AN ACT

RELATING TO GOVERNMENTAL CONDUCT; PROHIBITING DISCLOSURE OF
SENSITIVE PERSONAL INFORMATION BY STATE AGENCY EMPLOYEES;
PROVIDING EXCEPTIONS; PRESCRIBING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Nondisclosure of Sensitive Personal Information
Act."

SECTION 2. [NEW MATERIAL] SENSITIVE PERSONAL
INFORMATION--EXCEPTIONS.--

A. A state agency employee shall not intentionally
disclose sensitive personal information acquired by virtue of
the employee's position with a state agency to anyone outside
the state agency except when such disclosure is:

(1) necessary to carry out a function of the
state agency;

(2) necessary to comply with an order or subpoena issued by a court of this state or a United States district court;

(3) required by the Inspection of Public Records Act;

(4) required by federal statute;

(5) made to or by a court in the course of a judicial proceeding or made in a court record;

(6) made to a state contractor that needs the sensitive personal information to perform its obligations under the contract and has agreed in writing to be bound by the same restrictions on disclosure that are imposed on state employees by this section;

(7) made pursuant to the Whistleblower Protection Act;

(8) expressly permitted by the federal Health Insurance Portability and Accountability Act of 1996 and associated regulations; or

(9) made with the written consent of the person whose information would be disclosed.

B. As used in this section, "sensitive personal information" means an individual's:

(1) status as a recipient of public assistance or as a crime victim;
(2) sexual orientation, gender identity, physical or mental disability, medical condition, immigration status, national origin or religion; and

(3) social security number or individual tax identification number.

SECTION 3. [NEW MATERIAL] ENFORCEMENT--PENALTIES.--

A. A violation of the Nondisclosure of Sensitive Personal Information Act is grounds for discipline, including dismissal, demotion or suspension.

B. The attorney general, a district attorney and the state ethics commission may institute a civil action in district court if a violation has occurred or to prevent a violation of the Nondisclosure of Sensitive Personal Information Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars ($250) for each violation, but not to exceed five thousand dollars ($5,000).

C. A state employee who knowingly and willfully violates any of the provisions of the Nondisclosure of Sensitive Personal Information Act is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than one year or both.

SECTION 4. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2021.