

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 430 ERRDS, PUBLIC REGULATION COMMISSION

1.18.430.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives.
[1.18.430.1 NMAC - Rp, 1.18.430.1 NMAC, 01/07/2008]

1.18.430.2 SCOPE: public regulation commission
[1.18.430.2 NMAC - Rp, 1.18.430.2 NMAC, 01/07/2008]

1.18.430.3 STATUTORY AUTHORITY: Section 14-3-4 NMSA 1978, it shall be the duty of the commission to adopt and publish rules to carry out the purposes of the Public Records Act. Section 14-3-6 NMSA 1978, the administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.430.3 NMAC - Rp, 1.18.430.3 NMAC, 01/07/2008; A, 04/30/2012]

1.18.430.4 DURATION: Permanent
[1.18.430.4 NMAC - Rp, 1.18.430.4 NMAC, 01/07/2008]

1.18.430.5 EFFECTIVE DATE: January 7, 2008 unless a later date is cited at the end of the section.
[1.18.430.5 NMAC - Rp, 1.18.430.5 NMAC, 01/07/2008]

1.18.430.6 OBJECTIVE: To establish a records retention schedule for the orderly management, retention, disposition and preservation of records necessary for carrying out the Public Records Act pursuant to Section 14-3-6 NMSA 1978.
[1.18.430.6 NMAC - Rp, 1.18.430.6 NMAC, 01/07/2008; A, 04/30/2012]

1.18.430.7 DEFINITIONS:

- A. "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
- B. "Agency"** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- C. "Archives"** means the permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico. The term also refers to the organizational unit of the SRCA storing these records.
- D. "Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
- E. "Commission"** means the state commission of public records (Section 14-3-2 NMSA 1978).
- F. "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).
- G. "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 produced by information system technologies pursuant to regulations adopted by the commission.
- H. "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 reading file or informational files.
- I. "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed.
- J. "Public record"** 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 14-4-2 NMSA 1978).

K. "Records custodian" means the statutory head of the agency using or maintaining the records or the custodian's designee.

L. "Record destruction" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

M. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

N. "Records retention and disposition schedule" means rules adopted by the commission pursuant to Section 14-3-4 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

O. "Retention" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

[1.18.430.7 NMAC - Rp, 1.18.430.7 NMAC, 01/07/2008; A, 04/30/2012]

1.18.430.8 ABBREVIATIONS AND ACRONYMS:

A. "CFR" stands for code of federal regulations.

B. "DOB" stands for date of birth.

C. "EDRRDS" stands for education records retention and disposition schedules.

D. "ERRDS" stands for executive records retention and disposition schedules.

E. "GRRDS" stands for general records retention and disposition schedules.

F. "IFSAC" stands for international fire service accreditation.

G. "JRRDS" stands for judicial records retention and disposition schedules.

H. "LRRDS" stands for legislative records retention and disposition schedules.

I. "LGRRDS" stands for local government records retention and disposition schedules.

J. "NAIC" stands for national association of insurance commissioners.

K. "NMAC" stands for New Mexico administrative code.

L. "NMSA" stands for New Mexico statutes annotated.

M. "PRC" stands for public regulation commission.

N. "SCBA" stands for self contained breathing apparatus.

O. "SRCA" stands for state records center and archives.

P. "SSN" stands for social security number.

Q. "USC" stands for United States code.

[1.18.430.8 NMAC - Rp, 1.18.430.8 NMAC, 01/07/2008; A, 04/30/2012]

1.18.430.9 INSTRUCTIONS:

A. Records retention and disposition schedules identify the types of records maintained by state agencies and specify a period of time which records must be retained. A retention period may be stated in terms of months or years and is sometimes expressed as contingent upon the occurrence of an event. There are several types of records retention and disposition schedules promulgated by the commission for state agencies. General schedules list records common to all agencies and executive schedules list records specific to an agency. Each record series will be represented in the format listed below.

(1) **Program** - describes the function of the records

(2) **Maintenance system** - describes how an agency files (organizes) records

(3) **Description** - describes the purpose and content of a record

(4) **Retention** - defines the length of time records must be kept before they are eligible for destruction

or archival preservation.

B. For records of a general administrative nature, refer to the GRRDS, General Administrative, 1.15.2 NMAC.

C. For records of a financial nature, refer to the GRRDS, General Financial, 1.15.4 NMAC.

D. For records of a personnel nature, refer to the GRRDS, General Personnel, 1.15.6 NMAC.

E. For records of a medical nature, refer to the GRRDS, General Medical, 1.15.8 NMAC.

F. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

G. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are included in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

H. Confidentiality is denoted for files likely to contain confidential materials or information; however files without a confidentiality note may contain confidential or privileged information. Failure to include a confidentiality note in the description of a record series does not waive confidentiality. Refer questions concerning the confidentiality of a file to legal counsel for the agency.

I. Records may be photographed, microfilmed, digitized or converted to computer output microfilm provided a microphotography plan has been approved by the state records administrator (Section 14-3-17 NMSA 1978). Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction as evidence in all courts or administrative agencies (Section 14-1-6 NMSA 1978).

J. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

K. Email is a transmission medium for content that may or may not be a public record. Email messages that contain information sent or received by an agency in connection with the transaction of official state business or in pursuance of law are public records and are subject to retention requirements established in records retention and disposition schedules. Email messages are required to be categorized, filed and retained on the basis of content (1.13.4 NMAC, Records Management Requirements for Electronic Messaging). The content of email messages may vary considerably; therefore, each email shall be evaluated to determine if it meets the definition of a public record as defined in the Public Records Act. Non-records or transitory emails that do not provide evidence of official agency policies or business transactions may be deleted.

L. Non-scheduled public records created by an agency in pursuance of law or in connection with the transaction of public business shall have a retention period of permanent until such time the non-scheduled record has been scheduled and a retention period adhering to operational, legal, fiscal, historical or other purposes is established.

[1.18.430.9 NMAC - Rp, 1.18.430.9 NMAC, 01/07/2008; A, 04/30/2012, A, 07/29/2013]

1.18.430.10 - 1.18.430.15 [RESERVED]

1.18.430.16 COMMISSION DOCKET LEGAL CASE FILES:

A. Program: administration

B. Maintenance system: chrono-numerical by year and docket number

C. Description: records concerning regulatory matters that come before the public regulation commission. File may include hearing officer's notes, initial docket log, transcript of proceedings, pleadings, warrants, permits, economic analysis, accounting procedures, engineering studies, certificates, orders, etc.

D. Retention: permanent, transfer to archives 10 years after final order.

E. Confidentiality: Portions may contain confidential information per Section 59A-2-11 NMSA 1978, Enforcement and Section 60-2-17 Office, books and records; sanction; penalty.

[1.18.430.16 NMAC - Rp, 1 18.630.161 NMAC, 01/07/2008]

1.18.430.17 - 1.18.430.20 [RESERVED]

1.18.430.21 INVESTIGATIONS FILES:

A. Program: investigations

B. Maintenance system: agency preference

C. Description: records concerning investigations conducted by the commission regarding a complaint filed or an accident involving a motor carrier or business entity regulated by the commission. File may contain investigation reports, exhibits, audit worksheets, copies of invoices, types of complaints, inspection form, correspondence, etc.

D. Retention:

(1) **Consumer complaint investigations:** five years after close of investigation

(2) **Fire investigations:** 10 years after close of investigation

(3) **Pipeline investigations:** 20 years after close of investigation

(4) **Motor carrier investigations:** five years after close of investigation

(5) **Utility investigations:** five years from close of investigation

E. Confidentiality: Portions of record may be confidential per Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime"), 18 U.S.C. Section 2721 (i.e., Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records), Section 66-2-7.1 NMSA 1978, Motor vehicle-related records; confidential and Section 7-1-8 NMSA 1978, Confidentiality of Returns and Other Information. [1.18.430.21 NMAC - Rp, 1.18.430.201, 204, 205, 206, 207, 258, 261, 262 & 417 NMAC, 01/07/2008; A, 04/30/2012; A, 07/29/2013]

1.18.430.22 [RESERVED]

[1.18.430.22 NMAC - Rp, 1.18.430.386 & 390 NMAC, 01/07/2008; Repealed, 07/29/2013]
[Portions of this file are input to the NAIC system.]

1.18.430.23 - 1.18.430.26 [RESERVED]

1.18.430.27 UTILITY ENFORCEMENT COMPLIANCE REPORT FILES:

A. Program: utility regulation
B. Maintenance system: numerical by docket number
C. Description: records concerning utility companies demonstrating compliance as a result of a commission hearing or final order. File may include company name, financial information, compliance reports, etc.
D. Retention: permanent, transfer to archives 10 years after compliant date
E. Confidentiality: Portions of record may be confidential per Section 60-2-17 NMSA 1978, Office, books and records; sanction; penalty.
[1.18.430.27 NMAC - N, 01/07/2008]

1.18.430.28 UTILITY AND MOTOR CARRIER CONSUMER COMPLAINT DATABASE:

A. Program: utility regulation
B. Maintenance system: numerical by primary key
C. Description: database tracks all utility and transportation consumer complaints for companies regulated by the PRC. Data may include complaint number, date opened, date of loss, specialist assigned, date assigned, attorney assigned, date referenced, date closed, notes, social security number, date of birth, phone, address, complaint name, etc.
D. Data retention:
(1) **Motor carrier data:** five years after close of investigation
(2) **Utility data:** five years from close of investigation
E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number).
F. Input: All documents used as input for the *utility and motor carrier consumer complaint database* are filed in Section 1.18.430.28(6), (7) *investigations files*.
G. Output: Because the *utility and motor carrier consumer complaint database* is a data-based system, ad hoc reports may be generated upon request or demand.
[1.18.430.28 NMAC - Rp, 1.18.430.202 NMAC, 01/07/2008]

1.18.430.29 - 1.18.430.31 [RESERVED]

1.18.430.32 [RESERVED]

[1.18.430.32 NMAC - Rp, 1.18.430.184 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.33 [RESERVED]

[1.18.430.33 NMAC - Rp, 1.18.430.181 & 185 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.34 [RESERVED]

[1.18.430.34 NMAC - Rp, 1.18.430.182 & 186 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.35 [RESERVED]

[1.18.430.35 NMAC - Rp, 1.18.430.187 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.36 - 1.18.430.39 [RESERVED]

1.18.430.40 [RESERVED]

[1.18.430.40 NMAC - Rp, 1.18.430.188 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.41 [RESERVED]

[1.18.430.41 NMAC - Rp, 1.18.430.196 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.42 - 1.18.430.44 [RESERVED]

1.18.430.45 [RESERVED]

[1.18.430.45 NMAC - N, 07/15/2010; Repealed, 07/29/2013]

1.18.430.46 [RESERVED]

[1.18.430.46 NMAC - Rp, 1.18.430.261 & 262 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.47 - 1.18.430.50 [RESERVED]

1.18.430.51 [RESERVED]

[1.18.430.51 NMAC - Rp, 1.18.430.266, 267, 268, 273, 274, 276, 277, 278, 279, 281, 282, 283, 285, 286, 287, 312, 313 & 341 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.52 [RESERVED]

[1.18.430.52 NMAC - Rp, 1.18.430.312 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.53 [RESERVED]

[1.18.430.53 NMAC - Rp, 1.18.430.324 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.54 - 1.18.430.58 [RESERVED]

1.18.430.59 [RESERVED]

[1.18.430.59 NMAC - N, 01/07/2008; Repealed, 07/29/2013]

1.18.430.60 [RESERVED]

[1.18.430.60 NMAC - Rp, 1.18.430.335, 344, 345, 346 & 365 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.61 [RESERVED]

[1.18.430.61 NMAC - Rp, 1.18.430.336, 352, 353, 357, 358, 359 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.62 [RESERVED]

[1.18.430.62 NMAC - Rp, 1.18.430.337 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.63 [RESERVED]

[1.18.430.63 NMAC - Rp, 1.18.430.339 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.64 [RESERVED]

[1.18.430.64 NMAC - Rp, 1.18.430.367 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.65 [RESERVED]

[1.18.430.65 NMAC - Rp, 1.18.430.340 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.66 - 1.18.430.70 [RESERVED]

1.18.430.71 [RESERVED]

[1.18.430.71 NMAC - Rp, 1.18.430.376 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.72 [RESERVED]

[1.18.430.72 NMAC - Rp, 1.18.430.377 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.73 [RESERVED]

[1.18.430.73 NMAC - Rp, 1.18.430.379 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.74 [RESERVED]

[1.18.430.74 NMAC - Rp, 1.18.430.380 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.75 - 1.18.430.76 [RESERVED]

1.18.430.77 [RESERVED]

[1.18.430.77 NMAC - N, 04/30/2012; Repealed, 07/29/2013]

1.18.430.78 - 1.18.430.79 [RESERVED]

1.18.430.80 [RESERVED]

[1.18.430.80 NMAC - Rp, 1.18.430.384 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.81 - 1.18.430.83 [RESERVED]

1.18.430.84 [RESERVED]

[1.18.430.84 NMAC - Rp, 1.18.430.391 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.85 - 1.18.430.87 [RESERVED]

1.18.430.88 [RESERVED]

[1.18.430.88 NMAC - Rp, 1.18.396, 399, 400, 401, 402, 403 & 413 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.89 [RESERVED]

[1.18.430.89 NMAC - Rp, 1.18.430.407 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.90 [RESERVED]

[1.18.430.90 NMAC - Rp, 1.18.430.254 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.91 [RESERVED]

[1.18.430.91 NMAC - Rp, 1.18.430.393, 408 & 410 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.92 [RESERVED]

[1.18.430.92 NMAC - Rp, 1.18.430.405 & 406 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.93 [RESERVED]

[1.18.430.93 NMAC - Rp, 1.18.430.392 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.94 [RESERVED]

[1.18.430.94 NMAC - Rp, 1.18.430.398 NMAC, 01/07/2008; Repealed, 07/29/2013]

1.18.430.95 - 1.18.430.97 [RESERVED]

1.18.430.98 APPLICATION OF LEASING AND INTERCHANGE OF EQUIPMENT FILES:

- A. Program:** transportation
- B. Maintenance system:** numerical by PRC number, then chronological by date
- C. Description:** records concerning the approved applications of all commercial motor carrier leasing and interchange equipment. Files may include applications for approval of equipment leases (i.e., SSN,

check or money order number, federal identification number, etc.), proof of vehicle safety inspection, motor vehicle equipment information, lessee contact information, correspondence, etc.

D. Retention: three years after the lease termination

E. Confidentiality: Portions of this record may be confidential per SSN 18 U.S.C. Section 2721 (i.e., Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records), Section 66-2-7.1 NMSA 1978, Motor vehicle-related records; confidential and Section 7-1-8 NMSA 1978, Confidentiality of Returns and Other Information.

[1.18.430.98 NMAC - Rp, 1 NMAC 3.2.93.424.192, 01/07/2008]

1.18.430.99 UNIFORM CARRIER REGISTRATION PROGRAM FILES:

A. Program: transportation

B. Maintenance system: chronological by calendar year, then numerical by federal motor carrier number

C. Description: records concerning the approved application for single state motor carrier operating authority. Files may contain application (i.e., motor carrier identification numbers, applicant's business address, mailing address, registration type, motor carrier type, motor carrier operation type, type of authority registered, SSN, federal identification number, etc.), registration receipt order form, etc.

D. Retention: three calendar years after registration expires

E. Confidentiality: Portions of this record may be confidential per 18 U.S.C. Section 2721 (i.e., Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records), Section 66-2-7.1 NMSA 1978, Motor vehicle-related records; confidential and Section 7-1-8 NMSA 1978, Confidentiality of Returns and Other Information.

[1.18.430.99 NMAC - Rp, 1 NMAC 3.2.93.424.222 & 223, 01/07/2008]

1.18.430.100 INSPECTION REPORT FILES:

A. Program: transportation

B. Maintenance system: chronological by calendar year, then numerical by federal motor carrier number

C. Description: records concerning annual inspection of motor carrier operations in compliance with the Motor Carrier Act. File may include motor carrier inspection form (i.e., tariff requirements, motor carrier document requirements, requirements for commercial and non-commercial licensed drivers, motor carrier inspection results, comments, federal identification number, SSN, etc.) correspondence, etc.

D. Retention: three calendar years after inspection completion

E. Confidentiality: Portions of this record may be confidential per 18 U.S.C. Section 2721 (i.e., Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records), Section 66-2-7.1 NMSA 1978, Motor vehicle-related records; confidential and Section 7-1-8 NMSA 1978, Confidentiality of Returns and Other Information.

[1.18.430.100 NMAC - N, 01/07/2008]

1.18.430.101 MOTOR CARRIER CERTIFICATE OF INSURANCE FILE:

A. Program: transportation

B. Maintenance system: numerical by PRC number, then chronological by calendar year

C. Description: records concerning verification of motor carrier insurance. File may include uniform motor carrier bodily injury and property damage liability certificate of insurance, uniform notification of cancellation of motor carrier insurance policies, motor carrier annual report, etc.

D. Retention: three years after date of certificate expiration

E. Confidentiality: Portions of this record may be confidential per 18 U.S.C. Section 2721 (i.e., Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records) and Section 66-2-7.1 NMSA 1978, Motor vehicle-related records; confidential.

[1.18.430.101 NMAC - N, 01/07/2008]

1.18.430.102 - 1.18.430.104 [RESERVED]

1.18.430.105 PIPELINE SAFETY COMPLIANCE FILES:

A. Program: pipeline safety

B. Maintenance system: chronological by calendar year, then alphabetical by company name

C. Description: records concerning the enforcement of minimum safety standards for the transportation of oil, hazardous liquids and gas. File may include field inspection form, copy of contractor plans and designs, inspection report, compliance reports, citations, correspondence, etc.

D. Retention: five calendar years after date of a compliant inspection
[1.18.430.105 NMAC - N, 01/07/2008]

1.18.430.106 THIRD PARTY DAMAGE REPORT FILES:

A. Program: pipeline safety

B. Maintenance system: chronological by calendar year, then alphabetical by violation type

C. Description: records concerning damages caused by third party operations. File may include damage report form, field inspection, notice of compliance conference, field citations, correspondence, etc.

D. Retention: five calendar years after violation date

[1.18.430.106 NMAC - N, 01/07/2008]

1.18.430.107 FIRE DEPARTMENT FILES:

A. Program: fire marshal

B. Maintenance system: chronological by calendar year then, alphabetical by municipality and county name

C. Description: records concerning the creation of fire districts in New Mexico. Files may include copy of county commission resolution, district boundary map, adequate water supply, application for annual distribution, fire fighting equipment inventory, on-site inspection form, inspection request, pro-rata distribution voucher to accounting, pro-rata distribution check to county, correspondence, etc.

D. Retention: permanent

[1.18.430.107 NMAC - Rp, 1.18.430.414 & 424 NMAC, 01/07/2008]

[Retention note: PRC will retain these documents onsite.]

1.18.430.108 DISTRIBUTION OF FIRE PROTECTION FUND FILES:

A. Program: fire marshal

B. Maintenance system: chronological by fiscal year

C. Description: records concerning the distribution of fire protection fund monies to all certified fire departments in New Mexico. Files may include application for fire fund, fund distribution formula, receipt for packet, copy of distribution law, worksheet, finance authority interceptions, list of annual distribution, voucher copies, distribution form, correspondence, etc.

D. Retention: five years after close of fiscal year in which created

[1.18.430.108 NMAC - Rp, 1.18.430.415 & 416 NMAC, 01/07/2008]

1.18.430.109 BUILDING AND EQUIPMENT INSPECTION REPORT FILES:

A. Program: fire marshal

B. Maintenance system: chronological by calendar year, then alphabetical by county, then by occupancy classification

C. Description: records concerning public occupancy building, equipment and above ground storage tank systems safety inspections. File may include inspection report, cease and desist orders, building plan copies, photographs, maps, correspondence, etc.

D. Retention: three calendar years after inspection completion

[1.18.430.109 NMAC - Rp, 1.18.430.423, 425 & 426 NMAC, 01/07/2008]

1.18.430.110 FIREWORKS LICENSE FILES:

A. Program: fire marshal

B. Maintenance system: chronological by calendar year, then alphabetical by county, then by applicant's surname

C. Description: records concerning license or permit issued by the fire marshal's office to vendors to sell fireworks on a yearly or seasonal basis in New Mexico. File may include license or permit application for handling and sale of fireworks, copy of license, correspondence, etc.

D. Retention: four years after license or permit issued

[1.18.430.110 NMAC - Rp, 1.18.430.427, 428, 429 NMAC, 01/07/2008]

1.18.430.111 - 1.18.430.118 [RESERVED]

1.18.430.119 FIRE ACADEMY TRAINING COURSE FILES:

- A. Program:** fire academy
- B. Maintenance system:** chrono-numeric by year and month, then course number
- C. Description:** records concerning courses offered and conducted by the academy. Files may contain student applications, course roster, acceptance letter, certificate copies, course information print-outs, class attendance sheet, course completion forms, instructor and course evaluations, SCBA inspection log copy, personal protective clothing inspection, on-site training course files, adjunct instructor field course files, etc.
- D. Retention:** 10 years after date course completion
- E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and 20 USC, Section 9573 Confidentiality. [1.18.430.119 NMAC - Rp, 1.18.430.431, 434, 439 & 440 NMAC, 01/07/2008]

1.18.430.120 STUDENT TRAINING FILES:

- A. Program:** fire academy
- B. Maintenance system:** chronological by course date, then alphabetical by student's surname
- C. Description:** records concerning student grades and academic standing. File may include student application, transcripts, course completion form, correspondence, etc.
- D. Retention:** 10 years from date of certification
- E. Confidentiality:** Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and 20 USC, Section 9573 Confidentiality. [1.18.430.120 NMAC - Rp, 1.18.430.441 NMAC, 01/07/2008]

1.18.430.121 INTERNATIONAL FIRE SERVICE ACCREDITATION CONGRESS FILES:

- A. Program:** fire academy
- B. Maintenance system:** chronological by calendar year, then alphabetical by course number
- C. Description:** records concerning courses accredited by the IFSAC. Files may include academy IFSAC code, seal code, purchase voucher copy, copy of accreditation, correspondence, etc.
- D. Retention:** five calendar years after course accredited [1.18.430.121 NMAC - Rp, 1.18.430.432 NMAC, 01/07/2008]

1.18.430.122 BREATHING AIR COMPRESSOR LOG:

- A. Program:** fire academy
- B. Maintenance system:** numerical by serial number, then chronological by inspection date
- C. Description:** log concerning the use and condition of the breathing apparatus air compressor. Log may show date of use, start time, end time, time in service, oil level, oil pressure, end pressure, purpose of operation, units filled, operator name, comments, compressor number, type, serial number, etc.
- D. Retention:** until compressor is no longer in use [1.18.430.122 NMAC - Rp, 1.18.430.435 NMAC, 01/07/2008]

1.18.430.123 SELF-CONTAINED BREATHING APPARATUS LOG BOOK:

- A. Program:** fire academy
- B. Maintenance system:** numerical by SCBA serial number, then chronological by date put into service
- C. Description:** log concerning SCBA maintenance and condition. Log shows date of inspection and narrative.
- D. Retention:** until SCBA and components are no longer in use [1.18.430.123 NMAC - Rp, 1.18.430.436 NMAC, 01/07/2008]

1.18.430.124 ADJUNCT INSTRUCTOR APPLICATION FILES:

- A. Program:** fire academy
- B. Maintenance system:** chronological by calendar year, then alphabetical by instructor's surname
- C. Description:** records concerning adjunct instructors teaching fire academy courses off campus. File may include application to teach, certificates, correspondence, etc.
- D. Retention:** five years from date of certification

E. Confidentiality: Portions of record may be confidential per 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978, (i.e., health information) and 20 USC, Section 9573 Confidentiality. [1.18.430.124 NMAC - Rp, 1.18.430.433 NMAC, 01/07/2008]

HISTORY OF 1.18.430 NMAC:

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

- SRC Rule 65-11, Public Service Commission Records Disposition Schedule Guide, filed 6/18/65.
- SRC Rule 68-6, Records Retention and Disposal Schedule for State Corporation Commission, filed 12/18/68.
- SRC Rule 73-4 Records Retention and Disposal Schedule for Public Service Commission, filed 2/5/73.
- SRC Rule No. 74-24, Records Retention and Disposal Schedule for Corporation Commission, filed 9/9/74.
- SRC Rule 78-3, Records Retention and Disposal Schedule for State Corporation Commission, filed 5/2/78.
- SRC Rule No. 85-18, Records Retention and Disposition Schedule for Public Service Commission, filed 8/27/85.
- SRC Rule No. 88-01, Records Retention and Disposition Schedule for Public Service Commission, filed 4/8/88.
- SRC Rule No. 89-19, Records Retention and Disposition Schedule for Corporation Commission, Corporation Department, filed 12/18/89.
- SRC Rule No. 89-23, Records Retention and Disposition Schedule for Corporation Commission, Transportation Department, filed 12/18/89.
- SRC Rule No. 90-03, Records Retention and Disposition Schedule for Corporation Commission, Insurance Department, filed 4/23/90.

History of Repealed Material:

- 1 NMAC 3.2.93.424, Executive Records Retention and Disposition Schedule, State Corporation Commission, filed 6/30/97 - Repealed effective 12/31/99.
- 1 NMAC 3.2.93.567 Executive Records Retention and Disposition Schedule, Public Utility Commission, filed 11/30/98 - Repealed effective 12/31/99.
- 1 NMAC 3.2.93.430 ERRDS, Public Regulation Commission, filed 12/1/99 - Repealed effective 12/15/2000.
- 1.18.430 NMAC, ERRDS, Public Regulation Commission, filed 11/15/2000 - Repealed effective 01/07/2008