.

A summary of the proposed revisions and copies of the full text of the proposed rules may be accessed at the Commission's website ([www.nmcpr.state.nm.us](http://www.nmcpr.state.nm.us)), or by contacting Rick Hendricks at [Rick.Hendricks@state.nm.us](mailto:Rick.Hendricks@state.nm.us), or via regular mail at 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505 or 476-7911.

At the hearing the CPR and Administrator will take oral and written comments related to the rulemaking actions listed below and during the meeting consider approving these rulemaking actions. The Commission may vote on the proposed rules during the meeting on December 10, 2019. The State Records Administrator may take action on those rules at the close of the public rulemaking hearing.

Interested persons may submit comments on the proposed rules at the rule hearing or may submit written comments via email at [rmd.cpr@state.nm.us](mailto:rmd.cpr@state.nm.us). Written comments must be received no later than 5 p.m. on November 8, 2019. If submitting written comments by email, please indicate in the subject line the number of each rule(s) for which you are providing comments. Persons offering written comments at the hearing must have eight (8) copies for the Commission and Administrator to review. Oral comments will also be accepted at the rule hearing, subject to time limitations.

A copy of the agenda for the combined regular meeting and rule hearing is also available on the Commission website and at the office of the State Records Administrator located at the State Records Center and Archives at 1209 Camino Carlos Rey, Santa Fe, NM. The agenda is subject to change up to 72 hours prior to the meeting. Legal authority for this rulemaking can be found in the Public Records Act, Section 14-3-1, et seq. and in the State Rules Act, Section 14-4-1, et seq. NMSA 1978.

**Commission of Public Records  
Regular Meeting and Rule Hearing  
Agenda**  
1209 Camino Carlos Rey, Santa Fe, NM  
Tuesday, December 10, 2019—10:00AM

**I. OPENING ACTIVITIES**

- A. Call to Order
- B. Approval of Agenda
- C. Approval of Minutes of the August 27, 2019, regular commission meeting.

**II. RULE HEARING**

- A. Amend
  - 1.13.30 NMAC, Disposition of Public Records and Non-Records (CPR and SRA Rule)
  - 1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)

**III. ACTION ITEMS**

- A. Vote on Proposed Commission Rules
  - 1. 1.13.30 NMAC, Disposition of Public Records and Non-Records (CPR and SRA Rule)
  - 2. 1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)
- B. Acceptance of Deed of Gift
  - 1. John P. Wilson Collection

**IV. NEW BUSINESS**

- A. How we do what we do: A brief introduction to the SRCA
- B. Possibilities for meeting archive/record center expansion needs

**V. DIRECTOR'S REPORT**

**VI. SCHEDULING OF NEXT MEETING**

**VII. ADJOURNMENT**

1205 Camino Carlos Rey | Santa Fe, NM 87507 | [nmcpr.state.nm.us](http://nmcpr.state.nm.us)

**Hon. Hector Balderas**  
*Attorney General*

**Hon. Brian S. Colón**  
*Chairman/State Auditor*

**Hon. Maggie Toulouse Oliver**  
*Secretary of State*

**Debra Garcia y Griego**  
*Department of Cultural Affairs*

**Kenneth Ortiz**  
*General Services Department*

**Daniel Cordova**  
*Interim Director, NM State Law Library*

**Chavez, Georgette, SRCA**

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**From:** Chavez, Georgette, SRCA  
**Sent:** Tuesday, September 24, 2019 11:47 AM  
**To:** 'lcs@nmlegis.gov'  
**Cc:** Hendricks, Rick, SRCA  
**Subject:** 12/10/19 Regular Meeting and Rule Hearing  
**Attachments:** 1.13.30\_NMAC\_Draft\_Amendment.docx; 1.21.2\_NMAC\_Draft\_Amendment.docx; CPR Notice approved 9.9.2019 plv.pdf; 01c\_Agenda\_Dec\_2019.pdf

Dear Legislative Council Service Representative:

The State Commission of Public Records and the state records administrator have a rule hearing on Tuesday, December 10, 2019. Here is our rulemaking information as required under the newly amended State Rules Act under section 2.E.7.

E. "provide to the public" means for an agency to distribute rulemaking information by:  
(7) providing it to the New Mexico legislative council for distribution to appropriate interim and standing legislative committees;

Here is the link to our notice, agenda and proposed amendments which appears on our agency website: [www.nmcpr.state.nm.us](http://www.nmcpr.state.nm.us)

Also attached is a PDF of the notice, agenda and proposed amendments.

Here is a link to our notice of rulemaking which appears today in the *New Mexico Register*: <http://164.64.110.134/nmac/xxx18>

Please let me know if there is anything else that you require. Thank you.

Sincerely,

**Georgette L. Chávez**  
**Deputy State Records Administrator**  
**505-476-7926**



**1205 Camino Carlos Rey, Santa Fe, New Mexico 87507**





Rule Hearing Search

Hearing Date:    
 Comments:    
 Agency:

[Return to Search Results](#)

**Proposed Rule Name:**  
 CPR\_SRC\_A NOTICE OF REGULAR MEETING AND RULE HEARING  
**Agency:**  
 State Records Center and Archives  
**Purpose:**  
 At the hearing the CPR and Administrator will take oral and written comments related to the rulemaking actions listed below and during the meeting consider approving these rulemaking actions.  
**Summary:**  
**Synopsis:**  
 The proposed amendment of 1.31.30 NMAC consists of the following modifications:  
 Section 11 is being amended to remove the requirement of a destruction vendor having the national association for information destruction (NAID) AAA certificate.  
**Synopsis:**  
 The proposed amendment of 1.21.2 NMAC consists of the following modifications:  
 Section 519 is being amended to add response and denied to description and to change the retention to destroy 4 years from date request fulfilled or denied  
 Section 612 is being amended to add two retentions for judgment satisfied and judgment not satisfied records.  
 Section 708 is being added to create a classification for Veterinarian client/patient files.  
**Rule Complete Copy :**  
 A summary of the proposed revisions and copies of the full text of the proposed rules may be accessed at the Commission's website ([www.nmcpr.state.nm.us](http://www.nmcpr.state.nm.us)) (<http://www.nmcpr.state.nm.us>), or by contacting Rick Hendricks at [Rick.Hendricks@state.nm.us](mailto:Rick.Hendricks@state.nm.us) (<mailto:Rick.Hendricks@state.nm.us>), or via regular mail at 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505 or 476-7855.  
**Corrections:**  
 Not available  
**Rule Explanatory Statement:**  
 Not available  
**Related New Mexico Register Publications:**  
[Click Here to access Related New Mexico Publications \(http://184.64.110.134/nmacprx18\)](http://184.64.110.134/nmacprx18)  
 For any additional information or questions concerning this rule making or posting please contact:  
 Dr. Rick Hendricks  
[rick.hendricks@state.nm.us](mailto:rick.hendricks@state.nm.us)  
 (505) 476-7855  
**Last Updated Date**  
 8/24/2019 1:32 PM

**How to submit Comments:**  
 Interested persons may submit comments on the proposed rules at the rule hearing or may submit written comments via email at [rmc.cpr@state.nm.us](mailto:rmc.cpr@state.nm.us) (<mailto:rmc.cpr@state.nm.us>) Written comments must be received no later than 5 p.m. on November 8, 2019. If submitting written comments by email, please indicate in the subject line the number of each rule(s) for which you are providing comments  
**When are comments due:**  
 11/8/2019 5:00 PM  
**Hearing Date:**  
 12/10/2019 1:12 PM  
**Public Hearing Location:**  
 NM State Records Center and Archives  
 1209 Camino Carlos Rey  
 Santa Fe, NM 87507 12/10/2019 (1:12 PM - )  
**How to participate:**  
 Mexico State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the meeting, please contact Georgetta Chavez at 476-7826 by November 19, 2019, or as soon as possible

ⓘ If the document is not visible on the previewer, please download the file.

File	File Name	File
<a href="#">View Document</a> ( <a href="https://statenm.my.salesforce.com/sfcp/4180000137C2/a/ZM000001mP34/OI.PReir3vZ47drMnnoQ6ZM1LwWTsbvABuSPz.NWA1">https://statenm.my.salesforce.com/sfcp/4180000137C2/a/ZM000001mP34/OI.PReir3vZ47drMnnoQ6ZM1LwWTsbvABuSPz.NWA1</a> )	CPR Notice approved 9.9.2019 p1v	PD
<a href="#">View Document</a> ( <a href="https://statenm.my.salesforce.com/sfcp/4180000137C2/a/ZM000001mP13/OleAvoBauHrPaeFlvHTCjZ2W7W7rR_H3Q_3r2[vc]">https://statenm.my.salesforce.com/sfcp/4180000137C2/a/ZM000001mP13/OleAvoBauHrPaeFlvHTCjZ2W7W7rR_H3Q_3r2[vc]</a> )	01c_Agenda_Dec_2019	PD
<a href="#">View Document</a> ( <a href="https://statenm.my.salesforce.com/sfcp/4180000137C2/a/ZM000001mP1b/INENcwrGKIMz3tReRPwIKo2WB_XBLGdG_ISLR4e">https://statenm.my.salesforce.com/sfcp/4180000137C2/a/ZM000001mP1b/INENcwrGKIMz3tReRPwIKo2WB_XBLGdG_ISLR4e</a> )	1.13.30_NMAC_Draft_Amendment	PD

## Chavez, Georgette, SRCA

---

**From:** Vigil, Tanya, SRCA  
**Sent:** Tuesday, September 24, 2019 3:24 PM  
**Cc:** Chavez, Georgette, SRCA  
**Subject:** NOTICE OF REGULAR MEETING AND OF RULEMAKING and AGENDA for COMMISSION MEETING on DEC. 10, 2019  
**Attachments:** 01c\_Agenda\_Dec\_2019.pdf; CPR Notice approved 9.9.2019 plv.pdf

### NOTICE OF REGULAR MEETING AND OF RULEMAKING

The New Mexico Commission of Public Records (CPR) has scheduled a regular meeting and rule hearing for Tuesday, December 10, 2019, at 10:00 A.M. at the New Mexico State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the meeting, please contact Georgette Chavez at 476-7926 by November 19, 2019, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

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**1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule). Synopsis:**

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## **1.13.30 NMAC**

# **Disposition of Public Records and Non-Records (CPR and SRA Rule)**

## **Proposed Amendment**

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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) dumpsite 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]

## **1.13.30 NMAC**

### **Disposition of Public Records and Non-Records (CPR and SRA Rule)**

**No Comments Received**

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## **1.13.30 NMAC**

### **Disposition of Public Records and Non-Records (CPR and SRA Rule)**

#### **Comments Received**

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**1.21.2 NMAC**  
**Retention and Disposition of Public Records**  
**(CPR Rule)**

**Proposed Amendment**

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This is an amendment to 1.21.2 NMAC, Section 519, 612 and 708, effective 12/31/2019

**1.21.2.519 PUBLIC RECORDS REQUESTS:**

- A. **Category:** Governance and compliance - records management
- B. **Description:** Records related to requests for information under the Inspection of Public Records Act including, but not limited to, tracking ~~[and responses.]~~, responses and denied.
- C. **Retention:** ~~[destroy one year from date request fulfilled]~~ destroy four years from date request fulfilled or denied

[1.21.2.519 NMAC - N, 10/1/2015, A, 12/31/2019]

[For denied requests, refer to 1.21.2.107 NMAC]

**1.21.2.612 CASE FILES - LOWER COURTS (CIVIL):**

- A. **Category:** Legal and judiciary - court administration
- B. **Description:** Court case files, including, but not limited to, dockets; does not include DUI or domestic violence cases, district, appellate, supreme court or probate case files.
- C. **Retention:** ~~[destroy 14 years from date file closed]~~

(1) Judgement satisfied: destroy one year from date of satisfaction

(2) Judgement not satisfied: destroy 14 years from date of judgement

[1.21.2.612 NMAC - N, 10/1/2015; A, 12/31/2019]

**1.21.2.708 VETERINARIAN CLIENT/PATIENT FILES:**

- A. **Category:** Natural resource management – animal and livestock
- B. **Description:** Veterinarian client/patient records.
- C. **Retention:** destroy four years from date file closed

[1.21.2.708 NMAC – N, 12/31/2019]

## **1.21.2 NMAC**

### **Retention and Disposition of Public Records (CPR Rule)**

**No Comments Received**

## **1.21.2 NMAC**

# **Retention and Disposition of Public Records (CPR Rule)**

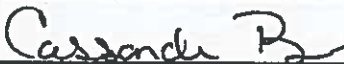






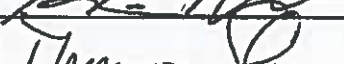
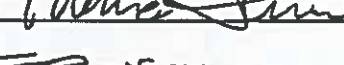



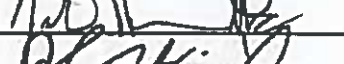

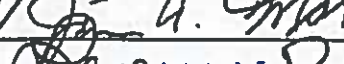


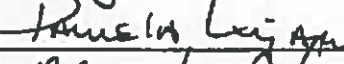

## **Comments Received**

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**NEW MEXICO**  
**State Records Center and Archives**  
 COMMISSION OF PUBLIC RECORDS  
 Your Access to Public Information

**State Commission of Public Records**  
**Regular Meeting and Rule Hearing Sign-In**  
**December 10, 2019**

Name/Print	Signature	Representing
Cassandra Baca		RMD-SOCA
LEOR. LULERO		RMD-SOCA
JAMES KIRBY		J+M
Rick Hernandez		SRCA
Jonathan Roybal		SRCA
Albert Martinez		SRCA
Rob Martinez		SRCA - OSH
Thomas Shumaker		SRCA - OSH
<del>Adriana</del>	<del></del>	<del>SRCA</del>
Amenda Araya		SRCA
Georgette L. Chavez		SRCA
Justin Herron		SRCA
John Kreienkamp		OAG
Jim A. Marin		DOH-PHD-NE-R
Rosanna Ball		DOH/PHEU/NE
Mary Ann Roybal		DOH-PHEU
<del>Mari</del>	<del></del>	<del>ALD</del>
Mariah Solano		OPS
Jophia Jodilla		DPS

1205 Camino Carlos Rey | Santa Fe, NM 87507 | nmcpr.state.nm.us

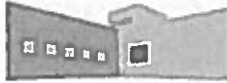
Hon. Hector Balderas  
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 Debra Garcia y Griego  
 Department of Cultural Affairs

Hon. Brian S. Colón  
 Chairman/State Auditor  
 Kenneth Ortiz  
 General Services Department

Hon. Maggie Toulouse Oliver  
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 Interim Director, NM State Law Library

EXHIBIT I


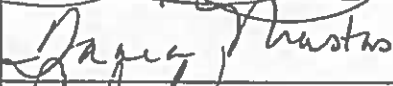
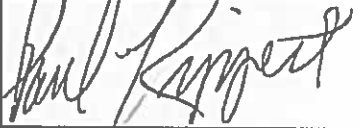
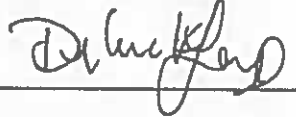

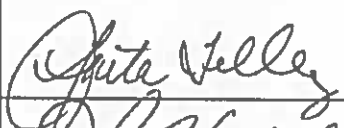
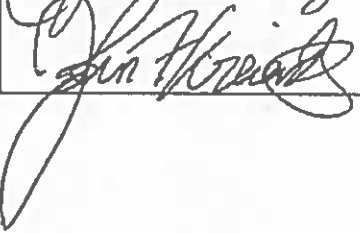
NEW MEXICO  
State Records Center and Archives



COMMISSION OF PUBLIC RECORDS

Your Access to Public Information

State Commission of Public Records  
Regular Meeting Sign-In  
December 10, 2019

Statutory Member	Signature	Print Name	Designee (X)
CPR Secretary			
Chairman/State Auditor		Brian Colón	
Attorney General		TANIA MAGUSTAS	X
General Services Department, Secretary		PAUL KIPPERT	X
Secretary of State		DYLAN LAUBE	X
State Law Librarian		Dan Cordova	
Department of Cultural Affairs, Secretary		Anita Tellez	X
Attorney General Counsel		John Kreidekamp	

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Hon. Hector Balderas  
Attorney General

Hon. Brian S. Colón  
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Hon. Maggie Toulouse Oliver  
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Debra Garcia y Griego  
Department of Cultural Affairs

Kenneth Ortiz  
General Services Department

Daniel Cordova  
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# NMAC

## Transmittal Form



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Volume:  Issue:  Publication date:  Number of pages:  (ALD Use Only) Sequence No.

Issuing agency name and address:  Agency DFA code:

Contact person's name:  Phone number:  E-mail address:

Type of rule action: New  Amendment  Repeal  Emergency  Renumber  (ALD Use Only) Most recent filing date:

Title number:  Title name:

Chapter number:  Chapter name:

Part number:  Part name:

Amendment description (If filing an amendment):  Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes  No  Please list attachments or Internet sites if applicable.

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**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):  Hearing date(s):  Rule adoption date:  Rule effective date:

**Findings required for rulemaking adoption:**  
continued



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Section 14-3-4(F) NMSA 1978 authorizes the commission to adopt regulations to carry out the purpose of the Public Records Act. Section 14-3-6 NMSA 1978 authorizes the state records administrator 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 11 is being amended to remove the requirement of a destruction vendor having the national association for information destruction (NAID) AAA certificate.

These rule amendments were made to include public comments received at the public hearing held on Tuesday, December 10, 2019.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Brian S. Colón

Check if authority has been delegated

Title:

Chair, State Commission of Public Records

Signature: (BLACK ink only)

Date signed:

12/10/19

2019 DEC 10 PM 3:07

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) dumpsite 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]

