UAP 6020 Records Management, Retention, and Disposition

Authorized by RPM 2.9 ("University Archives and Records")

Process Owners: Associate Director, University Services and University Archivist

1. General

Consistent with its mission, sound business practices, and records retention regulations, the University creates, gathers, and maintains records of its activities. Any record, regardless of format, that is produced or received by the University in the transaction of official University business is a University record and potentially subject to the New Mexico Public Records Act (PRA). The PRA and its related regulations in the New Mexico Administrative Code (NMAC) guide the University in the management, retention, and disposition of University records. Under the PRA and NMAC, University records are divided into two broad categories: public records and non-records.

University units are responsible for the proper retention of their units’ public records and for complying with this policy and applicable law. The University has appointed a Chief Records Officer who oversees a Records Management Department and the University’s management, retention, and disposition of public records. Questions about records management, retention, and disposition may be directed to the Records Management Department or, for legal issues, to the Office of University Counsel.

The PRA is a separate statute from the Inspection of Public Records Act (IPRA); the IPRA pertains to the disclosure of public records. Questions about the disclosure of public records under the IPRA should be directed to the University’s Custodian of Public Records; also see UAP 2300 ("Inspection of Public Records").

2. Definitions

For the purposes of this policy, the following definitions apply:

- “University records” are records, regardless of format, that are produced or received by the University in the transaction of official University business. University records may be public records or non-records.

- “Public records,” as opposed to non-records, are those University records that evidence the organization, functions, policies, contractual obligations, decisions and other final actions,
directives, procedures, or other operational activities of the University. Draft records are not considered public records under the NMAC regulations that implement the PRA.

- “Non-records” are records kept for convenience that are not considered public records of the University, such as preliminary drafts, blank forms, extra copies of public records, transmittal letters, personal communications, and library materials intended only for reference or exhibition.
  - “Transitory records” are a specific type of non-records that serve to convey information of temporary importance and often in lieu of oral communications; they are retained for a limited time to ensure the completion of a routine action or the preparation of a subsequent record.
- “Official copy of record” is the particular copy of a public record that is considered the official copy for the purposes of fulfilling the retention requirements.
- “Official repository” is a unit designated, through policy or practice, as having responsibility for retaining specific types of public records, particularly official copies of records.
- “Retention period” is the minimum period of time during which a unit should maintain the official copy of record.
- “Disposition” is the final action for a public record, such as transfer to archives or destruction.

3. Records Management Department

Under the leadership of the Chief Records Officer, the Records Management Department provides advice, information, and training to units on the management, retention, and disposition of records. As needed, the Chief Records Officer serves as the University’s liaison with the State Commission of Public Records.

The Records Management Department can centrally store and manage public records on behalf of University units. It oversees the proper disposition of public records, and coordinates their destruction in accordance with applicable law and the Record Retention Schedules posted on the Records Management Department’s website.

4. University Archives Department

The University Archives Department documents the University’s history by collecting and preserving records of enduring value that have historical, fiscal, administrative, and legal significance. Any University record that could have enduring value must be reviewed by the University Archivist prior to destruction.

The Health Sciences Library and Informatics Center is responsible for the archives of the Health Sciences Center.

5. Retention and Disposition of University Records

5.1. Records Retention Schedules
Each unit is responsible for reviewing and adhering to the proper retention period for its public records. The Records Retention Schedules posted on the Records Management Department’s website list minimum retention periods for basic types of records and are not intended to be exhaustive in scope. Special circumstances, such as federal regulations, contractual obligations, and professional guidelines, may warrant extending a retention period.

5.2. Litigation and Other Holds

The retention periods in the Records Retention Schedules may be lengthened when there are pending, foreseeable, or ongoing litigation matters, audits, investigations, and IPRA requests involving the University. In these situations, steps must be taken to ensure that the University preserves all of its paper and electronic records that relate to the subject matter of the litigation matter, audit, investigation, or IPRA request.

To preserve records, administrative offices of the University will send out hold notices. Holds control the preservation, retention, and disposition of specifically listed records, even non-records such as draft documents. Holds apply to all forms of records, including email and other electronic records and communications. No one notified of a hold may alter or delete any record that falls within the scope of the hold while the hold is in effect.

The Office of University Counsel sends out hold notices to units and individuals who are likely to have records related to litigation matters. To ensure the University’s compliance with court rules regarding the preservation of evidence, the affected units and employees must identify, preserve, and sequester all University records within the units’ control that relate to the hold, regardless of any established retention periods. Litigation hold notices are in effect until rescinded by the Office of University Counsel.

5.3. Electronic Records and Communications

University records include electronic records and communications that relate to official University business, such as e-mail and any attachments, as well as postings on official University websites, blogs, and other social media websites and applications.

To the extent that electronic records and communications are public records, they shall be retained depending upon the nature and content of the document, consistent with the retention periods for that type or content of document had it been created in paper form. In general, if the content of the email is not addressed by the Records Retention Schedules, then email should be retained for one year. Employees must comply with any applicable regulatory requirements, such as FERPA, HIPAA, and state confidentiality laws, to maintain confidentiality when transmitting information electronically.

All employees are urged to use the same discretion and good judgement in creating electronic records and communications as they would use in creating paper documents. Employees should segregate, as much as possible, personal from professional correspondence and also segregate correspondence that concerns University business from other professional correspondence, such as work for scholarly publications and organizations.

5.4. Official Copies of Record and Official Repositories
Certain units serve as the University’s official repositories for public records and are responsible for maintaining specific types of official copies of records. Examples of units that serve as official repositories, and examples of the official copies of records they maintain, include the following:

- Division of Human Resources (personnel records)
- Office of University Counsel (legal opinions and settlement agreements)
- Purchasing Department (contracts)
- PCard Department (PCard transactions)
- Policy Office (official copies of current policies and historical archive of policies)
- Pre-Award (research proposals)
- Contracts and Grants (post-award documents)

When units retain records that are duplicates of the official copies of record, they may maintain and destroy those duplicate records at the units’ discretion, as long as the Records Retention Schedules are followed for the official copy of record and the records are not subject to any of the holds discussed in Section 5.1.

### 5.5. Public Records Storage and Disposition

University units may store public records in the Records Management Department’s storage facilities until the applicable retention periods are met, or they may store them within their units. Prior to the destruction of any public records, the following requirements have to be met:

- The retention period in the Records Retention Schedules must have expired;
- There must be no pending, foreseeable, or ongoing litigation matters, audits, investigations, and IPRA requests related to the documents; and,
- Any records that could have enduring value must be reviewed by the University Archivist.

Once these requirements have been met, the Records Management Department arranges for the proper destruction of public records in coordination with University units. The Records Management Department is the only University unit authorized to arrange for the destruction of public records. It contracts with approved vendors for records destruction. Any exceptions must be approved in writing by the Records Management Department.

Certain types of public records must be destroyed in a manner that ensures the confidentiality of the records and renders the information no longer recognizable. For Health System records, please refer to the UNM Health System Records Management, Retention, and Disposal Policy for examples of approved destruction methods.

### 5.6. Non-Records Storage and Disposition

Although non-records are not public records, they may be valuable to the workflow of units and, as such, are often kept locally within a unit to facilitate future business processes. Non-records typically have one of the following attributes:
• The material communicates information of short-term value (such as reminders about scheduled meetings, announcements of office events, telephone message slips, self-sticking notes, and voice mail messages).
• The material is a working paper or draft (such as work-in-progress toward the development of a new policy).
• The material is used for reference purposes (such as a downloaded version of a professional journal article).
• The material is duplicative of a public record for which another unit serves as the official copy of record (such as a duplicate of the official copy of a contract).
• The material consists of faculty papers that are the property of individual faculty members (such as records that faculty create or receive in the conduct of their teaching, research, or professional activities). However, records held by faculty that they create or receive in the conduct of student advising, committee work, research administration, or program, department, or school administration, are University records. Further, in some cases, the University Archivist may be interested in collecting and preserving faculty papers.

Non-records may be destroyed by the unit once they are no longer useful, if they are not subject to any of the holds discussed in Section 5.1.


Employees who become aware of the possible omission, falsification, and inaccuracy of public records, or who become aware of the improper maintenance or destruction of public records, should make a report to Internal Audit or to the UNM Compliance Hotline, anonymously if preferred, at 1-888-899-6092 or on-line at: unm.ethicspoint.com.

7. References

7.1. Records Retention Schedules

• Posted on the Records Management Department’s website

7.2. Related University Policies

• RPM 2.9 (“University Archives and Records”)
• RPM 2.17 (“Public Access to University Records”)
• RPM 3.7 (“Health Sciences Center Institutional Compliance Program”) – including HIPAA
• RPM 4.4 (“Student Records”)
• Faculty Handbook C70, “Confidentiality of Faculty Records”
• UAP 2000 (“Responsibility and Accountability for University Information and Transactions”)
• UAP 2300 (“Inspection of Public Records”)
• UAP 2500 (“Acceptable Computer Use”)
• UAP 3710 (“Personnel Information Disclosure Policy”)
• Pathfinder, “Student Records Policy”
• UNM Health System Records Management, Retention, and Disposal Policy
• UNM Health Sciences Center Research Data and Materials Retention Policy (Policy-Procedure # HSC-R-801 PR.1)

7.3. Other References

• UNM Websites
  o Records Management Department
  o University Archives
  o Inspection of Public Records

• Federal Law:
  o 20 U.S.C. § 1232g. (“Family Educational Rights and Privacy Act”)

• State Law:
  o NMSA 1978 § 14-3-1 et seq. (“Public Records Act”)
  o NMAC 1.21.2 (“Retention and Disposition of Public Records”)

• American Association of University Professors, report on “Academic Freedom and Electronic Communications”

• NCAA Conference Rules and Regulations