1.18.954 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives
[5/25/95; 1.18.953.1 NMAC - Rn, 1 NMAC 3.2.93.1, 7/22/2002; 1.18.954.1 NMAC - Rn, 1.18.953.1 NMAC, 2/18/2003; A, 7/14/2011]

1.18.954.2 SCOPE: New Mexico department of agriculture
[5/25/95; 1.18.953.2 NMAC - Rn, 1 NMAC 3.2.93.2, 7/22/2002; 1.18.954.2 NMAC - Rn, 1.18.953.2 NMAC, 2/18/2003; A, 7/14/2011]

1.18.954.3 STATUTORY AUTHORITY: Section 14-3-4 NMSA 1978. It shall be the duty of the commission to adopt and publish rules and regulations 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.
[5/25/95; 5/19/97; 1.18.953.3 NMAC - Rn, 1 NMAC 3.2.93.3, 7/22/2002; 1.18.954.3 NMAC - Rn, 1.18.953.3 NMAC, 2/18/2003; A, 7/14/2011]

1.18.954.4 DURATION: Permanent
[5/25/95; 5/19/97; 1.18.953.4 NMAC - Rn, 1 NMAC 3.2.93.4, 7/22/2002; 1.18.954.4 NMAC - Rn, 1.18.953.4 NMAC, 2/18/2003]

1.18.954.5 EFFECTIVE DATE: December 30, 1998, unless a different date is cited at the end of a section or paragraph.
[5/25/95; 5/19/97; 1.18.953.5 NMAC - Rn, 1 NMAC 3.2.93.5, 7/22/2002; 1.18.954.5 NMAC - Rn, 1.18.953.5 NMAC, 2/18/2003]

1.18.954.6 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.
[5/25/95; 5/19/97; 1.18.953.6 NMAC - Rn, 1 NMAC 3.2.93.6, 7/22/2002; 1.18.954.6 NMAC - Rn, 1.18.953.6 NMAC, 2/18/2003; A, 7/14/2011]

1.18.954.7 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. "Audit" means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
D. "Commission" means the state commission of public records (Section 14-3-2 NMSA 1978).
E. "Pending litigation" means a proceeding in a court of law whose activity is in progress but not yet completed.
F. "Record destruction" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.
G. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
H. "Records retention period" 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.
I. "Records retention schedule" means a document prepared as part of a records retention program that lists the period of time for retaining records.
J. "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 14-4-2 NMSA 1978).

K. "Non-record" means library or museum material of the state library, state institutions and state museums, extra copies of documents reserved only for convenience of reference and stocks of publications and processed documents are non-records (Section 14-3-2C NMSA 1978). The following specific types of materials are non-records: extra copies of correspondence; documents preserved only for convenience of reference; blank forms and books which are outdated; materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; preliminary and non-final drafts of letters, reports and memoranda which may contain or reflect the working or deliberative process by which a final decision or position of the agency, board, department, or subdivision thereof is reached; shorthand notes, steno tapes, mechanical recordings which have been transcribed, except where noted on agency retention schedules; routing and other interdepartmental forms which are not significant evidence of the activity concerned and do not otherwise have value as described above; stocks of publications already sent to archives and processed documents preserved for supply purposes only; form and guide letters, sample letters, form paragraphs; subject files, including copies of correspondence, memoranda, publications, reports and other information received by agency and filed by subject (also referred to as reading files or information files). See also 1.15.2.101 and 1.15.2.102 NMAC, General Administrative Records Retention and Disposition Schedule for general administrative records. See also 1.18.953.7 NMAC - Rn, 1 NMAC 3.2.93.7, 7/22/2002; 1.18.954.7 NMAC - Rn, 1.18.953.7 NMAC, 2/18/2003.

1.18.954.8 [RESERVED]

1.18.954.9 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 created by the SRCA 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. Access to confidential documents, information or files shall be only by authorization of the agency records custodian (Section 14-2-8 NMSA 1978), or by the office of the attorney general or by court order, unless otherwise provided by law. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

J. 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.
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record for all purposes, including introduction as evidence in all courts or administrative agencies (Section 14-1-6 NMSA 1978).

K. 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.

L. 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.

[5/25/95; 5/19/97; 1.18.953.9 NMAC - Rn, 1 NMAC 3.2.93.8, 7/22/2002; 1.18.954.9 NMAC - Rn, 1.18.953.9 NMAC, 2/18/2003; A, 7/14/2011]

1.18.954.10 - 100 [RESERVED]

1.18.954.101 TRANSCRIPT OF OFFICIAL HEARINGS:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: license hearings, revoking, etc.
D. Retention: permanent
[12/30/98; 1.18.953.101 NMAC - Rn, 1 NMAC 3.2.93.953.101, 7/22/2002; 1.18.954.101 NMAC - Rn, 1.18.953.101 NMAC, 2/18/2003]

1.18.954.102 REGULATORY ORDERS:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: executed by board of regents and department of agriculture.
D. Retention: permanent
[12/30/98; 1.18.953.102 NMAC - Rn, 1 NMAC 3.2.93.953.102, 7/22/2002; 1.18.954.102 NMAC - Rn, 1.18.953.102 NMAC, 2/18/2003]

1.18.954.103 INSPECTION DOCUMENTS:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: reports, stop-sale, out-of-order, placed-in-service, etc.
D. Retention: three years from date of inspection
[12/30/98; 1.18.953.103 NMAC - Rn, 1 NMAC 3.2.93.953.103, 7/22/2002; 1.18.954.103 NMAC - Rn, 1.18.953.103 NMAC, 2/18/2003]

1.18.954.104 APPLICATIONS FOR LICENSES:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: receipts, renewals, copy of license, listing for weighmaster, pesticide applicator, nursery, etc.
D. Retention: three years after expiration
[12/30/98; 1.18.953.104 NMAC - Rn, 1 NMAC 3.2.93.953.104, 7/22/2002; 1.18.954.104 NMAC - Rn, 1.18.953.104 NMAC, 2/18/2003]

1.18.954.105 BONDS FOR LICENSES:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: surety bonds for above licenses.
1.18.954.106 INSURANCE FOR LICENSES:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: proof of liability insurance, certification from insurance company.
D. Retention: three years after expiration
[12/30/98; 1.18.953.106 NMAC - Rn, 1 NMAC 3.2.93.953.106, 7/22/2002; 1.18.954.106 NMAC - Rn, 1.18.953.106 NMAC, 2/18/2003]

1.18.954.107 CALIBRATION RECORDS OR CERTIFICATES:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: fuel tanker trucks, weights, measures, rules, etc.
D. Retention: until tanker truck is retired
[12/30/98; 1.18.953.107 NMAC - Rn, 1 NMAC 3.2.93.953.107, 7/22/2002; 1.18.954.107 NMAC - Rn, 1.18.953.107 NMAC, 2/18/2003]

1.18.954.108 PRODUCT REGISTRATION:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: manufacturers original of labels for fertilizers, feeds, pesticides
D. Retention: three years from date of registration

1.18.954.109 PRODUCT LABELS:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: manufacturers original of label of pesticides.
D. Retention: three years from non-renewal
[12/30/98; 1.18.953.109 NMAC - Rn, 1 NMAC 3.2.93.953.109, 7/22/2002; 1.18.954.109 NMAC - Rn, 1.18.953.109 NMAC, 2/18/2003]

1.18.954.110 SPECIAL INVESTIGATION REPORTS:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: alleged violations of various laws, rules, or regulatory orders.
D. Retention: seven years from end of fiscal year in which created
[12/30/98; 1.18.953.110 NMAC - Rn, 1 NMAC 3.2.93.953.110, 7/22/2002; 1.18.954.110 NMAC - Rn, 1.18.953.110 NMAC, 2/18/2003]

1.18.954.111 CERTIFICATIONS:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. Description: entomology and nursery bureau, plant industry, shipment of fruit to other states, certificate of origin, freedom from disease, etc.
D. Retention: three years from date of certification
[12/30/98; 1.18.953.111 NMAC - Rn, 1 NMAC 3.2.93.953.111, 7/22/2002; 1.18.954.111 NMAC - Rn, 1.18.953.111 NMAC, 2/18/2003]

1.18.954.112 SPECIAL SURVEYS AND RECORDS:
A. Program: New Mexico department of agriculture
B. Maintenance system: none
C. **Description:** insect surveys, copy of declaration of state of emergency, grasshopper surveys, ranger caterpillar, etc.

D. **Retention:** 10 years from end of fiscal year in which created

[12/30/98; 1.18.953.112 NMAC - Rn, 1 NMAC 3.2.93.953.112, 7/22/2002; 1.18.954.112 NMAC - Rn, 1.18.953.112 NMAC, 2/18/2003]

1.18.954.113 **ROUTINE LAB OPERATIONS RECORDS:**

A. **Program:** New Mexico department of agriculture
B. **Maintenance system:** none
C. **Description:** logbooks, worksheets, etc.
D. **Retention:** three years from end of fiscal year in which created

[12/30/98; 1.18.953.113 NMAC - Rn, 1 NMAC 3.2.93.953.113, 7/22/2002; 1.18.954.113 NMAC - Rn, 1.18.953.113 NMAC, 2/18/2003]

1.18.954.114 **SPECIMEN REPORT (VDS):**

A. **Program:** New Mexico department of agriculture
B. **Maintenance system:** none
C. **Description:** veterinary biological specimens.
D. **Retention:** 10 years from end of fiscal year in which created

[12/30/98; 1.18.953.114 NMAC - Rn, 1 NMAC 3.2.93.953.114, 7/22/2002; 1.18.954.114 NMAC - Rn, 1.18.953.114 NMAC, 2/18/2003]

1.18.954.115 **SPECIMEN ENTRY RECORDS (VSD):**

A. **Program:** New Mexico department of agriculture
B. **Maintenance system:** none
C. **Description:** veterinary biological specimens by type, date submitted.
D. **Retention:** 10 years from end of fiscal year in which created

[12/30/98; 1.18.953.115 NMAC - Rn, 1 NMAC 3.2.93.953.115, 7/22/2002; 1.18.954.115 NMAC - Rn, 1.18.953.115 NMAC, 2/18/2003]

1.18.954.116 **ROUTINE AND SPECIAL LABORATORY REPORTS AND ANALYSIS:**

A. **Program:** New Mexico department of agriculture
B. **Maintenance system:** none
C. **Description:** contain routine feed, fertilizer, dairy and fuel samples, statement from chemistry laboratory, special samples, special investigatory samples, etc.
D. **Retention:** seven years from end of fiscal year in which created

[12/30/98; 1.18.953.116 NMAC - Rn, 1 NMAC 3.2.93.953.116, 7/22/2002; 1.18.954.116 NMAC - Rn, 1.18.953.116 NMAC, 2/18/2003]

1.18.954.117 **PESTICIDE SAMPLE RECORDS:**

A. **Program:** New Mexico department of agriculture
B. **Maintenance system:** none
C. **Description:** tank mix samples, residues, products.
D. **Retention:** three years from date of sample

[12/30/98; 1.18.953.117 NMAC - Rn, 1 NMAC 3.2.93.953.117, 7/22/2002; 1.18.954.117 NMAC - Rn, 1.18.953.117 NMAC, 2/18/2003]

1.18.954.118 - 120 **[RESERVED]**

1.18.954.121 **PORT OF ENTRY REPORTS:**

A. **Program:** New Mexico department of agriculture, joint border research institute.
B. **Maintenance system:** none
C. **Description:** file contains correspondence from private individuals expressing concerns regarding the establishment of a port of entry in Southern Dona Ana county, and so called Anapra port of entry.
D. **Retention:** permanent (1.15.2 NMAC)
1.18.954.122 SEMINARS ON U.S. - MEXICAN BUSINESS:
A. Program: New Mexico department of agriculture, joint border research institute.
B. Maintenance system: none
C. Description: file contains official and general correspondence from both Mexican and U.S. officials re: border related business
D. Retention: permanent (1.15.2 NMAC)

1.18.954.123 INTERNATIONAL LANDING RIGHTS:
A. Program: New Mexico department of agriculture, joint border research institute.
B. Maintenance system: none
C. Description: file contains U.S. customs regulations pertaining to international landing rights, Las Cruces Crawford Airports international landing rights designated from U.S. customs 1983.
D. Retention: permanent (1.15.2 NMAC)

1.18.954.124 GOOD NEIGHBOR COMMISSION:
A. Program: New Mexico department of agriculture, joint border research institute.
B. Maintenance system: none
C. Description: file contains publications and correspondence from Texas Good Neighbor Commission, Arizona-Mexican Commission, California Commission
D. Retention: until purpose is served

1.18.954.201 CERTIFIED ORGANIC CLIENT FILES:
A. Program: organic production
B. Maintenance system: chronological by calendar year, then alphabetical by client name
C. Description: records concerning the verification and certification of agriculture products as "certified organic" by the department of agriculture. File may contain application for “certified organic” status, renewal application, initial inspection report (checklist, narrative), random inspection reports, certification recommendation, notice of certification copy, notice of non-certification, organic certificate copy, certified organic product list copy, assessment, required conditions for certification, notice of suspension or revocation, copy of “certified organic” termination status, correspondence, etc.
D. Retention: 10 years after date of denial, expiration, suspension or revocation of certification
E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Subsection A10, Section 205 CFR 501 (i.e., assessments).

1.18.954.202 REGISTERED ORGANIC CLIENT FILES:
A. Program: organic production
B. Maintenance system: chronological by calendar year, then alphabetical by client name
C. Description: records concerning the verification and inspection of "registered" businesses producing and selling agricultural products labeled "organic". File may contain application for “registered” status, renewal application, initial inspection report (checklist, narrative), random inspection reports, registration recommendation, notice of registration copy, notice of non-registration, organic registration copy, registered
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organic product list copy, assessment, required conditions for registration, notice of suspension or revocation, termination of “organic status” copy, correspondence, etc.

D. Retention:
   (1) Registration approved: five years from date registration expired, suspended or revoked
   (2) Registration denied: one year after close of calendar year in which registration is denied
   (3) Violations of the Organic Production Act files: 10 years from date of expiration, suspension or revocation of registration

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Subsection A10, Section 205 CFR 501 (i.e., assessments).

1.18.954.203 CERTIFIED/REGISTERED CLIENT DATABASE:

A. Program: organic production
B. Maintenance system: numerical by primary key
C. Description: Database maintains, monitors, and tracks all certified and registered clients verified by the department of agriculture. Data includes client name, client contact name, client address, client identification number, assigned inspector name, year of latest soil inspection, invoice date of soil inspection, date invoice paid, assessed fee amount, proposed date of suspension, initial date of application under national organic program, phone number, e-mail address, type of client (farm crop producer, processor, livestock producer), type of commodity (pecans, goat cheese, bison, etc.), number of acres, etc.

D. Data retention:
   (1) Certification data: 10 years from date certification denied, expired, suspended or revoked
   (2) Registration data: five years from date registration expired, suspended or revoked
   (3) Violations of the Organic Production Act data: 10 years from date of expiration, suspension or revocation of registration or certification

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Subsection A10, Section 205 CFR 501 (i.e., assessments).

F. Hardcopy input documents. All documents used as input for the certified/registered client database are filed in the corresponding client file. Those documents include but are not limited to the following: application for “registered” status, renewal application, initial inspection report (checklist, narrative), random inspection reports, notice of registration copy, assessment, notice of suspension or revocation, etc.

G. Hardcopy output documents. Two lists are generated from this database, a certified client list and registered client list. These are ad hoc reports that are created at will and have no retention.

1.18.954.204 ACCREDITATION FILES:

A. Program: organic production
B. Maintenance system: alphabetical by accrediting entity
C. Description: records concerning the accreditation of the department of agriculture to certify business operations and products as organic. The file may contain application for accreditation, audit report with accreditation decision or accreditation conditions, annual audits, findings, annual checklists, updates, correspondence, etc.

D. Retention:
   (1) Accreditation approved: 10 years after accreditation expired, suspended or revoked
   (2) Accreditation denied: five years after accreditation denied

[1.18.954.204 NMAC - Rp, 1.18.569.13, 7/14/2011]

The references to "accreditation" as used herein include but are not limited to NOP accreditation or ISO guide 65 accreditation.

HISTORY OF 1.18.954 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center under:

1.18.954 NMAC 7
SRC Rule 75-7, Records Retention and Disposal Schedule for Grasshopper and Other Range Pest Control Board, 3/18/75.
SRC Rule 79-17, Records Retention and Disposal Schedule for New Mexico Department of Agriculture, 5/2/79.
SRC Rule No. 83-31, Records Retention and Disposition Schedule for New Mexico Department of Agriculture, New Mexico State University, 12/19/83.
SRC Rule No. 85-07, Records Retention and Disposition Schedule for Joint Border Research Institute, New Mexico State University, 12/14/84.

Other History:
1 NMAC 3.2.93.953, Executive Retention and Disposition Schedule, New Mexico State University, 11/30/98.
1.18.953 NMAC, ERRDS, New Mexico State University, 6/21/2002.

History of Repealed Material: [RESERVED]