

AN ACT

RELATING TO GENERAL WELFARE; LIMITING PERMISSIBLE USES OF  
SOCIAL SECURITY IDENTIFICATION NUMBERS.

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

Section 1. Section 57-12B-1 NMSA 1978 (being Laws 2003,  
Chapter 169, Section 1) is amended to read:

"57-12B-1. SHORT TITLE.--Chapter 57, Article 12B NMSA  
1978 may be cited as the "Privacy Protection Act"."

Section 2. A new section of the Privacy Protection Act  
is enacted to read:

"USE OF SOCIAL SECURITY NUMBERS RESTRICTED--  
EXCEPTIONS.--

A. Except as provided in Subsection B of this  
section, a business shall not:

(1) make the entirety of a social security  
number available to the general public. This prohibition  
includes:

(a) intentionally communicating a  
social security number to the general public; and

(b) printing a social security number  
on a receipt issued for the purchase of products or services,  
including a receipt for the purchase of services from the  
state or its political subdivisions;

(2) require the use of a social security

number:

(a) over the internet without a secure connection or encryption security; or

(b) to access an internet account unless a password or unique personal identification number or other personal authentication device is also required to access the account;

(3) print a social security number on materials mailed to a consumer unless authorized or required by federal or state law; provided that nothing in this paragraph prohibits a business from requiring a consumer, as part of an application or enrollment process, or to establish, amend or terminate an account, contract or policy, or to confirm the accuracy of the social security number, to enter a social security number on material to be mailed by the consumer as long as it is not required to be entered, in whole or in part:

(a) on a postcard or other mailer not requiring an envelope;

(b) on the envelope; or

(c) in any other manner in which the number may be visible without the envelope being opened;

(4) transmit material that associates a social security number with an account number for a bank, savings and loan association or credit union, unless both

numbers are required as part of an application or enrollment process or to establish, amend or terminate an account, contract or policy or to confirm the accuracy of the social security, bank, savings and loan association or credit union account number; or

(5) refuse to transact business because of a refusal to provide the social security number for use of that number in a manner prohibited by Paragraphs (1) through (4) of this subsection.

B. The provisions of Subsection A of this section do not apply to:

(1) the use of a social security number by a business if the social security number:

(a) was furnished for a document generated prior to January 1, 2006 and the business is copying or reproducing that document; or

(b) exists on an original document generated prior to January 1, 2006;

(2) the collection, use or release of a social security number by a business if the business complies with Subsection D of Section 57-12B-3 NMSA 1978 and if the collection, use or release:

(a) is part of an application or enrollment process or is used to establish, amend or terminate an account, contract or policy;

