AN ACT

RELATING TO PUBLIC RECORDS; ENACTING THE SPACEPORT CONFIDENTIAL RECORDS ACT; EXEMPTING CERTAIN SENSITIVE SPACEPORT AUTHORITY-MAINTAINED RECORDS FROM THE INSPECTION OF PUBLIC RECORDS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through 4 of this act may be cited as the "Spaceport Confidential Records Act".

SECTION 2. [NEW MATERIAL] PURPOSE.--The purpose of the Spaceport Confidential Records Act is to:

A. protect sensitive and proprietary private entity customer information maintained by the spaceport authority in the development of the space business in New Mexico;

B. encourage and foster an environment in which private entities will invest, establish their businesses and

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1   create jobs at a spaceport; and

2   C.   protect information pertaining to spaceport

3   authority security and cyberinfrastructure that could be used

4   to facilitate the planning or execution of a terrorist attack.

5   SECTION 3.   [NEW MATERIAL] DEFINITIONS.--As used in the

6   Spaceport Confidential Records Act:

7   A.   "authority" means the spaceport authority

8   created pursuant to the Spaceport Development Act;

9   B.   "customer" means a person, including an

10   individual, organization or business, that provides revenue to

11   the authority;

12   C.   "customer information" means all records

13   relating to a customer or potential customer, including a

14   customer's or potential customer's:

15   (1)   identity;

16   (2)   correspondence;

17   (3)   schedules;

18   (4)   agreements;

19   (5)   payments;

20   (6)   activities;

21   (7)   technology;

22   (8)   visitor logs;

23   (9)   policies;

24   (10)   security protocols; and

25   (11)   sensitive or proprietary data;

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1   D.   "cyberinfrastructure information" means all

2   records relating to the authority's computing systems, data

3   storage systems, advanced instruments, data repositories and

4   visualization environments, including the authority's network

5   diagrams, cyber-vulnerability assessments and spaceport

6   facility technology;

7   E.   "potential customer" means a person, including

8   an individual, organization or business, that proposes to

9   provide revenue to the authority;

10   F.   "record" means all documents, papers, letters,

11   books, maps, tapes, photographs, recordings and other

12   materials, regardless of physical form or characteristics, that

13   are used, created, received, maintained or held by or on behalf

14   of the authority;

15   G.   "security information" means all records

16   relating to the physical security of the authority or a

17   spaceport, including security logs, visitor logs, security

18   manuals, security reports, security personnel data, security

19   video footage and diagrams of security systems; and

20   H.   "spaceport" means a facility in New Mexico,

21   under the direction of the authority, at which space vehicles

22   may be launched or landed, including all facilities and support

23   infrastructure related to launch, landing or payload

24   processing.

25   SECTION 4.   [NEW MATERIAL] CONFIDENTIAL SPACEPORT RECORDS

.205388.2SA

1 EXEMPT FROM INSPECTION.--

2 A. Cyberinfrastructure information and security

3 information shall be maintained as confidential and are exempt

4 from inspection pursuant to the provisions of the Inspection of

5 Public Records Act.

6 B. Customer information shall be maintained as

7 confidential and is exempt from inspection pursuant to the

8 provisions of the Inspection of Public Records Act unless the

9 customer informs the authority that all or part of the records

10 relating to the customer are not considered by the customer to

11 contain sensitive, proprietary or confidential information.

12 **SECTION 5.** Section 14-2-1 NMSA 1978 (being Laws 1947,

13 Chapter 130, Section 1, as amended) is amended to read:

14 "14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--

15 A. Every person has a right to inspect public

16 records of this state except:

17 (1) records pertaining to physical or mental

18 examinations and medical treatment of persons confined to an

19 institution;

20 (2) letters of reference concerning

21 employment, licensing or permits;

22 (3) letters or memoranda that are matters of

23 opinion in personnel files or students' cumulative files;

24 (4) law enforcement records that reveal

25 confidential sources, methods, information or individuals

.205388.2SA

1   accused but not charged with a crime. Law enforcement records

2   include evidence in any form received or compiled in connection

3   with a criminal investigation or prosecution by a law

4   enforcement or prosecuting agency, including inactive matters

5   or closed investigations to the extent that they contain the

6   information listed in this paragraph;

7   (5)   as provided by the Confidential Materials

8   Act;

9   (6)   trade secrets, attorney-client privileged

10   information and long-range or strategic business plans of

11   public hospitals discussed in a properly closed meeting;

12   (7)   tactical response plans or procedures

13   prepared for or by the state or a political subdivision of the

14   state, the publication of which could reveal specific

15   vulnerabilities, risk assessments or tactical emergency

16   security procedures that could be used to facilitate the

17   planning or execution of a terrorist attack; [and]

18   (8)   as provided by the Spaceport Confidential

19   Records Act; and

20   [(8)] (9)   as otherwise provided by law.

21   B.   Protected personal identifier information

22   contained in public records may be redacted by a public body

23   before inspection or copying of a record. The presence of

24   protected personal identifier information on a record does not

25   exempt the record from inspection. Unredacted records that

.205388.2SA

contain protected personal identifier information shall not be

made available on publicly accessible [web sites] websites

operated by or managed on behalf of a public body."

- 6 -

.205388.2SA