

N.M. Stat. Ann. § 57-12C-2

Current through all chaptered acts of the 2024 Regular Session.

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57-12C-2. Definitions.

As used in the Data Breach Notification Act [Chapter 57, Article 12C NMSA 1978]:

- A.** “biometric data” means a record generated by automatic measurements of an identified individual’s fingerprints, voice print, iris or retina patterns, facial characteristics or hand geometry that is used to uniquely and durably authenticate an individual’s identity when the individual accesses a physical location, device, system or account;
- B.** “encrypted” means rendered unusable, unreadable or indecipherable to an unauthorized person through a security technology or methodology generally accepted in the field of information security;
- C.** “personal identifying information”:
 - (1)** means an individual’s first name or first initial and last name in combination with one or more of the following data elements that relate to the individual, when the data elements are not protected through encryption or redaction or otherwise rendered unreadable or unusable:
 - (a)** social security number;
 - (b)** driver’s license number;
 - (c)** government-issued identification number;
 - (d)** account number, credit card number or debit card number in combination with any required security code, access code or password that would permit access to a person’s financial account; or
 - (e)** biometric data; and
 - (2)** does not mean information that is lawfully obtained from publicly available sources or from federal, state or local government records lawfully made available to the general public;
- D.** “security breach” means the unauthorized acquisition of unencrypted computerized data, or of encrypted computerized data and the confidential process or key used to decrypt the encrypted computerized data, that compromises the security, confidentiality or integrity of personal identifying information maintained by a person. “Security breach” does not include the good-faith acquisition of personal identifying information by an employee or agent of a

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person for a legitimate business purpose of the person; provided that the personal identifying information is not subject to further unauthorized disclosure; and

E. “service provider” means any person that receives, stores, maintains, licenses, processes or otherwise is permitted access to personal identifying information through its provision of services directly to a person that is subject to regulation.

History

2017, ch. 36, § 2, effective June 16, 2017.

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