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AN ACT  
RELATING TO PUBLIC RECORDS; INSERTING AN INTERNAL REFERENCE  
REGARDING THE SALE OF DATA; RECONCILING MULTIPLE AMENDMENTS  
TO THE SAME SECTION OF LAW IN LAWS 2011; DECLARING AN  
EMERGENCY.

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

SECTION 1. Section 14-2-6 NMSA 1978 (being Laws 1993,  
Chapter 258, Section 3, as amended by Laws 2011, Chapter 134,  
Section 3 and by Laws 2011, Chapter 181, Section 1 and also  
by Laws 2011, Chapter 182, Section 1) is amended to read:

"14-2-6. DEFINITIONS.--As used in the Inspection of  
Public Records Act:

A. "custodian" means any person responsible for  
the maintenance, care or keeping of a public body's public  
records, regardless of whether the records are in that  
person's actual physical custody and control;

B. "file format" means the internal structure of  
an electronic file that defines the way it is stored and  
used;

C. "inspect" means to review all public records  
that are not excluded in Section 14-2-1 NMSA 1978;

D. "person" means any individual, corporation,  
partnership, firm, association or entity;

E. "protected personal identifier information"

1 means:

2 (1) all but the last four digits of a:

3 (a) taxpayer identification number;

4 (b) financial account number; or

5 (c) driver's license number;

6 (2) all but the year of a person's date of  
7 birth; and

8 (3) a social security number;

9 F. "public body" means the executive, legislative  
10 and judicial branches of state and local governments and all  
11 advisory boards, commissions, committees, agencies or  
12 entities created by the constitution or any branch of  
13 government that receives any public funding, including  
14 political subdivisions, special taxing districts, school  
15 districts and institutions of higher education; and

16 G. "public records" means all documents, papers,  
17 letters, books, maps, tapes, photographs, recordings and  
18 other materials, regardless of physical form or  
19 characteristics, that are used, created, received, maintained  
20 or held by or on behalf of any public body and relate to  
21 public business, whether or not the records are required by  
22 law to be created or maintained."

23 SECTION 2. Section 14-2-9 NMSA 1978 (being Laws 1993,  
24 Chapter 258, Section 6, as amended by Laws 2011, Chapter 181,  
25 Section 2 and by Laws 2011, Chapter 182, Section 3) is

1 amended to read:

2 "14-2-9. PROCEDURE FOR INSPECTION.--

3 A. Requested public records containing information  
4 that is exempt and nonexempt from disclosure shall be  
5 separated by the custodian prior to inspection, and the  
6 nonexempt information shall be made available for inspection.  
7 If necessary to preserve the integrity of computer data or  
8 the confidentiality of exempt information contained in a  
9 database, a partial printout of data containing public  
10 records or information may be furnished in lieu of an entire  
11 database. Exempt information in an electronic document shall  
12 be removed along with the corresponding metadata prior to  
13 disclosure by utilizing methods or redaction tools that  
14 prevent the recovery of exempt information from a redacted  
15 electronic document.

16 B. A custodian shall provide a copy of a public  
17 record in electronic format if the public record is available  
18 in electronic format and an electronic copy is specifically  
19 requested. However, a custodian is only required to provide  
20 the electronic record in the file format in which it exists  
21 at the time of the request.

22 C. A custodian:

23 (1) may charge reasonable fees for copying  
24 the public records, unless a different fee is otherwise  
25 prescribed by law;

1 (2) shall not charge fees in excess of one  
2 dollar (\$1.00) per printed page for documents eleven inches  
3 by seventeen inches in size or smaller;

4 (3) may charge the actual costs associated  
5 with downloading copies of public records to a computer disk  
6 or storage device, including the actual cost of the computer  
7 disk or storage device;

8 (4) may charge the actual costs associated  
9 with transmitting copies of public records by mail,  
10 electronic mail or facsimile;

11 (5) may require advance payment of the fees  
12 before making copies of public records;

13 (6) shall not charge a fee for the cost of  
14 determining whether any public record is subject to  
15 disclosure; and

16 (7) shall provide a receipt, upon request.

17 D. Nothing in this section regarding the provision  
18 of public data in electronic format shall limit the ability  
19 of the custodian to engage in the sale of data as authorized  
20 by Sections 14-3-15.1 and 14-3-18 NMSA 1978, including  
21 imposing reasonable restrictions on the use of the database  
22 and the payment of a royalty or other consideration."

23 SECTION 3. EMERGENCY.--It is necessary for the public  
24 peace, health and safety that this act take effect  
25 immediately. \_\_\_\_\_