

NMSA 1978, Sec 14-3-15.1 (1995)

Records of state agencies; public records; copy fees; computer databases; criminal penalty.

- A. Except as otherwise provided by federal or state law, information contained in information systems databases shall be a public record and shall be subject to disclosure in printed or typed format by the state agency that has inserted that information into the database, in accordance with the Public Records Act [this article], upon the payment of a reasonable fee for the service.
- B. The administrator shall recommend to the commission the procedures, schedules and technical standards for the retention of computer databases.
- C. The state agency that has inserted data in a database may authorize a copy to be made of a computer tape or other medium containing a computerized database of a public record for any person if the person agrees:
 - (1) not to make unauthorized copies of the database;
 - (2) not to use the database for any political or commercial purpose unless the purpose and use is approved in writing by the state agency that created the database;
 - (3) not to use the database for solicitation or advertisement when the database contains the name, address or telephone number of any person unless such use is otherwise specifically authorized by law;
 - (4) not to allow access to the database by any other person unless the use is approved in writing by the state agency that created the database; and
 - (5) to pay a royalty or other consideration to the state as may be agreed upon by the state agency that created the database.
- D. If more than one state agency is responsible for the information inserted in the database, the agencies shall enter into an agreement designating a lead agency. If the agencies cannot agree as to the designation of a lead state agency, the commission shall designate one of the state agencies as the lead agency to carry out the responsibilities set forth in this section.
- E. Subject to any confidentiality provisions of law, any state agency may permit another state agency access to all or any portion of a computerized database created by a state agency.
- F. If information contained in a database is searched, manipulated or retrieved or a copy of the database is made for any private or nonpublic use, a fee shall be charged by the state agency permitting access or use of the database.
- G. Except as authorized by law or rule of the commission, any person who reveals to any unauthorized person information contained in a computer database or who uses or permits the unauthorized use or access of any computer database is guilty of a misdemeanor, and upon conviction the court shall sentence that person to jail for a definite term not to exceed one year or to payment of a fine not to exceed five thousand dollars (\$5,000) or both. That person shall not be employed by the state for a period of five years after the date of conviction.