

LFC Requester:	Rachel Gudgel
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date January 27, 2015
Bill No: HB 163--305

Sponsor: Rep. Dennis J. Roch
Short School Use of Social
Title: Security Numbers

Agency Code: Attorney General's Office
Person Writing Rick Word, AAG
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

House Bill 163 seeks to amend certain provisions of the Public School Code, namely Sections 22-1-11 (Educational Data System), the Assessment and Accountability Act, and the School Personnel Act. HB 163 would amend Section 22-1-11 as follows: (1) add a new definition under Section 22-1-11(A) that defines “personally identifiable information” to mean a person’s social security number; (2) add language that would prohibit the use of personally identifiable information under Section 22-1-11(C) and (G); and (3) add language specifying that personally identifiable information be excluded from aggregate or individual data collected or shared under the Educational Data System. HB 163 would also add a new section to the Assessment and Accountability Act, NMSA 1978, Sections 22-2C-1 -12, that prohibits the use of social security number for any purpose under that act. Finally, HB 163 would add a new section to the School Personnel Act, NMSA 1978, Sections 22-10A-1 -39, that restricts the use of social security numbers to background checks, processing licensure requests, executing payroll and benefit requirements, complying with court-issued subpoenas, and responding to written requests of the owner of the social security number.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

HB 163 defines “personally identifiable information” narrowly as a person’s social security number. In contrast, the Inspection of Public Records Act defines “protected personal identifier information” more broadly to encompass social security numbers, and also the last four digits of taxpayer identification numbers, financial account numbers, and driver’s license numbers, as well as all but the year of a person’s date of birth. See NMSA 1978, Section 14-2-6(E). Students or could be identified by their date of birth or driver’s license number, information conceivably collected under the Educational Data System.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A