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HOUSE BILL 575

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO THE INSPECTION OF PUBLIC RECORDS; ADDING AN
EXCEPTION FOR PROPRIETARY BUSINESS INFORMATION PROVIDED TO A
PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTION PURSUANT TO A
CONFIDENTIALITY AGREEMENT.

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

SECTION 1. Section 14-2-1 NMSA 1978 (being Laws 1947,
Chapter 130, Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--

A. Every person has a right to inspect public
records of this state except:

(1) records pertaining to physical or mental
examinations and medical treatment of persons confined to an
institution;

(2) letters of reference concerning

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1 employment, licensing or permits;

2 (3) letters or memoranda that are matters of
3 opinion in personnel files or students' cumulative files;

4 (4) law enforcement records that reveal
5 confidential sources, methods, information or individuals
6 accused but not charged with a crime. Law enforcement records
7 include evidence in any form received or compiled in connection
8 with a criminal investigation or prosecution by a law
9 enforcement or prosecuting agency, including inactive matters
10 or closed investigations to the extent that they contain the
11 information listed in this paragraph;

12 (5) as provided by the Confidential Materials
13 Act;

14 (6) trade secrets, attorney-client privileged
15 information and long-range or strategic business plans of
16 public hospitals discussed in a properly closed meeting;

17 (7) trade secrets or proprietary commercial or
18 business information provided by a private party or entity to a
19 public post-secondary educational institution pursuant to a
20 confidentiality agreement;

21 [~~(7)~~] (8) tactical response plans or
22 procedures prepared for or by the state or a political
23 subdivision of the state, the publication of which could reveal
24 specific vulnerabilities, risk assessments or tactical
25 emergency security procedures that could be used to facilitate

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the planning or execution of a terrorist attack; ~~and~~ or
~~(8)~~ (9) as otherwise provided by law.

B. Protected personal identifier information
contained in public records may be redacted by a public body
before inspection or copying of a record. The presence of
protected personal identifier information on a record does not
exempt the record from inspection. Unredacted records that
contain protected personal identifier information shall not be
made available on publicly accessible web sites operated by or
managed on behalf of a public body."