

HOUSE BILL 124

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

INTRODUCED BY

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AN ACT

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

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;

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underscoring material = new  
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1 (2) necessary to comply with an order or  
2 subpoena issued by a court of this state or a United States  
3 district court;

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

6 (4) required by federal statute;

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

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

14 (7) made pursuant to the Whistleblower  
15 Protection Act; or

16 (8) made with the written consent of the  
17 person whose information would be disclosed.

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

20 (1) status as a recipient of public assistance  
21 or as a crime victim;

22 (2) sexual orientation, gender identity,  
23 physical or mental disability, medical condition, immigration  
24 status, national origin or religion; and

25 (3) social security number or individual tax

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~~[bracketed material] = delete~~

1 identification number."

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

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