

This is an amendment to 1.21.2 NMAC, Sections 9, 114, 189, 222, 241-243, 301, 303, 341, 428, 494, 601, 604, 605 and 634; repealing Sections 302 and 422, effective 11/30/2015.

1.21.2.9 INSTRUCTIONS:

A. The records retention and disposition schedule identifies the types of records maintained by all 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 contingent upon the occurrence of a trigger event. Each record classification will be itemized by NMAC 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 classification

(3) **Retention** - defines the length of time records must 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 agency. For the destruction of confidential records, please refer to ~~[1.13.30.11 NMAC.]~~ 1.13.30 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. Refer to 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.

E. Agencies are encouraged to create secondary and tertiary descriptors for each classification (e.g., account receivable - invoices - acme inc., goods and services - IT consulting - data hub LLC., infrastructure project files - railroad project - Lamy station upgrade, etc.). These additional descriptors will assist with the accessibility of the records.

F. Upon storage or disposition, public records shall be classified according to content and retained at a minimum for the length of time specified in the records retention and disposition schedule.

G. For guidance on electronic messaging, refer to 1.13.4 NMAC.

H. For guidance on the destruction of non-record material, refer to ~~[1.13.30.14 NMAC.]~~ 1.13.30 NMAC.

I. Records classifications related to the legislative and judicial branches of government provided herein are applicable for legislative and judicial agencies that utilize the records center services and permanent archival repository.

J. 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.

K. For guidance on classifying county and municipal records, refer to the records retention and disposition guidance for counties and municipalities.

L. For guidance on destruction of county records, refer to Section 14-1-8 NMSA 1978.

M. Classifications that have a disposition of transfer to archives may be submitted for direct transfer before the allotted time period specified in the retention with the approval of the custodial agency and state records administrator.

N. Upon adoption of this rule, records retained at the records center shall be reclassified according to the new records classifications for retention and disposition.

[1.21.2.9 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.114 PUBLICATIONS:

A. Category: Administration - general management

B. Description: Agency publications intended for distribution to the public.

C. Retention: permanent, transfer to state library when published

[1.21.2.114 NMAC - N, 10/01/2015; A, 11/30/2015]

[Refer to 1.25.10 NMAC, Publications: Filing, Distribution, Format and Style]

1.21.2.189 STUDENT TRANSCRIPTS:

A. Category: Administration - education

B. Description: Official student transcripts.

C. **Retention:** ~~[destroy 100 years from date of birth]~~ permanent, transfer to archives 100 years from date of birth
[1.21.2.189 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.222 ADVERSE ACTION AND REDUCTION IN FORCE:

A. **Category:** Employee services - personnel management

B. **Description:** Records related to ~~[dismissal/reduction in workforce/suspension/appeal files.]~~
adverse action and reduction in force.

C. **Retention:** destroy 30 years from date file closed
[1.21.2.222 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.241 CONTRIBUTIONS:

A. **Category:** Employee services - retirement administration

B. **Description:** Records related to employee contributions to retirement or pension funds.

C. **Retention:** destroy ~~[50]~~ 65 years from date file created
[1.21.2.241 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.242 MEMBER FILES - BENEFITS EXHAUSTED:

A. **Category:** Employee services - retirement administration

B. **Description:** Record related to membership in retirement funds and plans for retired employees.

C. **Retention:** destroy ~~[40]~~ five years from date file closed
[1.21.2.242 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.243 MEMBER FILES - OTHER:

A. **Category:** Employee services - retirement administration

B. **Description:** Record related to membership in retirement funds and plans for former employees who are not eligible for retirement benefits.

C. **Retention:** destroy ~~[50]~~ 65 years from date file closed
[1.21.2.243 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.301 ACCOUNTS PAYABLE:

A. **Category:** Financial and accounting - accounting management

B. **Description:** Records relating to accounts payable including, but not limited to, purchasing and reimbursements.

C. **Retention:** destroy ~~[three]~~ six years from date audit report released
[1.21.2.301 NMAC - N, 10/01/2015; A, 11/30/2015]

~~**1.21.2.302 [ACCOUNTS PAYABLE - MEDICAID:]**~~

~~A. **Category:** Financial and accounting - accounting management~~

~~B. **Description:** Records relating to medicaid specific accounts payable including, but not limited to, purchasing, and reimbursements.~~

~~C. **Retention:** destroy six years from date audit report released]~~ **[RESERVED]**
[1.21.2.302 NMAC - N, 10/01/2015; Repealed, 11/30/2015]

1.21.2.303 ACCOUNTS RECEIVABLE:

A. **Category:** Financial and accounting - accounting management

B. **Description:** Records related to accounts receivable including, but not limited to, invoicing.

C. **Retention:** destroy ~~[three]~~ six years from date audit report released
[1.21.2.303 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.341 INVESTMENTS:

A. **Category:** Financial and accounting - investment management

B. **Description:** Records related to investments including, but not limited to, bonds and certificates of deposit.

C. **Retention:** destroy three years from the close of the fiscal year in which file ~~[created]~~ closed
[1.21.2.341 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.422 ~~[CAMPAIGN - PUBLIC FUNDING:~~

- ~~A. **Category:** Governance and compliance - election management~~
~~B. **Description:** Financial records of candidates who receive public funding and related records.~~
~~C. **Retention:** permanent, transfer to archives five years from date file closed] **[RESERVED]**~~

[1.21.2.422 NMAC - N, 10/01/2015; Repealed, 11/30/2015]

1.21.2.428 FINANCIAL - CAMPAIGN:

- A. **Category:** Governance and compliance - election management
B. **Description:** Records related to candidate, elected and appointed officials financial records.
C. **Retention:** destroy ~~[two]~~ five years from date file closed

[1.21.2.428 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.494 LOBBYIST:

- A. **Category:** Governance and compliance - legislation and regulation management
B. **Description:** Records related to lobbyists.
C. **Retention:** ~~[permanent, transfer to archives one year from date file closed]~~ destroy 10 years from date file closed

[1.21.2.494 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.601 AGREEMENTS - OTHER:

- A. **Category:** Legal and judiciary - contract management
B. **Description:** Records related to agreements not identified in other classifications.
C. **Retention:** destroy ~~[three]~~ six years from date file closed

[1.21.2.601 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.604 GOODS AND SERVICES:

- A. **Category:** Legal and judiciary - contract management
B. **Description:** Records related to contracting of goods and services.
C. **Retention:** destroy ~~[three]~~ six years from date file closed

[1.21.2.604 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.605 LEASES:

- A. **Category:** Legal and judiciary - contract management
B. **Description:** Leases and related records, does not include mineral leases.
C. **Retention:** destroy ~~[three]~~ six years from date file closed

[1.21.2.605 NMAC - N, 10/01/2015; A, 11/30/2015]

1.21.2.634 INVESTIGATIONS - LEGAL MATTER MANAGMENT:

- A. **Category:** Legal and judiciary - legal matter management
B. **Description:** Records related to investigations ~~[including, but not limited to, criminal, evidence and crime laboratory reports.]~~ with merit of alleged criminal activities and not identified in other classifications.
C. **Retention:** destroy 10 years from date file closed

[1.21.2.634 NMAC - N, 10/01/2015; A, 11/30/2015]