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AN ACT

RELATING TO PUBLIC RECORDS; CHANGING DEFINITIONS; PROVIDING  
ACCESS TO CERTAIN RECORDS AFTER CERTAIN TIME PERIODS;  
AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 14-3-2 NMSA 1978 (being Laws 1959,  
Chapter 245, Section 2, as amended) is amended to read:

"14-3-2. DEFINITIONS.--As used in the Public Records  
Act:

A. "administrator" means the state records  
administrator;

B. "agency" means any state agency, department,  
bureau, board, commission, institution or other organization  
of the state government, the territorial government and the  
Spanish and Mexican governments in New Mexico;

C. "commission" means the state commission of  
public records;

D. "microphotography" means the transfer of images  
onto film and electronic imaging or other information storage  
techniques that meet the performance guidelines for legal  
acceptance of public records produced by information system  
technologies pursuant to regulations adopted by the  
commission;

E. "microphotography system" means all

1 microphotography equipment, services and supplies;

2 F. "personal identification information" means the  
3 name, social security number, military identification number,  
4 home address, telephone number, email address, fingerprint,  
5 photograph, identifying biometric data, genetic  
6 identification, personal financial account number, state  
7 identification number, including driver's license number,  
8 alien registration number, government passport number,  
9 personal taxpayer identification number, or government  
10 benefit account number of a natural person;

11 G. "public records" means all books, papers, maps,  
12 photographs or other documentary materials, regardless of  
13 physical form or characteristics, made or received by any  
14 agency in pursuance of law or in connection with the  
15 transaction of public business and preserved, or appropriate  
16 for preservation, by the agency or its legitimate successor  
17 as evidence of the organization, functions, policies,  
18 decisions, procedures, operations or other activities of the  
19 government or because of the informational and historical  
20 value of data contained therein. Library or museum material  
21 of the state library, state institutions and state museums,  
22 extra copies of documents preserved only for convenience of  
23 reference and stocks of publications and processed documents  
24 are not included;

25 H. "records center" means the central records

1 depository that is the principal state facility for the  
2 storage, disposal, allocation or use of noncurrent records of  
3 agencies or materials obtained from other sources;

4 I. "records custodian" means the statutory head of  
5 the agency using or maintaining the records or the  
6 custodian's designee; and

7 J. "records retention and disposition schedules"  
8 means rules adopted by the commission pursuant to Section  
9 14-3-6 NMSA 1978 describing records of an agency,  
10 establishing a timetable for their life cycle and providing  
11 authorization for their disposition."

12 Section 2. A new section of the Public Records Act is  
13 enacted to read:

14 "ACCESS TO CONFIDENTIAL RECORDS.--

15 A. Notwithstanding any other provision of law, any  
16 public record deemed by law to be confidential and required  
17 by a records retention and disposition schedule to be  
18 maintained longer than twenty-five years shall not, after  
19 twenty-five years from the date of creation, be confidential  
20 and shall be accessible to the public, except:

21 (1) personal identification information  
22 deemed confidential by law, which shall remain confidential  
23 for one hundred years after the date of creation, unless a  
24 shorter duration is otherwise required by law;

25 (2) records that are confidential pursuant

1 to Section 2-3-13 NMSA 1978, which shall remain confidential  
2 for seventy-five years after the date of creation;

3 (3) records that are confidential pursuant  
4 to Section 18-6-11.1 NMSA 1978; and

5 (4) records whose disclosure is prohibited  
6 by court action or federal law.

7 B. Nothing in this section shall limit or remove  
8 the discretion of a records custodian to withhold a public  
9 record pursuant to Section 14-2-1 NMSA 1978."

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