SENATE BILL 342

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Leo Jaramillo

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING AN EXCEPTION FOR

PROTECTED UTILITY CUSTOMER DATA.

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

SECTION 1. Section 14-2-1.1 NMSA 1978 (being Laws 2019,

Chapter 27, Section 2) is amended to read:

"14-2-1.1. PERSONAL IDENTIFIER INFORMATION--PROTECTED

UTILITY CUSTOMER DATA.--

A. Protected personal identifier information

contained in public records may be redacted by a public body

before inspection or copying of a record. The presence of

protected personal identifier information on a record does not

exempt the record from inspection. Unredacted records that

contain protected personal identifier information shall not be

made available on publicly accessible websites operated by or

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1   managed on behalf of a public body.

2   B. Protected utility customer data contained in

3   public records may be redacted by a public body before

4   inspection or copying of the record. The presence of protected

5   utility customer data in a record does not exempt the record

6   from inspection. Unredacted records that contain protected

7   utility customer data shall not be made available on publicly

8   accessible websites operated by or managed on behalf of a

9   public body."

10   SECTION 2. Section 14-2-6 NMSA 1978 (being Laws 1993,

11   Chapter 258, Section 3, as amended) is amended to read:

12   "14-2-6. DEFINITIONS.--As used in the Inspection of

13   Public Records Act:

14   A. "custodian" means any person responsible for the

15   maintenance, care or keeping of a public body's public records,

16   regardless of whether the records are in that person's actual

17   physical custody and control;

18   B. "file format" means the internal structure of an

19   electronic file that defines the way it is stored and used;

20   C. "inspect" means to review all public records

21   that are not excluded in Section 14-2-1 NMSA 1978;

22   D. "person" means any individual, corporation,

23   partnership, firm, association or entity;

24   E. "protected personal identifier information"

25   means:

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	(1) all but the last four digits of a:
1	
2	(a) taxpayer identification number;
3	(b) financial account number; or
4	(c) driver's license number;
5	(2) all but the year of a person's date of
6	birth; and
7	(3) a social security number;

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2   (a) taxpayer identification number;

3   (b) financial account number; or

4   (c) driver's license number;

5   (2) all but the year of a person's date of

6 birth; and

7   (3) a social security number;

8   F. "protected utility customer data" means data

9 collected by automated utility metering that shows a person's

10 utility usage data in intervals shorter than the monthly

11 billing cycle;

12   [F.] G. "public body" means the executive,

13 legislative and judicial branches of state and local

14 governments and all advisory boards, commissions, committees,

15 agencies or entities created by the constitution or any branch

16 of government that receives any public funding, including

17 political subdivisions, special taxing districts, school

18 districts and institutions of higher education;

19   [G.] H. "public records" means all documents,

20 papers, letters, books, maps, tapes, photographs, recordings

21 and other materials, regardless of physical form or

22 characteristics, that are used, created, received, maintained

23 or held by or on behalf of any public body and relate to public

24 business, whether or not the records are required by law to be

25 created or maintained; and

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underscored material = new
[bracketed material] = delete

1   [H.] I. "trade secret" means trade secret as

2   defined in Subsection D of Section 57-3A-2 NMSA 1978."

3   - 4 -