

Records Destruction Guidelines

A municipality must have the authority to destroy records before an actual destruction can take place. The authority is granted by the adoption of the “Uniform Municipal Records Retention Schedule” by the governing body.

Steps to Conducting a Records Destruction:

1. Notify all departments that a destruction will take place. Request a list of all records eligible for destruction by a cut-off date. A common cut-off date is June 30th, the end of a fiscal year.
2. Make arrangements for the eligible records to be delivered to your records holding area.
3. Review each department’s list to insure that all records being recommended are eligible for destruction. Compile a master list of all eligible records,
4. Submit your master list to your city attorney for review, to ensure that records needed for any legal matters are not being recommended for destruction.
5. Review your master list for any potential historical records. If you have established a municipal archives, the list may be reviewed by the director/manager of that archives.
6. Once the list has been reviewed by legal and historical, you may submit the remaining entries to the governing body. Place an action item on a meeting agenda: Annual Records Destruction – permission to destroy records. This action requires only a simple motion to be adopted.
7. Once the governing body has given their approval to destroy the records, schedule the actual destruction.

Legal destruction methods in New Mexico include:

- Witnessed burial (at a landfill)
- Shredding
- Destruction by a certified/bonded recycler

Which method you select will depend on the quantity of records to be destroyed, staff time available and/or funding available. Unless the quantity of records to be destroyed is quite small, it is rarely cost or time-effective to do the shredding in-house. Most office shredders are not robust enough to handle a larger volume of records.

If you are considering destruction by a certified/bonded recycler, to get an estimate, you will need to provide the total number of boxes (cubic foot boxes) and whether you must have the destruction done on-site, or if you will allow the company to simply pick the records up. You may have to remove any three-ring binders - but check with your vendor. There may also be a “deadhead” charge to get the truck to your location. To help reduce costs, contact your local bank and find out who does their records destruction and when their pickup is scheduled. Contact that company and see if you can piggy-back on the bank’s records destruction, and perhaps save a little money (at least the deadhead costs).

8. Once the destruction has been completed, prepare a Certificate of Destruction with an attached list of the records that were destroyed and the date of the destruction. File this certificate as a permanent record in the minute book.
9. Report back to the governing body with the total number of boxes (cubic feet) of records destroyed. It's often easier to convert the number of cubic feet to "four-drawer filing cabinets" to provide a visual as to the amount of space that has been saved/recouped. It is also good to recognize the departments that participated in your records destruction.

Remember: the destruction of records without the approval of the governing body may be considered "tampering with public record", and is a fourth degree felony (§ 30-26-1).