

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 75

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

AN ACT

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

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

SECTION 1. A new section of Chapter 10 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Nondisclosure of Sensitive Personal Information Act"."

SECTION 2. A new section of Chapter 10 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Nondisclosure
of Sensitive Personal Information Act:

A. "sensitive personal information" means an
individual's:

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

3 (2) sexual orientation, gender identity,
4 physical or mental disability, medical condition, immigration
5 status, national origin or religion; and

6 (3) social security number; and

7 B. "social security number" includes an individual
8 tax identification number."

9 SECTION 3. A new section of Chapter 10 NMSA 1978 is
10 enacted to read:

11 "[NEW MATERIAL] SENSITIVE PERSONAL INFORMATION--
12 EXCEPTIONS.--A state agency employee shall not intentionally
13 disclose sensitive personal information acquired by virtue of
14 the employee's position with a state agency to anyone outside
15 the state agency except when such disclosure is:

16 A. necessary to carry out a function of the state
17 agency;

18 B. necessary to comply with an order or subpoena
19 issued by a court of this state or a United States district
20 court;

21 C. required by the Inspection of Public Records
22 Act;

23 D. required by federal statute;

24 E. made to or by a court in the course of a
25 judicial proceeding or made in a court record;

.220093.2

1 F. made to a state contractor that needs the
2 sensitive personal information to perform its obligations under
3 the contract and has agreed in writing to be bound by the same
4 restrictions on disclosure that are imposed on state employees
5 by this section;

6 G. made pursuant to the Whistleblower Protection
7 Act;

8 H. expressly permitted by the federal Health
9 Insurance Portability and Accountability Act of 1996 and
10 associated regulations; or

11 I. made with the written consent of the person
12 whose information would be disclosed."

13 SECTION 4. A new section of Chapter 10 NMSA 1978 is
14 enacted to read:

15 "[NEW MATERIAL] ENFORCEMENT--PENALTIES.--The attorney
16 general, a district attorney and the state ethics commission
17 may institute a civil action in district court if a violation
18 has occurred or to prevent a violation of the Nondisclosure of
19 Sensitive Personal Information Act. Penalties for a violation
20 of that act shall be a civil penalty of two hundred fifty
21 dollars (\$250) for each violation, but not to exceed five
22 thousand dollars (\$5,000)."

23 SECTION 5. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2021.