

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 13 PUBLIC RECORDS
PART 12 DESIGNATION OF RECORDS MANAGEMENT PERSONNEL

1.13.12.1 ISSUING AGENCY: State Commission of Public Records.
[1.13.12.1 NMAC - Rp, 1.13.12.1, 11/28/2017]

1.13.12.2 SCOPE: All agencies that utilize the records center services and state archives.
[1.13.12.2 NMAC - Rp, 1.13.12.2, 11/28/2017]

1.13.12.3 STATUTORY AUTHORITY: Public Records Act, Section 14-3-4 NMSA 1978.
[1.13.12.3 NMAC - Rp, 1.13.12.3, 11/28/2017]

1.13.12.4 DURATION: Permanent.
[1.13.12.4 NMAC - Rp, 1.13.12.4, 11/28/2017]

1.13.12.5 EFFECTIVE DATE: November 28, 2017, unless a later date is cited at the end of a section.
[1.13.12.5 NMAC - Rp, 1.13.12.5, 11/28/2017]

1.13.12.6 OBJECTIVE: To establish requirements for the designation of personnel to interact with the commission of public records and the state records administrator for the access, storage and disposition of records stored at the state records center and archives.
[1.13.12.6 NMAC - Rp, 1.13.12.6, 11/28/2017]

1.13.12.7 DEFINITIONS:

A. “Custodial agency” means the agency responsible for the creation, maintenance, safekeeping and preservation of public records, regardless of physical location.

B. “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.

C. “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).

D. “Pending litigation” means threatened, pending or active proceedings in a court of law whose activity is in progress but not yet completed.

E. “Records custodian” means the statutory head of the agency using or maintaining the records or the custodian's designee as defined in Section 14-3-2 NMSA, 1978.

F. “State archives” means the principle location within the state records center and archives that maintains, preserves and makes available to the public the permanent and historical records of the state of New Mexico.

[1.13.12.7 NMAC - Rp, 1.13.12.7, 11/28/2017]

1.13.12.8 RECORDS MANAGEMENT PROGRAM PERSONNEL HEIRARCHY:

A. The statutory records custodian for each agency may designate one individual to act as a designated records custodian on his or her behalf. The designee shall be appointed each fiscal year using a form approved by the administrator. For designated records custodian responsibilities please see 1.13.12.9 NMAC.

B. The records custodian for each agency may designate one chief records officer to oversee the agency's records management program. The chief records officer shall be appointed each fiscal year using a form approved by the administrator. For chief records officer responsibilities, refer to 1.13.12.10 NMAC.

C. The records custodian for each agency may designate one or more records liaison officer(s) responsible for authorizing the storage and destruction of agency records. The records liaison officer shall be appointed each fiscal year using a form approved by the administrator. For record liaison officer responsibilities, refer to 1.13.12.11 NMAC.

D. A records custodian, chief records officer or records liaison officer may designate personnel to pick-up agency records from the records center. Pick-up personnel shall be appointed each fiscal year using a form approved by the administrator. For pick-up personnel responsibilities, refer to 1.13.12.12 NMAC.

E. If a records custodian does not designate a chief records officer or record liaison officer, the records custodian shall remain responsible for all of the duties of the personnel listed above.

F. The records custodian shall notify the state commission of public records concerning any status changes regarding designated records management personnel.
[1.13.12.8 NMAC - Rp, 1.13.12.8, 11/28/2017]

1.13.12.9 DESIGNATED RECORDS CUSTODIAN: If a statutory records custodian elects to designate an individual to serve on his or her behalf as a designated records custodian, the following requirements and responsibilities are assigned.

A. The designated records custodian shall be the individual responsible for satisfying all statutory requirements of the records custodian as delineated in the Public Records Act (14-3-1 NMSA, 1978).

B. All designated records custodians shall attend the required basic records management training offered by the state commission of public records before they can store, withdraw, access or request the disposition of records.

C. Designated records custodians are required to attend the basic records management training once every three fiscal years.

[1.13.12.9 NMAC - N, 11/28/2017; A, 06/12/2018]

1.13.12.10 CHIEF RECORDS OFFICER: If a chief records officer is designated by the records custodian, the following responsibilities are assigned.

A. The chief records officer shall be the individual with the authority to oversee the agency's records management program.

B. The chief records officer shall perform the following duties:

(1) coordinate the response to the disposition authorization (destruction and transfer to state archives);

(2) establish and maintain a centralized tracking system for the agency's storage containers (including the containers' indices, metadata and locators) and the disposition of records;

(3) disseminate information on any pending litigation, a discovery order, subpoena, government investigation or audit;

(4) ensure staff is adequately trained on proper records management practices; and

(5) develop policies and procedures pertaining to records management issues (i.e., handling confidential materials, new hire orientation, e-mail management, disposition of records when an employee leaves the agency, metadata development, etc.).

C. The chief records officer shall have the same authorities and responsibilities as a record liaison officer. The chief records officer shall have the authority to submit records for direct transfer to archives.

D. All chief records officers shall attend the required basic records management training offered by the state commission of public records before they can store, withdraw, access or request the disposition of records.

E. Chief records officers are required to attend the basic records management training once every three fiscal years.

[1.13.12.10 NMAC - Rp, 1.13.12.9, 11/28/2017; A, 06/12/2018]

1.13.12.11 RECORDS LIAISON OFFICER: If a record liaison officer is designated by the records custodian, the following responsibilities are assigned.

A. Records liaison officers shall be authorized to interact with the state commission of public records and the state records administrator for the purposes of storage, withdrawal, access or disposition of records.

B. All records liaison officers shall attend the required basic records management training offered by the state commission of public records before they can store, withdraw, access or request the disposition of records.

C. Records liaison officers are required to attend the basic records management training once every three fiscal years.

[1.13.12.11 NMAC - Rp, 1.13.12.10, 11/28/2017; A, 06/12/2018]

1.13.12.12 PICK-UP ONLY PERSONNEL: Pick-up personnel are authorized to pick-up agency records from the records center.

[1.13.12.12 NMAC - Rp, 1.13.12.11, 11/28/2017]

1.13.12.13 DIGITAL SIGNATURE ISSUANCE AND USAGE:

A. A records custodian, chief records officer or records liaison officer may request a digital signature. This signature may be used exclusively for the purpose of submitting approved designation and destruction forms to the state commission of public records.

B. To request a digital signature, records management personnel shall submit a digital signature request each fiscal year using a form approved by the administrator. The original signed form must be:

(1) submitted in person to the agency analysis bureau by the records custodian, chief records officer or records liaison officer and accompanied by a government issued form of photo identification; or

(2) submitted to the agency analysis bureau by mail and include the notarized signature of the records custodian, chief records officer or records liaison officer.

C. The records custodian shall notify the state commission of public records concerning any status changes regarding the authority to utilize a digital signature by designated records management personnel.

D. The digital signature shall be the last function performed on an electronic form before saving and submitting the form. Forms modified after a digital signature has been affixed will be rejected.

[1.13.12.13 NMAC - Rp, 1.13.12.12, 11/28/2017]

HISTORY OF 1.13.12 NMAC: [RESERVED]

History of Repealed Material:

1.13.12. NMAC, Designation Of Records Management Personnel, filed 11/17/2015 - Repealed effective 11/28/2017.

NMAC History:

1.13.12. NMAC, Designation Of Records Management Personnel (filed 11/17/2015) was replaced by 1.13.12. NMAC, Designation Of Records Management Personnel, effective 11/28/2017.