

This is an amendment to 1.13.10 NMAC, Sections 7, 8, 9, 10, 11 and 16 effective 6/30/2008.

1.13.10.7 DEFINITIONS:

- A. “Accession”** means the act and procedures involved in a transfer of legal title and the taking of records or papers into the physical custody of an archival agency and the materials involved in such a transfer.
- B. “Administrator”** means the state records administrator (Section 14-3-2 NMSA 1978).
- C. “Agency”** means any state agency, department, bureau, board, commission, institution or other organization of state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- D. “Custodial agency”** means the agency responsible for the maintenance, care, or keeping of public records, regardless of whether the records are in that agency’s actual physical custody and control.
- E. “Electronic tracking system”** means a warehouse management system designed to provide the state records center and archives with the tools necessary to efficiently manage the physical inventory and warehouse activities of the records centers.
- F. “Human readable form”** means information that can be recognized and interpreted without the use of technology.
- G. “Inactive records”** means the point during the life cycle of a record at which the record becomes inactive and thus can be transferred from the office of creation to the state records center for storage and subsequent disposition. ~~[Inactive records are seldom used in the day to day operations of an agency however they must be maintained for the duration of their lifecycle.]~~ Records are considered inactive when referred to less than once per year.
- H. “ID”** means a string of numerals, letters and characters that is used for identification.
- I. “Life cycle”** means the life span or time period from the creation or receipt of a record through its useful life to its final disposition. The five stages of the life cycle of a record include: creation; distribution and use; storage and maintenance; retention and disposition; and archival preservation for records of historical or information value.
- J. “Master microfilm”** means the original microform produced from which duplicates or intermediates can be obtained.
- K. “Pick-up only personnel”** means personnel authorized by a records custodian or record liaison officer only pick-up records from the state records center and archives (state records center).
- L. “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 14-3-2 NMSA 1978).
- M. “Records”** means information preserved by any technique in any medium now known, or later developed, that can be recognized by ordinary human sensory capabilities either directly or with the aid of technology (1.13.70 NMAC).
- N. “Records custodian”** means the statutory head of the agency using or maintaining the records or the custodian’s designee.
- O. “Records liaison officer”** means a person in an agency responsible for authorizing the transfer, withdrawal or destruction of records and who acts on behalf of the records custodian.
- P. “Retention”** means the period of time during which records shall be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes. Retention requirements are established in records retention and disposition schedules that are approved by the state commission of public records.
- Q. “Records retention and disposition schedules”** means rules adopted by the state commission of public records 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.

[1.13.10.7 NMAC - Rp, 1 NMAC 3.2.10.1.7, 6/30/2005; A, 6/29/2007; A, 6/30/2008]

1.13.10.8 CUSTODY OF RECORDS: Agency records stored at the state records center and archives (state records center) shall remain in the custody of the records custodian of the custodial agency until such time as they are:

~~[A.]~~ withdrawn permanently by the records custodian or the designated records liaison officer of the custodial agency;

~~[B.]~~ A. destroyed with written approval from the state records administrator and the written consent of the records custodian or designated records liaison officer of the custodial agency and in accordance with retention periods established in records retention and disposition schedules; or

~~[C.]~~ B. transferred to the state records center and archives (archives) with the written approval of the state records administrator and the consent of the records custodian or a designated records liaison officer of the custodial agency.

[1.13.10.8 NMAC - Rp, 1 NMAC 3.2.10.1.8, 6/30/2005; A, 6/30/2008]

1.13.10.9 RECORDS LIAISON OFFICER:

A. A records liaison officer may be designated by a records custodian to handle the storage, withdrawal and access or transfer of agency records to the state records center and archives.

B. All records liaison officers shall attend the required basic records management training offered by the state records center and archives before they can store, withdraw or access records stored in the records center.

C. Records liaison officers shall be required to attend additional training when notified by the state records center and archives of changes to records management policies, procedures or regulations.

D. The records liaison officer shall be re-appointed annually by the record custodian, using a form approved by the state records administrator.

E. The form shall include but not limited to the following: name and signature of the records custodian (agency head or cabinet secretary); name and signature of the records liaison officer; division or bureau (if acceptable); agency code; agency name and mailing address; fiscal year of designation; phone number; fax number and e-mail address.

F. If a records liaison officer leaves the employment of an agency or is released from records management duties, the agency shall immediately notify the state records center and archives (agency analysis bureau) regarding the change, and the records custodian shall appoint a new records liaison officer.

G. An agency must have an approved records liaison officer on file with the state records center and archives as specified in Subsection A of 1.13.10.9 NMAC in order to store, withdraw or access records stored in the records centers.

[1.13.10.9 NMAC - Rp, 1 NMAC 3.2.10.1.9, 6/30/2005; A, 6/30/2008]

1.13.10.10 [PICK-UP ONLY PERSONNEL] TRANSFER AND PICK-UP:

A. Only inactive records shall be accepted for transfer and storage at the records center. Records are considered inactive when an agency refers to an individual box less than once a year.

B. The records center requires the use of records storage boxes, 15" x 12" x 10" in size for both letter and legal size paper files. An agency submitting boxes for storage containing paper records shall:

(1) place only one type of record series with the same disposition date in each box;

(2) place the records in the box vertically and in the same order that they were kept in the office;

(3) place letter-sized folders across the 12-inch side, facing the front of the box;

(4) place legal-sized folders across the 15 inch side, starting from left to right;

(5) leave at least one inch of space for ease of access;

(6) place the lid on the box without tape;

(7) place all documents (with the exception of oversize materials) in accurately labeled standard file folders; and

(8) not place hanging file folders in the boxes.

C. Boxes that are damaged or overfilled shall be rejected for storage and returned to the custodial agency.

D. Blueprints and maps submitted for storage shall be placed in boxes designed for that purpose before they are transferred.

~~[A.]~~ E. ~~[Pick-up only personnel may be designated by]~~ A records custodian or a records liaison officer may designate personnel to pick up agency records from the records center.

~~[B.]~~ F. Pick-up personnel shall be appointed annually, using a form approved by the state records administrator. The form shall include but not be limited to the following: name and signature of the records custodian (agency head or cabinet secretary); name and signature of the records liaison officer; pick-up personnel's name and signature; section/unit; agency code; agency name and mailing address; fiscal year of designation; phone number; fax number and e-mail address.

~~[C.]~~ **G.** If a pick-up only designee leaves the employment of an agency or is released from the duty of picking up records, the agency shall immediately notify the state records center and archives (agency analysis bureau) regarding the change.

[1.13.10.10 NMAC - Rp, 1 NMAC 3.2.10.1.11, 6/30/2005; A, 6/30/2008]

1.13.10.11 ~~[WITHDRAWAL OF AND]~~ ACCESS TO AND WITHDRAWAL OF RECORDS IN CUSTODY OF THE CUSTODIAL AGENCY:

~~[A.]~~ Withdrawal of and access to agency records stored at the state records center and archives (records center) shall be authorized in writing by the records custodian or the designated records liaison officer of the custodial agency and submitted to the records center.

~~[B.]~~ Requests by the public to access agency records stored at the state records center shall be made to the records custodian or the records liaison officer of the custodial agency. Access shall be authorized in writing by the records custodian or the records liaison officer of the custodial agency.

~~[C.]~~ Requests to review records on-site at the state records center and archives (state records center) by the custodial agency shall be authorized by the records custodian or the records liaison officer.

~~[D.]~~ The custodial agency may permanently withdraw records stored at the state records center.

~~[E.]~~ Record custodian or records liaison officers shall temporarily withdraw the records of the custodial agency from storage by making a request in writing and signing a withdrawal form. The form shall include but not limited to the following; name and signature of the records liaison officer; date and time of transaction; agency name; agency address; records liaison officer's phone number; date requested; destination; box number; shipment box number; barcode; location; folder number; record series item number; description; and return date.

~~[F.]~~ Requests to access agency records made under the Inspection of Public Records Act shall be referred by the state records administrator to the custodial agency.]

A. Access to records stored in the records center shall be authorized in writing by the records custodian or the designated records liaison officer. The authorization shall be submitted to the records center and must specify the name of the individual(s) authorized to access the records and the effective period of the authorization.

B. Requests by the public to access records stored at the state records center shall be directed to the records custodian or the records liaison officer of the custodial agency.

C. Requests to review records on-site at the records center by the custodial agency shall be authorized by the records custodian or the records liaison officer. Personal identification must be provided to the records center staff.

D. Requests to access agency records made under the Inspection of Public Records Act shall be referred by the state records administrator to the custodial agency.

E. Requests for temporary or permanent withdrawal of records stored in the records center shall be made by the records liaison officer. The records liaison officer shall complete and submit a withdrawal form. The form shall include but not limited to the following; name and signature of the records liaison officer; date and time of transaction; agency name; agency address; records liaison officer's phone number; date requested; destination; box number; shipment box number; barcode; location; record series item number; description; and return date.

F. Requests for withdrawals shall be at the box level. The records center will not honor requests for withdrawal of records at the folder level.

G. Requests to withdraw between one to 10 boxes shall be processed by the records center within 24 hours. Requests to withdraw 10 or more boxes shall be evaluated by the records center bureau chief and processed based on the work load of the record center staff.

[1.13.10.11 NMAC - Rp, 1 NMAC 3.2.10.1.12, 6/30/2005; A, 6/30/2008]

1.13.10.16 STORAGE OF MICROFILM:

A. An agency shall have an approved microphotography plan on file with the state records center and archives (electronic records and micrographic bureau) before master microfilm can be stored. For information on microphotography systems and standards see 1.14.2 NMAC.

B. The microphotography plan shall specify that the master microfilm will be stored at the state records center and archives (electronic records and micrographics bureau).

C. Agency's records liaison officers or microfilm vendors approved by an agency to transfer microfilm to the state records center shall complete a microfilm storage transmittal form and submit it manually (hardcopy) to the agency analysis bureau for approval before records can be stored. The form shall contain but is

not limited to the following: agency code; agency name; division name; date prepared; page number; office location; name and signature of the records liaison officer; records liaison officer telephone number; records liaison officer fax number; record series number; record series title; date filmed; begin date; end date; disposition date; roll number; begin document; end document and media type.

[~~C.~~] **D.** Microfilm shall pass inspection before it is approved for storage. Information on microfilm that has passed inspection will be entered into a computer tracking system by the electronic records and micrographics bureau staff. The computer system assigns permanent container numbers.

[~~D.~~] **E.** Microfilm [~~inspection sheets~~] storage transmittal forms shall be returned to the custodial agency with a notation indicating the assigned permanent container numbers.

[~~E.~~] **F.** It is the responsibility of the custodial agency to notify the microfilm vendor under contract that the microfilm has passed inspection.

[~~F.~~] **G.** After the microfilm has passed inspection and has been approved for storage the custodial agency shall submit a *request for disposition* form to the state records center and archives (agency analysis bureau) requesting authorization to dispose of the source documents.

[~~G.~~] **H.** If the microfilm has failed inspection, the electronic records and micrographics bureau staff shall notify the agency by letter that the microfilm can not be stored and that source documents shall be re-filmed before they can be destroyed.

[~~H.~~] **I.** For the procedure on withdrawal and access of records stored at the electronic records and micrographics bureau, see 1.13.10.11 NMAC.

[~~I.~~] **J.** The records custodian and records liaison officer shall be notified by the records center when records in storage have met the legal retention period and are eligible to be transferred to archives or are eligible for destruction.

[~~J.~~] **K.** If an agency does not respond to the records center's *notice of records eligible for destruction* by the established deadline, the state records center and archives will charge the custodial agency a storage fee as established in 1.13.2 NMAC, Fees.

[1.13.10.16 NMAC - N, 6/30/2005; A, 6/30/2008]