

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 13      PUBLIC RECORDS**  
**PART 11           ACCESS TO PUBLIC RECORDS, RESEARCH IN THE NEW MEXICO ARCHIVES**

**1.13.11.1           ISSUING AGENCY:** Commission of Public Records - New Mexico State Records Center and Archives  
[07/01/96; 1.13.11.1 NMAC - Rn, 1 NMAC 3.2.10.2.1 & A, 07/15/03]

**1.13.11.2           SCOPE:** Researchers using the New Mexico archives and research rooms.  
[07/01/96; 1.13.11.2 NMAC - Rn, 1 NMAC 3.2.10.2.2, 07/15/03]

**1.13.11.3           STATUTORY AUTHORITY:** Section 14-3-8 NMSA 1978. Records center. Requires the establishment of a records center in Santa Fe under the supervision and control of the administrator. This facility receives the inactive and infrequently used records of present and former state agencies/governments. Records in the custody of the administrator and retained by the center shall be open to the inspection of the general public, subject to reasonable rules and regulations prescribed by the administrator. Facilities for the use of these records in research by the public shall be provided in the center.  
[07/01/96; 1.13.11.3 NMAC - Rn, 1 NMAC 3.2.10.2.3 & A, 07/15/03]

**1.13.11.4           DURATION:** Permanent.  
[07/01/96; 1.13.11.4 NMAC - Rn, 1 NMAC 3.2.10.2.4, 07/15/03]

**1.13.11.5           EFFECTIVE DATE:** July 1, 1996 unless a later date is cited at the end of a section.  
[07/01/96; 1.13.11.5 NMAC - Rn, 1 NMAC 3.2.10.2.5 & A, 07/15/03]

**1.13.11.6           OBJECTIVE:** To establish guidelines for public use of records, donated documents, and research rooms of the New Mexico state record center and archives; to guarantee the security and preservation of documents and records; and to provide public access to the archives of New Mexico.  
[07/01/96; 1.13.11.6 NMAC - Rn, 1 NMAC 3.2.10.2.6, 07/15/03]

**1.13.11.7           DEFINITIONS:**

A.        **“Archives”** means the permanent records of the state of New Mexico, which may include the government and private records of the Spanish, Mexican, territorial and statehood periods. It also refers to the state archives of the commission of public records.

B.        **“Archivist”** means a professionally trained staff member of the archives and historical services division of the NMSRCA responsible for the appraisal, arrangement, description, preservation and use of archival material.

C.        **“Documents”** means any recorded information regardless of media, including books, correspondence, reports, maps, manuscripts, may include paper, microforms, photographs, sound recordings, motion pictures, drawings and electronic files.

D.        **“Public records”** 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. (Section 14-3-2 NMSA 1978). For the purpose of this rule, public records do not include the current records of state government.

E.        **“Records”** 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 (1.13.70 NMAC).

F.        **“Records center”** means the New Mexico state records center and archives. It is the principal central records repository for the non-current records of agencies, former governments of the state, and materials obtained from other sources.

G.        **“Researcher”** means a person who requests access to original documents or copies of original documents in the archives.  
[07/01/96; 1.13.11.7 NMAC - Rn, 1 NMAC 3.2.10.2.7, 07/15/03; A, 06/01/06]

**1.13.11.8 GUIDELINES FOR USE OF ARCHIVES RESEARCH ROOM:**

- A. Research room hours are 12:00 pm to 4:30 pm, Monday through Friday, except holidays or other times specified by NMSRCA.
- (1) Reference assistance is available from 12:00 pm to 4:30 pm.
  - (2) Historical films and videos can be viewed by appointment only.
  - (3) Requests to view 10 or more photographs require an appointment.
  - (4) Material shall not be pulled from the vault between 12:00 pm and 1:00 pm or after 4:15 pm.
- B. All researchers and visitors shall sign the daily log as they enter the research rooms.
- C. Researchers shall complete a user registration form (SRC 96-20).
- (1) Researchers shall be asked to update registration forms periodically.
  - (2) To register, researchers shall provide photographic identification. Acceptable forms of identification include a driver's license, a school or business identification card, or a passport.
- D. The NMSRCA prohibits researchers from carrying boxes, briefcases, satchels, valises, backpacks, purses, folders, coats, newspapers, or other large containers into the research rooms.
- (1) Researchers will be provided lockers for their belongings on a first-come, first-serve basis. Lockers are available for a quarter.
  - (2) Researchers' personal belongings must be removed from the lockers each night.
- E. Except as provided in Paragraphs (1) through (4) of Subsection E of 1.13.11.8 NMAC, only paper and pencils may be taken into the research rooms.
- (1) Researchers may use a personal computer provided their use does not disturb others. The speakers shall be disabled or lowered to an inaudible level.
  - (2) Cell phones brought into the research rooms are subject to the following procedures.
    - (a) Cell phones must be placed on vibrate mode.
    - (b) Calls must be made or answered outside of the research rooms.
  - (3) Researchers may use still digital or film cameras in the research rooms provided their use does not disturb others and subject to the following procedures.
    - (a) Researchers shall request approval from the archivist on duty before the equipment is allowed into the research rooms.
    - (b) Equipment is subject to inspection by staff prior to admittance.
    - (c) Flash photography is not allowed in any research room. Violators will be asked to put their cameras away.
    - (d) Researchers shall place a "New Mexico state records center and archives" template on each page photographed. Staff will supply the template. Template shall be returned to staff once work is completed.
    - (e) Researchers shall follow the copyright law of the United States (Title 17, United States Code) which governs the making of photocopies or other reproductions of copyrighted material. If publishing materials, researchers shall comply with 1.13.11.10 NMAC.
  - (4) Notes, references, list of documents to be consulted, such as one spiral notebook may be admitted if they are essential to a researchers work but are subject to inspection upon entering or leaving the research rooms.
  - (5) Researchers may use approved optical scanners in the research rooms provided their use does not disturb others and subject to the following procedures.
    - (a) Researchers shall request approval from the archivist on duty before the equipment is allowed into the research room.
    - (b) Equipment is subject to inspection by staff prior to admittance.
    - (c) Prior to scanning, researchers shall present the material to be scanned to the archivist on duty for approval. The archivist shall refuse a request if he or she determines that scanning would damage the materials.
    - (d) If approved for scanning, researchers shall follow scanning guidelines. Guidelines will be provided by the archivist on duty.
    - (e) Researchers shall follow the copyright law of the United States (Title 17, United States Code) which governs the making of photocopies or other reproductions of copyrighted material. If publishing materials, researchers shall comply with 1.13.11.10 NMAC.
- F. No eating, drinking, or smoking is permitted in the research rooms.
- G. Loud talking or other activities likely to disturb other researchers is prohibited.
- H. Children under the age of 16 years shall not be admitted in the research rooms unless they are accompanied by an adult. The archivist on duty may waive this requirement with respect to individual researchers.

I. Researchers refusing to comply with NMSRCA research room guidelines or whose actions present a danger to the documents or annoyance to other researchers shall be denied access to archival collections and shall be asked to leave by the director of archives and historical services.  
[07/01/96; 1.13.11.8 NMAC - Rn, 1 NMAC 3.2.10.2.8 & A, 07/15/03; A, 06/01/06; A, 06/30/09; A, 01/14/11, A, 07/31/12]

**1.13.11.9 GUIDELINES FOR USE OF DOCUMENTS:**

- A. Researchers shall complete a records request form (SRC Form 11A) when requesting documents.
- (1) The name of the collection, series, box, and folder number shall be noted.
  - (2) The researcher shall hand the completed request form to an archivist or the person at the reference desk.
- B. Researchers shall use documents only in research rooms. Documents shall not be removed from the research room.
- C. Original records shall not normally be made available when microfilm or digital copies are available.
- D. Archivists may limit the quantity of materials delivered to a researcher at one time.
- (1) Only one folder, box, or container of documents may be made available to a researcher at one time.
  - (2) The researcher may exchange one container (box) for another by informing an archivist or the person at the reference desk.
- E. The researcher is responsible for all records delivered to him until he returns them.
- (1) Before leaving the research room, even for a short time, the researcher shall notify the person at the reference desk and place all documents in their proper container.
  - (2) When the researcher is finished using the records, they shall be returned to the reference desk.
  - (3) Researchers shall return all materials to the archivist on duty by 4:30 pm. No exceptions shall be made.
- F. Researchers shall keep unbound records in the order in which they are delivered to him.
- (1) Documents that appear to be in disorder shall not be rearranged by the researcher, but shall be referred to an archivist.
  - (2) Researchers shall not remove documents from more than one folder at a time.
- G. Researchers shall not write on, lean on, fold, trace, erase, staple, or handle documents in any way likely to damage them.
- H. The use of protective gloves shall be required with the use of documents.
- I. Use of microfilm readers at the NMSRCA is on a first-come, first-serve basis. When other researchers are waiting to use a microfilm reader, a 3-hour limit may be placed on using a reader. During periods of heavy use, researchers may sign a waiting list for the use of a microfilm reader.
- J. Microfilm is available on a self-service basis.
- (1) Archivists may assist researchers in identifying rolls of film.
  - (2) After using each roll, the researcher shall rewind the film and place the roll in the re-file basket.
  - (3) Researchers shall bring to the attention of an archivist microfilm placed in the wrong box or file cabinet.
  - (4) Researchers shall bring to the attention of an archivist microfilm that is backwards on the reel.
- K. Reference books may be taken off the shelf by researchers.
- (1) Books shall not be re-shelved by researchers.
  - (2) Books shall only be used in the research room.
- L. Fragile, oversized, and certain rare books shall not be photocopied.  
[07/01/96; 1.13.11.9 NMAC - Rn, 1 NMAC 3.2.10.2.9 & A, 07/15/03; A, 06/01/06; A, 06/30/09]

**1.13.11.10 DUPLICATION, CITATION, PUBLICATION, AND COPYRIGHT:**

- A. Documents may be photocopied or duplicated for a fee. (1.13.2 NMAC)
- B. Certain documents may not be copied due to physical condition, possible damage, or legal restrictions.
- (1) Archivists shall determine the suitability of documents to be photocopied.
  - (2) Original documents which are available on microfilm or some form of digital media shall not be photocopied when a legible copy can be made from the microfilm or digital media.
  - (3) Researchers shall not remove documents from folders when requesting photocopies.

(4) Researchers shall not tag documents to be copied with adhesive note pads. Researchers shall ask an archivist or the person at the reference desk for assistance.

C. Permission to examine materials is not an authorization to publish them.

(1) Permission to reproduce for publication unpublished documents shall be obtained from the holder of the copyright.

(2) Permission to reproduce and publish previously published works in its entirety shall be obtained from the holder of the copyright.

(3) The researcher making and using copied material is responsible for obtaining any needed permission or release of copyright from the owner or author.

D. Requests to use reproductions of film and photographs in publications shall be made in writing.

(1) Each researcher must complete and sign SRC Form 96-18, conditions for publication and reproduction.

(2) A letter of intent that details how the reproduction will be used shall be submitted to the administrator.

(3) Approval to use the requested materials will be made in writing.

E. Documents shall be properly cited and credited in publications, exhibits, or other use. Citations should follow this format: identification of item, name of collection, photo or film number (if applicable), New Mexico state records center and archives.

[11/3/69...07/01/96; 1.13.11.10 NMAC - Rn, 1 NMAC 3.2.10.2.10, 07/15/03; A, 06/01/06]

#### **1.13.11.11 ACCESS:**

A. Under the Inspection of Public Records Act, access to certain records is restricted.

(1) medical records;

(2) personnel files;

(3) law enforcement records that reveal confidential sources, methods, or information on individuals accused but not charged with a crime;

(4) confidential material, which would invade the privacy of an individual.

B. The use of donated materials shall be subject to restrictions placed by the donor.

C. Access to materials which are not arranged or are being processed may also be restricted.

D. Access to fragile or very valuable materials may also be restricted.

E. Access to permanent agency records in the custody of the NMSRCA, but not yet accessioned into the archives shall be requested by the state records administrator.

[07/01/96; 1.13.11.11 NMAC - Rn, 1 NMAC 3.2.10.2.11, 07/15/03; A, 06/01/06]

#### **1.13.11.12 LOAN OF DOCUMENTS:**

A. All loans shall be authorized by the administrator.

B. Requests shall be made in writing at least 60 days before the documents leave the NMSRCA.

C. Borrower shall complete, sign and agree to all security measures, insurance requirements, packing, transporting, display, storage and handling provisions listed in the outgoing loan agreement, Form SRC 96-24.

D. Loans shall be made for a period not to exceed one year.

E. The NMSRCA shall approve any arrangements to include loaned records in related publications.

F. The NMSRCA reserves the right to require other safeguards than those listed on the outgoing loan agreement form and to withdraw records from exhibit at any time.

[07/01/96; 1.13.11.12 NMAC - Rn, 1 NMAC 3.2.10.2.12, 07/15/03; A, 06/01/06]

#### **1.13.11.13 REQUIREMENTS FOR RECORDS REQUEST FORM, SRC FORM 11A:**

A. This form delineates information required to retrieve public records from the archives vault by archivist, for viewing by requestor in the main archives research room.

B. The form shall require of the requester:

(1) printed name and signature of the requester;

(2) intended use of materials by the requester; and

(3) collection information, which may include the following:

(a) collection title;

(b) accession number

(c) box and folder number; and

(d) description of item.

- C. The form shall require of the archivist:
- (1) serial number of container and vault location for each item;
  - (2) total number of items retrieved;
  - (3) signature of archivist retrieving items and date and time; and
  - (4) signature of archivist re-shelving items and date and time.

[07/01/96, 1.13.11.13 NMAC - Rn, 1 NMAC 3.2.10.2, SRCA Form 11A & A, 07/15/03]

**1.13.11.14 REQUIREMENTS FOR CONDITIONS FOR PUBLICATION/REPRODUCTION, SRC FORM 96-18:**

A. This form delineates conditions for publication and reproduction of images held by the SRCA as public records and shall be completed and submitted to the SRCA as provided in 1.13.2 NMAC and as evidence of agreement by the requestor to the terms and conditions prescribed therein and in 1.13.2 NMAC. Information contained on the form shall include, but not be limited to, the following:

- (1) provision for reservation of rights by the SRCA;
- (2) formats for required credit line;
- (3) requirements relating to the method of payment; and
- (4) description of respective rights and responsibilities of the SRCA and the requestor, including copyright restrictions, relating to reproduction and publication.

B. The form shall require of the requestor:

- (1) the description of the image to be published and the required credit line;
- (2) the printed name and signature of the requestor;
- (3) the address of the requestor; and
- (4) the date of the request.

C. The director of the archives and historical services division of the SRCA and the state records administrator shall approve the requested use by their signatures on the form.

[07/01/96, 1.13.11.14 NMAC - Rn, 1 NMAC 3.2.10.2, SRCA Form 96-18 & A, 07/15/03]

**1.13.11.15 REQUIREMENTS FOR USER REGISTRATION FORM, SRC FORM 96-20:**

A. This form delineates the information required of the researcher to become a registered patron of the archives research rooms. All researchers shall complete this onetime registration form before entry into the archives research rooms.

B. The form shall require from the researcher, but not be limited to, the following:

- (1) name and signature of researcher;
- (2) signature of parent or guardian of researcher, as provided for in Subsection H of 1.13.11.8 NMAC.
- (3) physical and email addresses of researcher;
- (4) telephone number of researcher;
- (5) user description of researcher;
- (6) researcher's willingness to share research information with other researchers; and
- (7) date.

C. Researcher's signature signifies that they have read the rules and procedures for using the public records held by the archives and historical services division of SRCA, and that they have agreed to abide by them.

[07/01/96, 1.13.11.15 NMAC - Rn, 1 NMAC 3.2.10.2, SRCA Form 96-20 & A, 07/15/03]

**1.13.11.16 REQUIREMENTS FOR OUTGOING LOAN AGREEMENT, SRC FORM 96-24:**

A. This form delineates the conditions for an organization to borrow public records held by the archives and historical services division of the SRCA. Information contained on the form shall include, but not limited to, the following:

- (1) protection of the borrowed items;
- (2) insurance coverage of the borrowed items;
- (3) packing and shipping of borrowed items and their cost;
- (4) appropriate credit line for borrowed items;
- (5) return of borrowed items; and
- (6) extensions and cancellations of loan agreement.

B. This form shall require of the requesting organization:

- (1) signature and title of authorized representative of requesting organization; and

- (2) date.
- C. This form shall require of the director of the archives and historical services division:
  - (1) title, address, and telephone number of requesting organization;
  - (2) description of items to be borrowed;
  - (3) time period of loan;
  - (4) name of insurance carrier;
  - (5) amount of insurance value;
  - (6) name of person who packed borrowed items;
  - (7) address borrowed items shipped to;
  - (8) date borrowed items were returned;
  - (9) credit line for borrowed items; and
  - (10) special requirements for installation and handling of borrowed items.
- D. Signatures of authorized representatives from the SRCA and the borrowing organization signify an agreement between the two entities to the conditions set forth in this form.  
[07/01/96, 1.13.11.16 NMAC - Rn, 1 NMAC 3.2.10.2, SRCA Form 96-24 & A, 07/15/03]

**HISTORY OF 1.13.11 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives SRC Rule 69-1, Conditions for the Acceptance of Films Deposited with the New Mexico Film Collection, filed 11/3/69.

**History of Repealed Material:** [RESERVED]