

NOTICE OF PROPOSED RULEMAKING

The OSI eDocket Number for this rulemaking is: 2025-0118.

NOTICE IS HEREBY GIVEN that the Office of Superintendent of Insurance (OSI or Superintendent) will hold 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 will commence on Tuesday, October 28, 2025, at 10:00 a.m., MDT.**

PURPOSE OF THE PROPOSED RULE: 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.

STATUTORY AUTHORITY: 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.

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, then each guest 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#

PUBLIC COMMENT: The Superintendent designates David Black, as the hearing officer for this hearing. 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. 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”)

Written comments will be accepted through 4:00 p.m. on Thursday, October 23, 2025. Responses to written comments or to oral comments delivered at the hearing will be accepted through 4:00 p.m. on Wednesday, October 29, 2025. All 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

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.