

HOUSE BILL 124

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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AN ACT

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

.218826.2AIC February 3, 2021 (2:37pm)

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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--
EXCEPTIONS.--

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 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

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Protection Act; or

(8) 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 HSEIC→~~crime~~←HSEIC victim HSEIC→as defined in the Victims of Crime Act←HSEIC ;

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

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