

LFC Requester:

Simon

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://agencyanalysis.nmlegis.gov) and email to billanalysis@dfa.nm.gov*****(Analysis must be uploaded as a PDF)*****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** February 8, 2025*Check all that apply:***Bill Number:** SB 36Original ☐ Correction ☐Amendment ☒ Substitute ☐

Sponsor:	Sen. Antoinette Sedillo-Lopez	Agency Name and Code Number:	General Services Department -
	and Rep. Cristina Parajón		350
Short Title:	Non-Disclosure of Sensitive Personal Information Act	Person Writing	Sarah Wintermute
		Phone: 505-637-1285	Email: sarah.wintermute

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
			N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
				N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0 - \$100,000	\$0 - \$100,000	\$0 - \$200,000	Recurring	Public Liability Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The original bill would (1) impose a civil penalty for the intentional unlawful disclosure of “sensitive personal information” by a state employee unless the disclosure falls under an enumerated exception.

The amended bill revises a previous exception (Section 3(E)) concerning disclosure of such information when made to or by the court in a judicial proceeding or made in a court record. The amended bill expands this exception to add disclosure of such information when made by or to an administrative tribunal during an administrative proceeding or made in an administrative tribunal record.

FISCAL IMPLICATIONS

The amended bill slightly reduces liability as the amended exception to the unlawful disclosure of “sensitive personal information,” Section 3(E), expands the previous disclosure exception to not only include allowing disclosure made by or to a court in the course of a judicial proceeding or made in a court record, but also in the course of an administrative tribunal proceeding or in an administrative tribunal record. The broader exception would slightly reduce liability because more state agencies and state employees would be subject to an exception of the unlawful disclosure, which would mean fewer violations. However, “administrative tribunal” should be defined to avoid any ambiguity.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Include a definition of “administrative tribunal.”

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL
AMENDMENTS**