

PATHFINDER GUIDELINES FOR VIEWING AND PURCHASING PHOTOGRAPHIC MATERIALS

New Mexico State Records Center and Archives
Archives and Historical Services Division
1205 Camino Carlos Rey
Santa Fe, NM 87507

SCOPE AND INTRODUCTION

This pathfinder explains the policies and procedures that govern the viewing and duplication of photographic materials in the custody of the New Mexico State Records Center and Archives [Agency], Archives and Historical Services Division. The Division has over 100,000 images and the collection continues to grow.

In accordance with the preeminent archival principle of provenance, photographic images remain within their respective collections and are not arranged artificially by subject. This housing arrangement means that the processes of selecting and retrieving photos will be time-consuming; therefore, **patrons are limited to requesting 10 photos per day unless an appointment is made.**

Within each collection, images are housed in folders and arranged into standardized subject headings such as: Animals, Archaeology, Architecture, Indians, Industries, Military and Persons and Towns. All topics are subdivided based on logical subdivisions. For example, Indians is subdivided by tribe or Pueblo, Persons by surname and Towns by name. In some cases, the subdivisions are further subdivided such as Towns / Santa Fe / Churches: Baptist, Castrense, Cathedral, Cristo Rey, Episcopal, Guadalupe and etc.

REQUESTING AND VIEWING PHOTOGRAPHIC MATERIALS

To locate images, patrons are required to select choices from a **Photo Card Catalog** and transfer descriptive information to a **Record Request Form**. The archivist will then use the completed form to find and retrieve photos from the Archives Vault.

The **Photo Card Catalog** divides 3x5 index cards based on topics as described in paragraph three above. Each index card provides the following listed information:

1. Name of Collection to which the image belongs
 2. Unique image number
 3. Box and Folder numbers
 4. Some descriptive information
 5. Medium type
 6. Size
 7. Subject references such as "Indians: Santa Clara, Persons Known R, Towns: Albuquerque"
- } ADD TO REQUEST FORM

To retrieve any image, the archivist will need to know the first four pieces of information from the list above. This information must be transferred to a "Record Request Form" that is available near the entrance to the research room. Occasionally, the box and folder numbers are "not" provided. When this occurs, the patron must add the "Subject references" described in No. 7 above.

It is good advice for the patron to either make copies of the request form(s) or to make notes for future reference.

About 5,000 images from the New Mexico Department of Tourism Collection are viewable online. Patrons may locate these images by searching HERITAGE, the State Archives online catalog at: http://www.nmcpr.state.nm.us/archives/gencat_cover.htm. Click on "Advanced Search" and limit the "Type of Material" to photographs. Additional search information may be added to the other fields to search for specific images.

DUPLICATION OF PHOTOGRAPHIC MATERIALS

All holdings including images of the Division are protected by U.S. Law concerning the protection of copyrights. Additionally, uses and restrictions of holdings and images are guided by "Deeds of Gift" and other transfer documents that vary from collection to collection. These transfer documents may restrict viewing as well as duplication.

Many modern guidebooks are available that explain copyright law, and all will refer to Title 17 of the United States Code. Persons intending to publish any document or image should carefully review the code, especially Sections 107 through 118 concerning the "Fair Use Doctrine."

The Agency offers only an 8x10 glossy copy photograph. The image may be sized to 5x7 at the request of the patron. No electronic [digital] or film [negative] versions are offered.

There are three basic steps to obtaining a copy photograph:

1. Complete the "**Conditions for Publication/Reproduction**" form
2. Write a letter stating the intended use of the copy photograph
3. Pay the required fees by check

The "**Conditions**" form must be completed in ink. It provides statements concerning the Agency's requirements and restrictions. For example, for any copy photograph purchased, all rights are restricted to those described in the statement of "intended use" contained in the patron's letter [No. 2 above]. No exclusive rights are granted by the Agency for unstated use of the copy photograph, and the Agency assumes no responsibility for claims by third parties. The "Conditions" form must bear a reference citation for each photograph that provides the Name of Collection(s) and Image Number(s).

Each reproduction of the image must provide four pieces of descriptive information:

1. Caption and date
2. Name of collection
3. Image number
4. Statement “courtesy of the New Mexico State Records Center and Archives”

For example:

*Scenery along Route 66 near Santa Rosa, 1946
New Mexico Department of Tourism Collection, Image No.
12345, courtesy of the New Mexico State Records Center and*

The letter stating the intended use of the image or images should be typewritten in a professional format and signed in ink. Handwritten letters are permitted if written in ink. This letter should be addressed to:

Sandra Jaramillo, State Records Administrator
New Mexico State Records Center and Archives
1205 Camino Carlos Rey
Santa Fe, NM 87507

The letter should impart basic information concerning the intended use of the image being purchased. If the image is to be published, the name of the publication should be included along with the proposed date of publication and number of issues of the publication run.

The cost for each image is \$14.00, plus a commercial-use fee, and plus shipping charges. The commercial-use fee ranges from \$20.00 to \$150.00 depending on the type of publishing media and its circulation. Non-profit organizations are assessed half of the commercial-use fee that applies for their purposes.

The Agency began assessing a commercial-use fee for each image purchased on June 6, 2006. This rule is codified in the New Mexico Administrative Code (NMAC). Refer to: *Fees 1.13.2.21 NMAC (see copy below)*. The full citation is: *Fees, State Commission of Public Records – State Records Center and Archives, Title 1, Chapter 13, Part 2, Section 21 NMAC (6/1/06)*. NMAC may be viewed by consulting the Agency website at: <http://www.nmcpr.state.nm.us/index.htm>.

Shipping fees start at \$2.74 for one copy photo and reach a maximum of \$3.74 for more than ten photos.

Once the total cost is determined, make your check payable to either NMSRCA or STATE RECORDS CENTER AND ARCHIVES. The archivist with whom you made initial contact will process your request; therefore, the check, letter, and “Conditions” form should be sent to the following address:

New Mexico State Records Center and Archives
Archives and Historical Services Division
Attn: [archivist’s name here]

1205 Camino Carlos Rey
Santa Fe, NM 87507

After signatures are obtained from the Archives Division Director and the State Records Administrator and the check is processed, copy photographs will be delivered within two weeks. If a large order is placed, more time may be required to complete the order.

Questions regarding this pathfinder may be e-mailed to: ARCHIVES@state.nm.us. Or call (505) 476-7948 or FAX (505) 476-7909.

The following is section *1.13.2.21 NMAC Fees*:

1.13.2.21 COMMERCIAL-USE FEES:

- A.** Commercial-use requesters, as defined in 1.13.2 NMAC, who make requests for records shall be assessed a commercial service fee. Service fees shall be pre-paid and shall be in addition to the fees for copying or reproduction prescribed in 1.13.2 NMAC.
- B.** The SRCA requires all requesters to submit a letter of intent and SRCA form 96-18, "conditions for publication/reproduction," before a request is considered.
- C.** Not-for-profit organizations requesting reproductions of records and information for fund raising shall be charged 50 percent of the applicable commercial-use fees. Proof of not-for-profit status shall be provided before the not-for-profit rate is considered.
- D.** The SRCA reserves the right to require proof of intent of publication prior to final approval.
- E.** The SRCA shall not grant exclusive rights for use of its materials. Permission shall be granted for one time use only. Requesters shall submit an additional letter of intent and SRCA form 96-18 "conditions for publication/reproduction" and pay additional fees for any subsequent use.
- F.** The SRCA reserves the right to restrict the use of reproductions of rare and valuable records and to make special fee quotations on records involving unusual and difficult reproduction.
- G.** Fees for commercial use of reproductions of records in books, including book jackets and end papers, shall be as follow:
 - (1) less than 5,000 editions - \$30.00 per reproduction;
 - (2) 5,000 to 24,999 editions - \$75.00 per reproduction;
 - (3) 25,000 or more editions - \$100.00 per reproduction.
- H.** Fees for commercial use of reproductions of records in serials, magazines, including magazine covers, and newspapers shall be as follow:
 - (1) circulation of 49,999 or less - \$20.00 per reproduction;
 - (2) circulation 50,000 to 99,999 - \$50.00 per reproduction;
 - (3) circulation over 100,000 - \$100.00 per reproduction.
- I.** Commercial use of reproductions of records in videotapes, CD-ROMs, DVDs or other digital media shall require a fee of \$150.00 per reproduction.
- J.** Commercial use of reproductions of records in motion picture productions and documentaries shall require a fee of \$150.00 per reproduction.
- K.** Fees for commercial use of reproductions of records for posters, postcards, T-shirts, calendars, mousepads and non-paper shall be as follow:
 - (1) less than 999 items - \$20.00 per reproduction;
 - (2) 1,000 to 4,999 items - \$75.00 per reproduction;
 - (3) 5,000 or more items - \$100.00 per reproduction.
- L.** Fees for commercial use of reproductions of records in advertising shall be as follow:
 - (1) display in commercial offices, stores, and restaurants - \$25.00 per reproduction;
 - (2) other advertising formats - \$150.00 per reproduction.

[1.13.2.21 NMAC - N, 6/1/06]

[See 1.13.2.15 NMAC for a description of form 96-18.]