

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 765 ERRDS, JUVENILE PUBLIC SAFETY ADVISORY BOARD

1.18.765.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives
[1.18.765.1 NMAC - Rp, 1.18.765.1 NMAC, 1/11/2010]

1.18.765.2 SCOPE: juvenile public safety advisory board
[1.18.765.2 NMAC - Rp, 1.18.765.2 NMAC, 1/11/2010]

1.18.765.3 STATUTORY AUTHORITY: 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.
[1.18.765.3 NMAC - Rp, 1.18.765.3 NMAC, 1/11/2010]

1.18.765.4 DURATION: permanent
[1.18.765.4 NMAC - Rp, 1.18.765.4 NMAC, 1/11/2010]

1.18.765.5 EFFECTIVE DATE: January 11, 2010 unless a later date is cited at the end of a section.
[1.18.765.5 NMAC - Rp, 1.18.765.5 NMAC, 1/11/2010]

1.18.765.6 OBJECTIVE: To establish a records disposal schedules for the orderly management and retirement of records necessary for carrying out the Public Records Act per Section 14-3-6 NMSA 1978.
[1.18.765.6 NMAC - Rp, 1.18.765.6 NMAC, 1/11/2010]

1.18.765.7 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 state archives of the commission of public records.

D. "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).

E. "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 or other material summarized in final or other form and which have no value once action has been taken; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.

F. "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

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

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

I. "Records retention and disposition schedule" means rules adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

J. "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.
[1.18.765.7 NMAC - Rp, 1.18.765.7 NMAC, 1/11/2010]

1.18.765.8 ABBREVIATIONS AND ACRONYMS:

- A. "CYFD" stand for children youth and families department.
- B. "NMAC" stand for New Mexico administrative code.
- C. "NMSA" stand for New Mexico statues annotated.

[1.18.765.8 NMAC - N, 1/11/2010]

1.18.765.9 INSTRUCTIONS:

- A. For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.
- B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.
- C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.
- D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.
- E. 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.
- F. The descriptions of file are intended to be evocative, not complete. For example, there will always be some documents that are filed 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.
- G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.
- H. Access to confidential documents and confidential files shall be only by authorization of agency, attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.
- I. All records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5, 14-1-6 NMSA 1978).
- J. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media (i.e., machine readable records). In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically over-written on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.18.765.9 - Rp, NMAC 1.18.765.9, 1/11/2010]

1.18.765.10 - 100 [RESERVED]

1.18.765.101 JUVENILE CASE FILES:

- A. **Program:** juvenile public safety advisory board
- B. **Maintenance system:** alphabetical by juvenile's surname
- C. **Description:** record concerning juvenile's case history and activities acquired by the board for determination of released supervision. File may include plan of care, administrative review, judgment and disposition, petition, case record sheet, chronological offense report, base line assessment, education report, home study report, commitment addendum, notice of action, certificate of discharge, juveniles information (i.e., name, date of birth, social security number, address, etc.), school transcripts, psychological reports, medical units medical records.
- D. **Retention:**
 - (1) **Short or long commitment:** until juvenile reaches age 19
 - (2) **Youthful offender:** until juvenile reaches age 22

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to Section 32A-2-32 NMSA 1978 (i.e., diagnostic evaluations, pre-parole reports and supervision histories), Section 552a (i.e., social security number), and Section 59A-46-27NMSA 1978 confidentiality of medical information and limitation of liability.

[1.18.765.101 NMAC - Rp, 1.18.765.101 NMAC, 1/11/2010]

[Note: all case documents are retrieved from the CYFD FACTS system]

HISTORY OF 1.18.765 NMAC:

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

SRC Rule 69-8, Records Retention and Disposal Schedule for New Mexico Probation and Parole Board, 7/2/69.

SRC Rule 70-20, Records Retention and Disposal Schedule for Department of Corrections, 8/28/70.

SRC Rule 76-13, Records Retention and Disposal Schedule for Parole Board, 5/5/76.

SRC Rule 83-17, Records Retention and Disposal Schedule for Corrections Department, Juvenile Parole Board, 12/19/83.

History of Repealed Material:

1.18.765 NMAC, ERRDS, Juvenile Parole Board, filed 6/21/2002 - Repealed effective 1/11/2010