

TITLE 1: GOVERNMENT
DIVISION 9: MISCELLANEOUS PROVISIONS

§ 9903. Right of Privacy.

A person's "right to privacy," "right of privacy," or "personal privacy," as these terms are used in this chapter, and as guaranteed by N.M.I. Const. art. I, § 10, is invaded or violated when an intrusion into an individual's right of privacy is beyond what is necessary to accomplish a compelling governmental interest in protecting the health, safety or welfare of the community. For the purposes of this chapter, protecting the health, safety or welfare of the community includes, but is not limited to, enforcing laws, protecting the health of the people, and permitting the dissemination of public information.

Source: PL 9-2, § 3, modified (repealing PL 8-41, § 4).

Commission Comment: PL 9-2 took effect May 23, 1994. PL 9-2, § 1 provides, in part, "the purpose of this Act is to clarify and simplify certain provisions of the Open Government Act in order to strike the proper balance between the right of privacy as guaranteed as a fundamental right by [N.M.I. Const. art. I, § 10] and the compelling state interest of guaranteeing the delivery to the public of open and honest government."