

New Mexico

N. M. Stat. Ann. § 57-12C-1—57-12C-12 *et seq.*

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Quick Facts

Is “Personal Information” broader than the general definition? ¹	✓ Yes
Does the law apply to paper records?	✗ No
Is notification triggered by access only?	✗ No
Is a risk-of-harm analysis permitted?	✓ Yes
Is notice to a state agency or AG required?	✓ Yes, within 45 days of discovery of the breach, if 1,000 or more residents are notified
Is there a specific deadline for individual notices?	✓ Yes, within 45 days of discovery of the breach
Is there a specific format or language that must be included in the individual notice?	✓ Yes
Is a private right of action permitted?	✗ No

“Breach” Definition

The unauthorized acquisition of and unauthorized access that materially compromises the security or confidentiality of unencrypted and unredacted computerized personal information.

“Personal Information” Definition

1. First name or first initial and last name in combination with at least one of the following:
 - a. Social Security number
 - b. Driver’s license number or government-issued identification number
 - c. Financial account number, including a credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual’s financial account, or

¹ The general definition of “Personal Information” is an individual’s name in combination with any one or more of the following: (1) Social Security number; (2) driver’s license number or state identification card number; or (3) a financial account number or credit or debit card number in combination with any required security code, access code, or password that is necessary to permit access to an individual’s financial account.

- d. Biometric data.

Notification Trigger

45 days following discovery or notification of the breach:

1. Entity that owns or licenses personal information shall notify residents within 45 days following discovery or notification of the breach.
2. Entity that only maintains or stores personal information shall notify the owner or licensee "immediately following discovery" of the breach if they discover that personal information may have been acquired by an unauthorized person.

Risk-of-Harm Analysis Standard

Notification not required if entity determines that the breach does not pose a significant risk of identity theft or fraud.

Special Form/Content of Consumer Notice/Timing

The notice shall state:

1. Entity's name and contact information
2. A general description of the security breach
3. The date, estimated date, or range of dates the breach occurred (if known)
4. A list of the types of personal information reasonably believed to have been subject to the breach
5. The toll-free numbers and addresses of the major consumer reporting agencies
6. Advice to review personal account statements and credit reports for errors, and
7. Advice regarding consumer rights under the Fair Credit Reporting Act

AG Notice Trigger/Deadline

If the unencrypted personal information of more than 1,000 individuals is breached, then the data controller must disclose the breach to the attorney general.

Notification to Consumer Reporting Agencies Threshold

The three largest nationwide consumer reporting agencies if more than 1,000 residents must be notified.