

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 124

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

SECTION 2. [NEW MATERIAL] SENSITIVE PERSONAL  
INFORMATION--EXCEPTIONS.--

A. A state agency employee shall not intentionally  
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

.220051.1

underscoring material = new  
[bracketed material] = delete

1 state agency;

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

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

7 (4) required by federal statute;

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

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

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

17 (8) expressly permitted by the federal Health  
18 Insurance Portability and Accountability Act of 1996 and  
19 associated regulations; or

20 (9) made with the written consent of the  
21 person whose information would be disclosed.

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

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

.220051.1

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

4                   (3) social security number or individual tax  
5 identification number.

6                   **SECTION 3. [NEW MATERIAL] ENFORCEMENT--PENALTIES.--**

7                   A. A violation of the Nondisclosure of Sensitive  
8 Personal Information Act is grounds for discipline, including  
9 dismissal, demotion or suspension.

10                  B. The attorney general, a district attorney and  
11 the state ethics commission may institute a civil action in  
12 district court if a violation has occurred or to prevent a  
13 violation of the Nondisclosure of Sensitive Personal  
14 Information Act. Relief may include a permanent or temporary  
15 injunction, a restraining order or any other appropriate order,  
16 including an order for a civil penalty of two hundred fifty  
17 dollars (\$250) for each violation, but not to exceed five  
18 thousand dollars (\$5,000).

19                  C. A state employee who knowingly and willfully  
20 violates any of the provisions of the Nondisclosure of  
21 Sensitive Personal Information Act is guilty of a misdemeanor  
22 and shall be punished by a fine of not more than one thousand  
23 dollars (\$1,000) or by imprisonment for not more than one year  
24 or both.

25                   **SECTION 4. EFFECTIVE DATE.--**The effective date of the

.220051.1

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

1 provisions of this act is July 1, 2021.

underscored material = new  
[bracketed material] = delete

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25