

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 141

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

AN ACT

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

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

SECTION 1. A new section of the Governmental Conduct Act  
is enacted to read:

"~~[NEW MATERIAL]~~ SENSITIVE PERSONAL INFORMATION.--

A. A state agency employee shall not 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 of a  
court of this state or of the United States;

.214071.2

underscoring material = new  
[bracketed material] = delete

- 1 (3) required by a subpoena;
- 2 (4) required by the Inspection of Public
- 3 Records Act;
- 4 (5) permitted by Section 66-2-7.1 NMSA 1978;
- 5 (6) required by federal law; or
- 6 (7) made with the written consent of the
- 7 person whose information would be disclosed.

8 B. As used in this section, "sensitive personal  
9 information" means a person's:

- 10 (1) status as a recipient of public
- 11 assistance;
- 12 (2) status as a victim of a serious violent
- 13 offense as defined in Section 33-2-34 NMSA 1978;
- 14 (3) sexual orientation, gender identity,
- 15 physical or mental disability, immigration status, national
- 16 origin or religion; and
- 17 (4) social security number or individual tax
- 18 identification number."

19 SECTION 2. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2019.