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SENATE BILL 381

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

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO PUBLIC RECORDS; INCLUDING EMAILS AND OTHER UNIQUE IDENTIFIERS IN THE DEFINITION OF "PROTECTED PERSONAL IDENTIFIER INFORMATION".

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

**SECTION 1.** Section 14-2-6 NMSA 1978 (being Laws 1993, Chapter 258, Section 3, as amended) is amended to read:

"14-2-6. DEFINITIONS.--As used in the Inspection of Public Records Act:

A. "custodian" means any person responsible for the maintenance, care or keeping of a public body's public records, regardless of whether the records are in that person's actual physical custody and control;

B. "file format" means the internal structure of an electronic file that defines the way it is stored and used;

1 C. "inspect" means to review all public records  
2 that are not excluded in Section 14-2-1 NMSA 1978;

3 D. "person" means any individual, corporation,  
4 partnership, firm, association or entity;

5 E. "protected personal identifier information"  
6 means:

7 (1) all but the last four digits of a:

8 (a) taxpayer identification number;

9 (b) financial account number; or

10 (c) driver's license number;

11 (2) all but the year of a person's date of  
12 birth; ~~and~~

13 (3) a social security number;

14 (4) an email address; and

15 (5) any other unique identifier from which the  
16 identity of a person may be reasonably inferred by direct or  
17 indirect means;

18 F. "public body" means the executive, legislative  
19 and judicial branches of state and local governments and all  
20 advisory boards, commissions, committees, agencies or entities  
21 created by the constitution or any branch of government that  
22 receives any public funding, including political subdivisions,  
23 special taxing districts, school districts and institutions of  
24 higher education;

25 G. "public records" means all documents, papers,

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1 letters, books, maps, tapes, photographs, recordings and other  
2 materials, regardless of physical form or characteristics, that  
3 are used, created, received, maintained or held by or on behalf  
4 of any public body and relate to public business, whether or  
5 not the records are required by law to be created or  
6 maintained; and

7 H. "trade secret" means trade secret as defined in  
8 Subsection D of Section 57-3A-2 NMSA 1978."

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