

## RECORDS RETENTION AND DISPOSITION GUIDE

### SCOPE

Local government including counties, municipalities and local public bodies.

### STATUTORY AUTHORITY

Public Records Act, Section 14-3-18 NMSA 1978.

### OBJECTIVE

The administrator may advise and assist county and municipal officials in the formulation of programs for the disposition of public records maintained in county and municipal offices.

### DEFINITIONS

The following terms shall have the respective meanings provided in this guide. Terms not defined in this guide which are defined in the Public Records Act, Section 14-3-1 et seq, NMSA 1978 ("Act") shall have the respective meanings accorded such terms in the act.

- **"Agency"** means the administrative subdivision of a county or municipal government.
- **"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.
- **"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).
- **"Executive level"** means elected and appointed officials, statutory agency heads and management personnel with decision making authority granted by the agency head.
- **"File closed"** means the date the trigger event occurred, or, for electronic records, equivalent to the date last modified unless otherwise stated in retention.
- **"Historical"** means records deemed to have archival value by the commission.
- **"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.
- **"Retention"** means the period of time during which records should be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.
- **"Trigger event"** means the closing event of a record which begins the retention period.

### INSTRUCTIONS

**A.** This guide identifies the types of records maintained by county and municipal governments and specifies a recommended period of time which records should be retained. A retention period may be stated in terms of months or years and is contingent upon the occurrence of a trigger event. Each record classification will be itemized by section number and title in the format listed below.

- (1) **Category** - describes the hierarchy of the function
- (2) **Description** - describes the function of the record series
- (3) **Retention** - defines the length of time records should be kept before they are eligible for

destruction or archival preservation

**B.** Record classification descriptions are not intended to be exhaustive. Descriptions may include records that do not appear in the files, and conversely, files may include records not listed in the description.

- C. Refer questions concerning the confidentiality of a record to legal counsel for the county or municipality. For the destruction of confidential records, please refer to 1.13.30.11 NMAC.
- D. Public records should be maintained in their native format (paper/digital). Records may be microfilmed or digitized provided a microphotography plan has been approved by the state records administrator. See Section 14-3-17 NMSA 1978 and 1.14.2 NMAC. 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. See Section 14-1-6 NMSA 1978.
- E. Public records should be classified according to content and retained at a minimum for the length of time specified in this guide.
- F. For guidance on electronic messaging, refer to 1.13.4 NMAC.
- G. For guidance on the destruction of non-record material, refer to 1.13.30.14 NMAC.
- H. Counties must provide the state records administrator a minimum of 60 days' notice of intent to destroy public records per Section 14-1-8 NMSA 1978.

**The classifications below apply solely to counties and municipalities. For all other record classifications, please consult the Retention and Disposition of Public Records 1.21.2 NMAC.**

**1.21.2.106 COUNTY CLERK RECORDED DOCUMENTS:**

- A. **Category:** Administration - general management
- B. **Description:** Records recorded by the county clerk including, but not limited to, real property records and marriage records.
- C. **Retention:** permanent

**1.21.2.352 MAPS:**

- A. **Category:** Financial and accounting - tax management
- B. **Description:** Records related to maps for tax assessments and appraisals.
- C. **Retention:** destroy when superseded or obsolete

**1.21.2.426 [RESERVED]**

[Removed due to the repeal of Section 3-8-71 NMSA. For the retention of election records refer to sections 425 and 427 of 1.21.2 NMAC.]

**1.21.2.442 SLUDGE PERMITS:**

- A. **Category:** Governance and compliance - environment management
- B. **Description:** Records related to the disposition of sludge.
- C. **Retention:** destroy five years from date file closed

**1.21.2.508 ZONING AND DEVELOPMENT REVIEW:**

- A. **Category:** Governance and compliance - permit management
- B. **Description:** Records related to reviews, decisions and appeals including, but not limited to, maps, drawings and plans.
- C. **Retention:** destroy one year from date file closed

**1.21.2.714 MAPS AND PHOTOS:**

- A. **Category:** Natural resource management - land and water
- B. **Description:** Records related to maps and photos.
- C. **Retention:** permanent, transfer to archives 10 years from date file closed

**1.21.2.928 ANIMAL CONTROL:**

- A. **Category:** Public safety services - law enforcement
- B. **Description:** Records relating to animal control activities.
- C. **Retention:** destroy one year from date file created