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SENATE BILL 75

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

INTRODUCED BY

Antoinette Sedillo Lopez

AN ACT

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

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

SECTION 1. A new section of the Governmental Conduct Act is enacted to read:

"[NEW MATERIAL] SENSITIVE PERSONAL INFORMATION-- EXCEPTIONS.--

A. A state agency employee shall not disclose sensitive personal information acquired by virtue of the employee's position with a state agency to anyone outside the state agency except when such disclosure is:

- (1) necessary to carry out a function of the state agency;

underscoring material = new
[bracketed material] = delete

1 (2) necessary to comply with an order or
2 subpoena issued by a court of this state or a United States
3 district court;

4 (3) required by the Inspection of Public
5 Records Act;

6 (4) required by federal statute;

7 (5) made to or by a court in the course of a
8 judicial proceeding or made in a court record;

9 (6) made to a state contractor that needs the
10 sensitive personal information to perform its obligations under
11 the contract and has agreed in writing to be bound by the same
12 restrictions on disclosure that are imposed on state employees
13 by this section;

14 (7) made pursuant to the Whistleblower
15 Protection Act; or

16 (8) made with the written consent of the
17 person whose information would be disclosed.

18 B. As used in this section, "sensitive personal
19 information" means an individual's:

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

22 (2) sexual orientation, gender identity,
23 physical or mental disability, medical condition, immigration
24 status, national origin or religion; and

25 (3) social security number or individual tax

underscoring material = new
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1 identification number."

2 SECTION 2. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2021.

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