NM Internet Privacy & Safety Act

Internet safety is a critical issue to address, for our young people – and everyone.

But right now, New Mexicans risk being tracked and surveilled without any notice every time we open an app, go on social media, or do an online search.

These online entities collect and sell our private information, including who we are, what we like, our health conditions, where we've been, and our political views. At the same time, the information and resources we access online are crucial for our communities.

Online entities collect, process, store, and sell huge amounts of often sensitive, detailed information about every one of us.

Such information can then be used to:

- ➔ **make discriminatory predictions about people's health outcomes**
- ➔ **deny people housing or jobs**
- ➔ **hike insurance rates**
- ➔ **target users with misinformation and manipulation**

Laws protecting our safety and privacy online have failed to keep up.

How our private information is used:

- **Data collection:** Many online service providers, including social media platforms, gather a vast amount of personal data from users, including likes, comments, searches, location, demographics, and more, through their interactions on the platform.
- **Targeted advertising:** This collected data is used to create detailed user profiles, enabling companies to deliver highly targeted ads to users based on their interests, behaviors, and demographics.
- **Selling data to third parties:** In some cases, these companies may also sell user data directly to third-party data brokers who then use it for their own marketing purposes.
- **Algorithmic manipulation:** Companies use our data and the profiles they build to determine the content we see on our feeds, as algorithms prioritize posts and ads that are most likely to engage the user based on their profile.

Problems caused:

- **Privacy issues:** The extensive collection and use of personal data raises concerns about user privacy and potential misuse of information.
- **Targeting:** Personal data and profiles can allow for the targeting of users online, including through predatory advertising and fraudulent schemes.
- **Lack of user control:** Many users may not fully understand how their data is being used or have limited options to control its collection and usage.
- **Discrimination:** The use of algorithms and data can perpetuate bias, disadvantaging certain groups.
- **Lack of Transparency:** Many consumers are unaware of how their data is used.

Data privacy critically important for youth - whose brains are still developing.

- ➔ Data minimization means that children cannot be profiled, or have their personal data and preferences used to keep them online longer.
- ➔ Focus on rights and needs of children, rather than placing onus on parents to consent to any engagement their child has online.
- ➔ Focus on data privacy rather than online safety means this bill cannot be construed to be about content moderation.

Youth specific provisions where platform has actual knowledge a user is a minor

- ➔ Disables use of profile-based feeds
- ➔ Prohibition on 24/7 push notifications
- ➔ No unsolicited contact from unknown adults

Internet safety also means protecting access to the information our families and communities need to be healthy and thrive.

Many other states are also moving to increase privacy and safety protections. Some of these approaches could unfortunately end up cutting off access to essential information and spaces online, especially on topics related to reproductive health care, mental health and LGBTQ+ well-being.

We need to address privacy and safety in a way that protects both privacy AND access, as a holistic approach to safety.

This bill builds off of previous approaches, particularly the Age-Appropriate Design Code introduced in New Mexico in 2024, to preserve many key provisions, expand the protections included, and address core concerns that arose.

This Bill Will:

- ➔ Provide common-sense protections for everyone online - including young people and our elderly.
- ➔ Reduce abuses from targeted advertising
- ➔ Prevent others from tracking our online activity and precise location without our knowledge, which is particularly important for those in unsafe situations including those experiencing abuse.
- ➔ Prevent the unnecessary collection and sale of our personal information without our affirmative opt-in – helping to keep it out of the hands of those who would use it to manipulate, harass, intimidate, criminalize or discriminate against us.

This Bill Will:

- ➔ Help prevent profiling and discrimination based on our age, political and religious views, health status, and more
- ➔ Give users more control over notifications, messages from strangers, and profile-driven content feeds
- ➔ Disable by default notifications for known minors between 10 p.m. to 6 a.m., aiding in reducing distractions and promoting rest and well-being.
- ➔ Make it harder for unknown users to contact known minors online
- ➔ Disabling profile-based feeds for known minors by default

IPSA: Key Provisions

- ➔ Data minimization: Establishes limits on the unfettered processing of personal data by setting a baseline requirement that entities only collect, use, and transfer data that is necessary to provide or maintain a product or service requested by the individual.
- ➔ Strict restrictions on sensitive data collection and use: Sets heightened protections for collection and use of sensitive data (i.e., biometrics, geolocation, health data), which is only permitted when strictly necessary and not permitted for advertising purposes.
- ➔ Civil rights: Extends civil rights to online spaces by prohibiting entities from processing data in a way that discriminates or otherwise makes unavailable the equal enjoyment of goods and services.

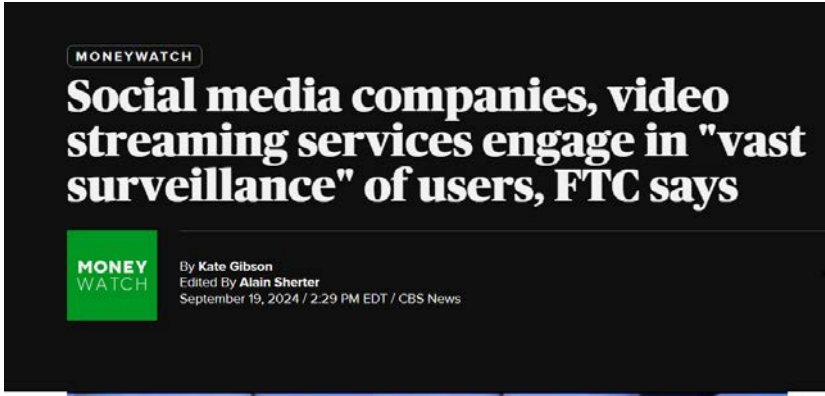
IPSA: Key Provisions, Cont.

- Opt-in consent: the consent the bill requires must be clear and affirmative to use data for advertising or data brokerage. Consent must be specific and unambiguous. Consent under this bill cannot be buried in broad terms of use, obtained through closing a banner pop-up, or acquired through deceptive design.
- Manipulative design restrictions: Prohibits obtaining consent in ways that are misleading or manipulative (e.g., dark patterns).
- Individual rights: Gives consumers the rights to access, correct, and delete personal information about them.
- Increased users control with minor-specific protections.

The New Mexico Internet Privacy and Safety Act (IPSA)

From our children to our grandparents, this bill will provide meaningful protections for everyone in New Mexico using the internet, and help prevent bad actors from being able to prey on others.

Our families and communities deserve safety and privacy.



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