



## STATE ETHICS COMMISSION

For Immediate Release:  
09/15/2025

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### PRESS RELEASE

## State Ethics Commission Seeks Court Ruling to Enforce New Mexico Privacy Law

*Albuquerque, NM, September 15, 2025* – The New Mexico State Ethics Commission filed a complaint in the First Judicial District Court seeking a declaratory judgment that confirms the Commission’s authority to enforce the Nondisclosure of Sensitive Personal Information Act (“NSPIA”), a statute enacted by the Legislature in 2025 to safeguard personal data held by New Mexico state agencies.

NSPIA prohibits state employees from intentionally disclosing sensitive personal information acquired through state employment, subject to limited statutory exceptions. The law authorizes the Commission to bring civil enforcement actions if a violation has occurred or to prevent violations.

The Commission’s complaint is based on allegations that employees of the New Mexico Corrections Department’s Probation and Parole Division sent information regarding the immigration status and national origin of New Mexico probationers to federal immigration authorities, in violation of NSPIA, and facilitated the arrest of those probationers by federal ICE agents, resulting in the probationers’ detention and removal from the United States.

However, two federal statutes—8 U.S.C. §§ 1373 and 1644—have been read to prohibit civil actions to prevent the unlawful disclosure of immigration status and national origin to federal immigration authorities. Yet, several federal courts have concluded that 8 U.S.C. §§ 1373 and 1644 do not override state nondisclosure laws

like NSPIA, and also are themselves unconstitutional under the Tenth Amendment. In light of this nationwide controversy, before the Commission institutes an enforcement action against the NMCD Secretary for injunctive relief to prevent violations of NSPIA, the Commission seeks a judicial determination that §§ 1373 and 1644 do not lawfully prohibit the Commission from filing that enforcement action.

“The complaint asks the Court to confirm that the Commission may lawfully enforce NSPIA, considering §§ 1373 and 1644,” said Jeremy Farris, Executive Director of the State Ethics Commission. “Seeking a declaratory order at this stage ensures that any future actions by the Commission to enforce NSPIA are fully compliant with both state and federal law.”

On September 9, 2025, the Commission unanimously authorized the filing of the complaint. A copy of the complaint the Commission filed on September 12, 2025 is available here: [State Ethics Commission’s Complaint for Declaratory Judgement](#).

### **About the State Ethics Commission**

The State Ethics Commission is an independent, constitutional state agency with the authority to enforce civil violations of New Mexico’s governmental ethics and disclosure statutes, including the Nondisclosure of Sensitive Personal Information Act. The Commission is comprised of three Democratic Commissioners, three Republican Commissioners, and one independent Commissioner who is registered as “decline to state.”

For more information about the State Ethics Commission, please visit [sec.nm.gov](https://sec.nm.gov).