

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 12 INFORMATION TECHNOLOGY
PART 1 GENERAL PROVISIONS

1.12.1.1 ISSUING AGENCY. Information Technology Commission.

[1.12.1.1 NMAC - Rp/E, 1 NMAC 12.1.1, 12/02/2005]

[All documents intended for delivery to the information technology commission shall be addressed or delivered to the office of the chief information officer at 5301 Central NE, Suite 1500, Albuquerque, NM 87108. The internet address for the information technology commission and the office of the chief information officer is www.cio.state.nm.us. The email address for the office of the chief information officer is cio@state.nm.us]

1.12.1.2 SCOPE. This rule applies to all rules adopted by the information technology commission.

[1.12.1.2 NMAC - Rp/E, 1 NMAC 12.1.2, 12/02/2005]

1.12.1.3 STATUTORY AUTHORITY. NMSA 1978 Section 15-1C-5.

[1.12.1.3 NMAC - Rp/E, 1 NMAC 12.1.3, 12/02/2005]

1.12.1.4 DURATION. Permanent.

[1.12.1.4 NMAC - Rp/E, 1 NMAC 12.1.4, 12/02/2005]

1.12.1.5 EFFECTIVE DATE. December 2, 2005, unless a later date is cited at the end of a section.

[1.12.1.5 NMAC - Rp/E, 1 NMAC 12.1.5, 12/02/2005]

1.12.1.6 OBJECTIVE. The purpose of this rule is to set forth provisions that apply to all rules adopted by the information technology commission.

[1.12.1.6 NMAC - Rp/E, 1 NMAC 12.1.6, 12/02/2005]

1.12.1.7 DEFINITIONS. Defined terms apply to this rule and all other rules adopted by the information technology commission.

A. "Act" means the Information Technology Management Act, NMSA 1978 Section 15-1C-1 et seq.

B. "Agency" means an executive agency of the state.

C. "Architectural configuration requirement (ACR)" means the technical specifications for information architecture and computer system purchases for agencies adopted by the commission.

D. "CIO" means the chief information officer.

E. "Commission" means the information technology commission.

F. "Exception" means a request granted by the office allowing an agency an exclusion from compliance with a rule, ACR or guideline that is limited in scope and duration.

G. "Guideline" means a directive adopted by the commission.

H. "Individual" means a natural person, a human being.

I. "Office" means the office of the chief information officer.

J. "Person" means an individual, association, organization, partnership, firm, syndicate, trust, corporation, and every legal entity.

K. "Rule" means any rule adopted by the commission which requires compliance by executive agencies.

L. "State" means New Mexico, or, when the context indicates a jurisdiction other than New Mexico, any state, district, commonwealth, territory, or possession of the United States.

[1.12.1.7 NMAC - Rp/E, 1.12.1.7, 12/02/2005]

1.12.1.8 USE OF COMMISSION-PRESCRIBED FORMS. The office or commission may prescribe forms to carry out certain requirements of its adopted rules, ACRs and guidelines. Prescribed forms must be used when a form exists for the purpose, unless these rules state otherwise or the requirement is waived by the office or commission.

[1.12.1.8 NMAC - Rp/E, 1 NMAC 12.1.8, 12/02/2005]

1.12.1.9 RULE, ACR AND GUIDELINE COMPLIANCE AND EXCEPTION. Rules, ACRs and guidelines shall be followed by agencies under all circumstances unless the office grants an exception in accordance with this rule.

- A.** An agency may request an exception. An exception shall be granted only if compliance would:
 - (1) threaten the function of government;
 - (2) threaten the preservation or protection of property;
 - (3) threaten the health or safety of any person;
 - (4) result in significant increase in agency costs;
 - (5) hinder mission critical services; or
 - (6) compromise essential service attributes critical to agency success.
- B.** An agency shall file a written request for exception with the office that:
 - (1) identifies the appropriate section of the rule, ACR or guideline from which the agency is requesting an exception;
 - (2) outlines the grounds on which the request is based; and
 - (3) includes any information available to support the request.
- C.** The office shall evaluate the request for exception and provide a written determination to the agency within fifteen (15) business days.

[1.12.1.9 NMAC - Rp/E, 1 NMAC 12.1.9, 12/02/2005]

HISTORY OF 1.12.1 NMAC:

Pre NMAC History: None.

History of Repealed Material:

1 NMAC 12.1 named "General Provisions" (filed 1/18/2000) was repealed 12/02/2005.

NMAC History:

1 NMAC 12.1 named "General Provisions" (filed 1/18/2000) was replaced by 1.12.1 NMAC named "General Provisions", effective 12/02/2005.