

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 13 PUBLIC RECORDS
PART 10 RECORDS STORAGE AND ACCESS

1.13.10.1 ISSUING AGENCY: State Records Administrator.
[1.13.10.1 NMAC - Rp, 1.13.10.1 NMAC, 11/30/2015]

1.13.10.2 SCOPE: All state agencies and any public entity that use the state records center services.
[1.13.10.2 NMAC - Rp, 1.13.10.2 NMAC, 11/30/2015; A, 7/11/2017]

1.13.10.3 STATUTORY AUTHORITY: Public Records Act, Section 14-3-6 NMSA 1978.
[1.13.10.3 NMAC - Rp, 1.13.10.3 NMAC, 11/30/2015]

1.13.10.4 DURATION: Permanent.
[1.13.10.4 NMAC - Rp, 1.13.10.4 NMAC, 11/30/2015]

1.13.10.5 EFFECTIVE DATE: November 30, 2015, unless a later date is cited at the end of a section.
[1.13.10.5 NMAC - Rp, 1.13.10.5 NMAC, 11/30/2015]

1.13.10.6 OBJECTIVE: To establish requirements for the custody, access, storage and disposition of records stored at the state records center by agencies that utilize the records center services.
[1.13.10.6 NMAC - Rp, 1.13.10.6 NMAC, 11/30/2015]

1.13.10.7 DEFINITIONS:

- A. “Chief records officer”** means a person designated by an agency’s records custodian to administrate the agency’s records management program, refer to 1.13.12.9 NMAC.
- B. “Custodial agency”** means the agency responsible for the creation, maintenance, safekeeping and preservation of public records, regardless of physical location.
- C. “Custody”** means the guardianship of records, archives and manuscripts, which may include both physical possession (protective responsibility) and legal title (legal responsibility).
- D. “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.
- E. “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).
- F. “Functional records retention and disposition schedule”** means a rule adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing the function of records, establishing a timetable for their life cycle and providing authorization for their disposition.
- G. “Inactive record”** means a record no longer needed to conduct current business but required to be maintained for operational, legal, fiscal or historical purposes until it meets its retention.
- H. “Master microfilm”** means the original microform produced from which duplicates or intermediates can be obtained.
- I. “Microphotography”** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records provided by information system technology pursuant to rules adopted by the commission.
- J. “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 correspondence, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters and informational files.
- K. “Pending litigation”** means threatened, pending or active proceedings in a court of law whose activity is in progress but not yet completed.
- L. “Pick-up only personnel”** means personnel authorized by a records custodian, chief records officer or record liaison officer to only pick-up records from the records center.

M. “Records liaison officer” means a person designated by the records custodian to interact with the state commission of public records, refer to 1.13.12.10 NMAC.

N. “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.

O. “Trigger event” means the event which begins the retention period.
[1.13.10.7 NMAC - Rp, 1.13.10.7 NMAC, 11/30/2015; A, 7/11/2017; A, 9/11/2018]

1.13.10.8 CUSTODY OF RECORDS: In accordance with the functional records retention and disposition schedule, agency records stored at the records center shall remain in the custody of the records custodian of the custodial agency until:

A. they are destroyed or transferred to archives with written approval from the administrator; and
B. the written consent of the records custodian or designated chief records officer of the custodial agency.

[1.13.10.8 NMAC - Rp, 1.13.10.8 NMAC, 11/30/2015; A, 7/11/2017]

1.13.10.9 BOX REQUIREMENTS:

A. Agencies utilizing the records center shall use storage boxes 15” x 12” x 10” in size. Records with a retention of permanent must be submitted in acid-free boxes. Agencies submitting boxes for storage containing paper records shall:

(1) place only one type of record classification with disposition dates within a three year range in each box;

(2) place the records in the box vertically, in the same order in which the records were maintained and shall coincide with the records index;

(3) place letter-sized folders across the 12-inch side, facing the front of the box;

(4) place legal-sized folders across the 15-inch side, starting from left to right;

(5) leave at least one-inch of space for ease of access;

(6) place the lid on the box;

(7) place all documents (with the exception of oversize materials) in accurately labeled standard file folders; and

(8) do not place hanging file folders in the boxes.

B. The records management division has the final authority with regard to the rejection of any box shipment or portion thereof. Reasons for rejection include, but are not limited to, the following:

(1) Any box shipment that does not agree with its corresponding storage or disposition forms shall be rejected upon delivery. The custodial agency shall be required to remove the boxes from the records center immediately.

(2) Any shipment submitted for storage that is damaged or overfilled shall be rejected upon delivery. The custodial agency shall be required to remove the shipment from the records center immediately.

(3) Any box shipment submitted for storage or disposition that is deemed hazardous by the administrator shall be rejected upon delivery. The custodial agency shall be required to remove the shipment from the records center immediately. For any box rejected for contamination, the custodial agency will be required to request permission from the administrator for onsite destruction.

(4) Any box submitted for storage that is less than three quarters full (12 inches) shall be returned to the agency, including any boxes withdrawn for viewing.

(5) Any box shipment containing glossy exterior boxes.

C. Blueprints and maps submitted for storage shall be placed in boxes designed for that purpose.
[1.13.10.9 NMAC - Rp, 1.13.10.10 NMAC, 11/30/2015; A, 11/28/2017]

1.13.10.10 RECORDS CENTER ACCESS AND WITHDRAWAL OF RECORDS REQUIREMENTS:

A. Access to records stored in the records center shall be authorized in writing by the records custodian, chief records officer or records liaison officer.

B. Public access to records stored at the records center is prohibited. All requests for inspection of records shall be directed to the records custodian of the custodial agency.

C. Requests for withdrawal of records stored in the records center shall be made by the records custodian, chief records officer or records liaison officer. Withdrawal of records shall be requested on a form approved by the administrator.

D. Requests for withdrawals shall be at the box level. The records center will not honor requests for withdrawal of records at the folder level.

E. Requests to withdraw between one to 10 boxes shall be processed by the records management division within three business days. Requests to withdraw 10 or more boxes shall be evaluated and processed based on the work load of the records management division.

F. Emergency withdrawal requests will be processed within one business day of receipt. Emergency requests shall be made on a form approved by the administrator and accompanied by a letter of explanation from the records custodian or chief records officer.

G. Withdrawn boxes not retrieved within five business days of request will be returned to inventory in the records center.

[1.13.10.10 NMAC - Rp, 1.13.10.11 NMAC, 11/30/2015]

1.13.10.11 STORAGE OF RECORDS WITH A FINITE RETENTION AT THE RECORDS CENTER:

A. The records management division provides storage to agencies for inactive public records. Non-record materials shall not be submitted for storage in the records center.

B. Records involved in pending litigation, an audit or investigation are not eligible for transfer to the records center.

C. Agencies shall submit storage transmittal form(s) electronically using a form approved by the administrator.

D. Each storage transmittal form shall contain records of one media type and designate one storage location.

E. Records will not be accepted for storage whose retention will be met within 36 months.

F. Barcode labels provided by the records center staff shall be affixed to the records storage boxes prior to delivery. The labels shall be placed two to three-inches below the handle side of the storage box.

G. The records custodian, the chief records officer and the records liaison officer shall be notified by the records management division when records in storage have met the legal retention period and are eligible for destruction.

H. If an agency does not respond to the authorization to destroy records by the established deadline, the administrator shall charge the custodial agency a storage fee for the storage of records that are eligible for destruction. In addition, the return of withdrawn boxes, storage and disposition services will be suspended. For information on the fee schedule, refer to 1.13.2 NMAC.

I. A storage fee shall be charged for records that are eligible for destruction but are not destroyed at the request of the custodial agency. For information on the fee schedule, refer to 1.13.2 NMAC.

J. Destruction, returns and storage services will be suspended if the agency has an invoice that is 90 days or more past due.

[1.13.10.11 NMAC - Rp, 1.13.10.13 NMAC, 11/30/2015; A, 7/11/2017; A, 6/12/2018]

1.13.10.12 STORAGE OF PERMANENT PAPER RECORDS:

A. Records with a retention of permanent shall include a records index on a form approved by the administrator.

B. A copy of the records index form shall be placed in the storage box. An electronic copy of the records index form shall be submitted with the corresponding storage transmittal form.

C. Records with a retention of permanent are not eligible for storage in the Albuquerque records center. Such requests shall be submitted for storage in the Santa Fe records center.

D. The barcode labels shall be affixed to the records storage boxes prior to delivery to the records center. Barcode labels provided by the records center staff shall be affixed to the records storage boxes prior to delivery. The labels shall be placed two to three-inches below the handle side of the storage box.

[1.13.10.12 NMAC - Rp, 1.13.10.14 NMAC, 11/30/2015]

1.13.10.13 [RESERVED]

[1.13.10.13 NMAC - Rp, 1.13.10.15 NMAC, 11/30/2015; Repealed, 7/11/2017]

1.13.10.14 STORAGE OF MICROFILM:

A. For storage requirements, refer to 1.13.10.11 and 1.13.10.12 NMAC.

B. All state agencies and any public entity shall have an approved microphotography plan on file with the records management division before master microfilm can be stored. For microfilm plan requirements, refer to 1.14.2 NMAC. For information on the fee schedule, refer to 1.13.2 NMAC.

C. Microfilm shall pass inspection before it is approved for storage.
[1.13.10.14 NMAC - Rp, .1.13.10.16 NMAC, 11/30/2015; A, 6/28/2017; A, 11/28/2017]

HISTORY OF 1.13.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

SRC Rule 93-07, Policy on Custody of Records Stored by the Records Center, filed 6/1/1993.

History of Repealed Material:

1 NMAC 3.2.10.1, Records Custody and Access, filed 6/14/1996 - Repealed effective 6/30/2005.

1.13.10 NMAC, Records Custody, Access, Storage and Disposition, filed 6/15/2005 - Repealed effective 11/30/2015.