

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

**IN THE MATTER OF THE REPEAL AND)
REPLACE OF 13.1.3 NMAC, PRIVACY OF)
NONPUBLIC PERSONAL INFORMATION)
_____)**

Docket No. 2025-0118

**NOTICE OF EXTENSION OF COMMENT PERIOD
AND CHANGE IN HEARING DATE**

NOTICE IS HEREBY GIVEN that the Office of Superintendent of Insurance (OSI or Superintendent) scheduled a public comment period and a public hearing in person, via video conference, and via telephone conference regarding a repeal and replace of 13.1.3 NMAC, Privacy of Nonpublic Personal Information. **The hearing in this rulemaking is being rescheduled to commence on Tuesday, December 9, 2025, at 10:00 a.m., MDT.** The prior hearing date was Tuesday, October 28, 2025. The comment period is being expanded to cure a failure to post the Notice of Proposed Rulemaking and copy of the proposed rule on the Sunshine Portal on September 23, 2025 pursuant to 14-4-2(E) and 14-4-5.2(A) NMSA 1978.

Statutory authority for the adoption of this rule is provided in Sections 14-4-1 *et seq.*, NMSA 1978, State Rules Act and Sections 59A-2-8, 59A-2-9, and 59A-2-9.3 NMSA 1978.

PURPOSE OF THE PROPOSED RULE HAS NOT CHANGED: Section 59A-2-9.3 NMSA 1978 authorizes the Superintendent to “promulgate rules to reasonably protect the privacy of insurance consumers’ nonpublic personal information, including personal health and financial information.” The purpose of this rulemaking is to: **1)** update the issuing agency promulgating the rule; **2)** update the scope and text of the rule to consider and reflect current technology used for communication and data gathering and storage by covered entities, insurers, affiliates, and associated third-parties; **3)** amend and update the definitions section of the rule; and **4)** add a new

section related to requirement for covered entity insurers and reporting to the Superintendent when a cyber security event or incident occurs.

HEARING: OSI will hold a public hearing on the proposed repeals and the new rule on **Tuesday, December 9, 2025, at 10:00 a.m. MDT**. The Superintendent designates David Black, as the hearing officer for this hearing. You may also request copies of the Notice of Proposed Rulemaking and proposed rule by emailing Gloria Regensberg at: gloria.regensberg@osi.nm.gov or by phone at: 505-500-9079, email communication is preferred. To view all filings in OSI's rulemaking information, please visit the **OSI website** at: <https://www.osi.state.nm.us/en/legal-information/rulemaking/>, the OSI rulemaking record is filed on the eDocket (**please follow the instructions on the web page for using the eDocket, there is no charge for using the eDocket, to find this rulemaking use the following eDocket Number: 2025-0118**), or on the Sunshine Portal at: https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic (from the "Agency" drop down menu, select "Office of Superintendent of Insurance")

TO ATTEND THE HEARING IN PERSON: Office of Superintendent of Insurance - 1120 Paseo de Peralta, (PERA Building), 4th Floor Hearing Room, Santa Fe, NM 87501.

PLEASE NOTE: The entrance to the PERA Building is on the ground floor. All guests must sign in with the ground floor receptionist and then guests will be escorted to the 4th Floor Hearing Room. Please give yourself extra time to check in before 10:00 a.m.

TO ATTEND THE HEARING BY ELECTRONIC VIDEO CONFERENCE VIA MS

TEAMS MEETING:

Please copy the link below into your browser to get to the video conference meeting:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTE0NGQ5MmItYWVlZS00MmRILWE2MWYtYzY4YjgyMTA1MWY0%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22b76166d2-adf5-4b1b-b66b-732b2019af27%22%7d

Meeting ID: 215 401 552 168 3 - Passcode: uj6hu9m2

TO ATTEND VIA TELEPHONE: +1 505-312-4308,,537863522#
Phone conference ID: 537 863 522#

SPECIAL NEEDS: Any person with a disability requiring special assistance to participate in the hearing should contact Andrea Padilla, at 505-531-7171 no later than ten (10) business days prior to the hearing.

PUBLIC COMMENT: Oral comments will be accepted at the public hearing from members of the public and other interested parties in-person or via electronic video conference. Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the OSI eDocket: <https://edocket.osi.state.nm.us/home>, you must login or register to get access if you are not already registered.

Written comments will be accepted through 4:00 p.m. on Thursday, December 4, 2025.

Responses to written comments or to oral comments delivered at the hearing will be accepted through 4:00 p.m. on Wednesday, December 10, 2025. All written comments shall be filed electronically through the OSI eDocket. Please copy the following link into your browser to get to the eDocket: <https://edocket.osi.state.nm.us/home>, you must login or register to get access.

To find this rulemaking use the following Docket Number: 2025-0118

Written comments may be sent via U. S. mail to:

OSI Records and Docketing

NM Office of Superintendent of Insurance

P.O. Box 1689, Santa Fe, NM 87504-1689

Written comments must be received by OSI and stamped as accepted between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. The Superintendent will consider all oral comments and will review and consider all timely submitted written comments

and written responses. For help submitting a filing, please send an email to: osi-docketfiling@state.nm.us. **The docket number and title below must be indicated on all written comments submitted to the OSI:**

Docket Number: 2025-0118

IN THE MATTER OF REPEAL AND REPLACE OF 13.1.3 NMAC, PRIVACY OF NONPUBLIC PERSONAL INFORMATION

Only signed statements, proposals, or comments will be accepted. Scanned or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, OSI reserves the right to require that original signatures be provided to verify the electronic signature.

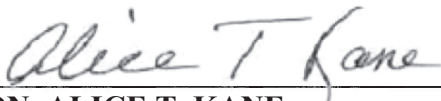
The Superintendent will consider all oral comments submitted at the hearing and all timely submitted written comments, including response and reply comments.

Copies of this NOPR shall be sent to the email address for all people on the attached Certificate of Service via electronic mail.

OSI's Office of General Counsel shall send the NOPR to the email address for all people subscribed to the OSI Newsletter. The NOPR shall be the only filing provided via the OSI Newsletter. Copies of all other filings shall be posted and available for public view on the OSI eDocket and on the Sunshine Portal.

This Notice of Extension of Comment Period and Change in Hearing Date will be published in the New Mexico Register on November 4, 2025.

ISSUED this 22nd day of October, 2025.



HON. ALICE T. KANE
SUPERINTENDENT OF INSURANCE

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 22nd day of October, 2025, I filed the foregoing *Notice of Proposed Rulemaking* through the OSI's e-filing system, <https://edocket.osi.state.nm.us/home>, which caused the individuals indicated below to be served by electronic means.

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