

## N.M. Stat. Ann. § 57-12C-11

Current through all chaptered acts of the 2024 Regular Session.

*Michie's™ Annotated Statutes of New Mexico > Chapter 57 Trade Practices and Regulations (Arts. 1 — 32) > Article 12C Data Breach Notification (§§ 57-12C-1 — 57-12C-12)*

### **57-12C-11. Attorney general enforcement; civil penalty.**

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- A.** When the attorney general has a reasonable belief that a violation of the Data Breach Notification Act [Chapter 57, Article 12C NMSA 1978] has occurred, the attorney general may bring an action on the behalf of individuals and in the name of the state alleging a violation of that act.
- B.** In any action filed by the attorney general pursuant to the Data Breach Notification Act, the court may:
- (1)** issue an injunction; and
  - (2)** award damages for actual costs or losses, including consequential financial losses.
- C.** If the court determines that a person violated the Data Breach Notification Act knowingly or recklessly, the court may impose a civil penalty of the greater of twenty-five thousand dollars (\$25,000) or, in the case of failed notification, ten dollars (\$10.00) per instance of failed notification up to a maximum of one hundred fifty thousand dollars (\$150,000).

### **History**

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2017, ch. 36, § 11, effective June 16, 2017.

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