

LFC Requester:	SIMON, JOSEPH
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: Jan 29 *Check all that apply:*
Bill Number: SB36 Original Correction
 Amendment Substitute

Sponsor: Sedillo Lopez **Agency Name and Code:** State Personnel Office 00378
Short Title: Prohibiting Disclosure of Sensitive Personal Information **Number:** _____
Person Writing: Dylan K. Lange **Phone:** 505-476-7742 **Email:** Dylan.Lange@spo.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A			General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	Unknown	Unknown			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB36 Enacts a new section of Chapter 10 NMSA 1978, titled “Nondisclosure of Sensitive Personal Information Act”. The new sections specify that it is unlawful for a department or bureau employee or contractor or former employee to disclose to a federal, state, local governmental agency or non-governmental entity for the purposes of enforcing federal immigration laws.

SB 36 also allows for the attorney general; a district attorney and the state ethics commission to institute a civil action in district court if a violation has occurred or to prevent a violation of the Nondisclosure of Sensitive Personal Information Act. Penalties for a violation of that act shall be a civil penalty of two hundred fifty dollars (\$250) for each violation, but not to exceed five thousand dollars (\$5,000).

SB36 specifies when a department or division enters into a contract with a non-governmental entity for the disclosure of personal information, they shall certify in writing before receipt or access to the information that the entity shall not use or disclose the records or information for the purpose of enforcing federal immigration law.

Effective date of SB36 shall be July 1, 2025.

FISCAL IMPLICATIONS

The State Personnel Office does not foresee any fiscal implications as a result of SB36

SIGNIFICANT ISSUES

As an oversight agency SPO is required to transmit records between agencies. There is a carve out for this work in SB 36, but this could lead to an increase of litigation on this issue, leaving a district court to decide specifics. SPO notes that we have a protection in rule for many of these records that SB 36 hopes to protect.

1.7.1.12 EMPLOYMENT RECORDS:

A. Agencies shall maintain a record of each employee’s employment history in accordance with operational necessity and applicable state and federal law requirements. Employees shall have access to review their own file. Employment-related confidential records shall be available for inspection by agencies during the process of interviewing for employment when the employee has provided a signed release. No materials shall be placed in an employee’s employment history without providing the employee with a copy. Employees may submit written rebuttal to any material placed in their employment history. Agencies shall transfer the complete record of an employee’s employment history upon inter-agency transfer.

B. Employment records, except confidential records, are subject to inspection by the general public. Confidential records may be inspected with the written permission of the employee or pursuant to a lawful court order or subpoena.

C. For the purpose of inspection of public records under Subsection B of 1.7.1.12 NMAC, the following material shall be regarded as confidential and exempted from public inspection: records and documentation pertaining to physical or mental illness, injury or examinations, sick leave and medical treatment of persons; records and documentation maintained for purposes of the Americans with Disabilities Act [42 U.S.C. Section 12101 et seq.]; letters of reference concerning employment, licensing, or permits; records and documentation containing matters of opinion; interview notes; documents concerning infractions and disciplinary actions; performance appraisals; opinions as to whether a person should be re-employed; college transcripts; military discharge; information on the race, color, religion, sex, national origin, political affiliation, age, and disability of employees; home address and personal telephone number unless related to public business; social security number; laboratory reports or test results generated

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Intentional disclosure of certain protected information already exists in law, and this overlap could lead to confusion. Numerous existing state laws (NMSA Sections 7-1-8; 10-16-3(A); 10-16-6; 14-3A; 43-1-19; IPRA) and federal laws (Health Insurance Portability and Accountability Act (HIPPA), the Americans with Disability Act, and the Family Educational Rights and Privacy Act, United States Social Security Act) provide protections and enforcement to certain categories of data deemed confidential by law.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS