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HOUSE BILL 267

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Carl Trujillo and Jason C. Harper

AN ACT

RELATING TO PUBLIC RECORDS; EXEMPTING CERTAIN PROPRIETARY
INFORMATION AND RESEARCH DATA AND RECORDS HELD BY A PUBLIC
POST-SECONDARY EDUCATIONAL INSTITUTION FROM DISCLOSURE UNDER
THE INSPECTION OF PUBLIC RECORDS ACT.

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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underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

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) tactical response plans or procedures
18 prepared for or by the state or a political subdivision of the
19 state, the publication of which could reveal specific
20 vulnerabilities, risk assessments or tactical emergency
21 security procedures that could be used to facilitate the
22 planning or execution of a terrorist attack; ~~and~~

23 (8) records held by a public post-secondary
24 educational institution that could reveal:

25 (a) trade secrets or proprietary

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[bracketed material] = delete

1 commercial or business information provided by private parties
2 or entities pursuant to a confidentiality agreement; or

3 (b) data, records or information of a
4 proprietary nature produced or collected by or for faculty or
5 staff of a public post-secondary educational institution in the
6 conduct of or as a result of study or research on medical,
7 scientific, technical or scholarly issues where such data,
8 records or information has not been publicly released,
9 published, copyrighted or patented; and

10 [~~8~~] (9) as otherwise provided by law.

11 B. Protected personal identifier information
12 contained in public records may be redacted by a public body
13 before inspection or copying of a record. The presence of
14 protected personal identifier information on a record does not
15 exempt the record from inspection. Unredacted records that
16 contain protected personal identifier information shall not be
17 made available on publicly accessible [~~web sites~~] websites
18 operated by or managed on behalf of a public body."