



**Manny Barreras**  
Secretary of Information Technology & State CIO



**Raja Sambandam**  
State Chief Information Security Officer

## State of New Mexico: Generative AI Use Guidelines Policy

Version 1.0 (6/2025)

### PURPOSE:

The rapid advancement of generative artificial intelligence (Gen-AI) capabilities has the potential to transform government operations, improve how state employees perform their work, and ultimately increase government efficiency. But Gen-AI solutions also pose new and significant risks that, if not managed effectively, can negatively impact delivery of public services and operations by the State. Gen-AI risks prompted the National Institute of Standards and Technology's (NIST) to promulgate an AI Risk Management Framework (RMF), which encourages prudent adoption of Gen-AI development and deployment guidelines.

This policy leverages the NIST RMF to establish guidelines for agency deployment of Gen-AI that will promote purposeful and responsible use of Gen-AI by executive agencies. Adherence to these guidelines will foster public trust, support effective business outcomes, and ensure the ethical, transparent, accountable, and responsible implementation of Gen-AI within the New Mexico state government.

This guidance requires self-regulation. Recognizing the rapidly evolving nature of Gen-AI, and the expanding governance responsibilities of the Department of Information Technology (DoIT) and the Office of Cybersecurity (OCS), these guidelines will be periodically updated to align with best practices and emerging oversight capabilities, to include reporting and compliance functions.

### DEFINITIONS:

"Gen-AI" means a technology that can be prompted to generate user facing output, such as text, images, audio, or video, code, plans, devices or components, based on automated synthesis of data. Gen-AI includes Gen-AI Agents that are prompted to perform specific tasks, including data analysis or problem solving.

"Gen-AI Implementation Activities" includes the planning, design, development, deployment, or operation of Gen-AI to facilitate an executive agency operation or function.

"Non-public data" means any record or information that is legally protected from public disclosure, including records that are not subject to disclosure pursuant to an Inspection of Public Records Act request.



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“Agency” is as defined in Section [9-27-3\(A\) NMSA 1978](#).

### PRINCIPLES:

The intention of the State of New Mexico is to follow the principles in the NIST RMF, which serves as the basis for the guidelines in this document. A foundational part of this Framework is to ensure the reliability of Gen-AI outputs. The guiding principles are:

- **Safe, secure, and resilient:** Gen-AI shall be used with safety and security in mind, minimizing potential harm and ensuring that systems are reliable, resilient, and controllable by humans. Gen-AI systems used by state agencies shall not endanger human life, health, property, operations, service or the environment.
- **Valid and reliable:** Agencies must ensure that Gen-AI use produces accurate and valid outputs and demonstrates the reliability of system performance.
- **Fairness, inclusion, and non-discrimination:** Gen-AI applications must avoid discriminatory or biased outputs.
- **Privacy and data protection:** Gen-AI must respect privacy, ensure data protection, and comply with relevant privacy regulations and standards. Privacy values such as anonymity, confidentiality, and control should guide choices for Gen-AI system design, development, and deployment. Gen-AI should safeguard human autonomy and identity.
- **Accountability and responsibility:** As public stewards, agencies are responsible for adherence to these policies and accountable for the performance, impact, and consequences of Gen-AI use in agency work.
- **Transparency and auditability:** Gen-AI deployment shall be as transparent as possible considering privacy expectations and disclosure risks, including the risk of creating system and process vulnerabilities. Transparency builds trust and fosters collective learning. Transparency reflects the extent to which information about a Gen-AI system and its outputs are available to the individuals interacting with the system. Transparency answers “what happened” in the system.
- **Explainable and interpretable:** Agencies must ensure that Gen-AI processes can be explained, meaning “how” the decision was made by the system. Interpretability of a system means an agency can answer the “why” for a decision made by the system, and its meaning or context to the user.
- **Public purpose and social benefit:** The use of Gen-AI should support the state’s work in delivering better and more equitable constituent services.

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In partnership with DoIT and OCS, the Chief Information Officer of a State Agency conducting Gen-AI Implementation Activities shall ensure that the Gen-AI solution is assessed in accordance with the NIST AI Risk Management Framework and state guidelines, before deployment and periodically after deployment.

### **GUIDELINES:**

#### *Fact-checking, Bias Reduction, and Review*

Gen-AI systems may be trained on data that can change over time, sometimes significantly and unexpectedly, affecting the Gen-AI system's functionality and trustworthiness in ways that are hard to perceive. Gen-AI systems and the contexts in which they are deployed are frequently complex, making it difficult to detect and respond to failures when they occur. Gen-AI systems can be influenced by societal dynamics and human behavior. Gen-AI risks, and benefits, can emerge from the interplay of technical aspects combined with societal factors related to how a system is used, its interactions with other Gen-AI systems, who operates it, and the social context in which it is deployed.

All Gen-AI outputs must be reviewed and fact-checked by accountable agency personnel. State personnel generating content with Gen-AI shall verify that the content does not contain inaccurate, private, or outdated information and potentially harmful or offensive material.

When relying on Gen-AI-generated output, an agency must be mindful of the potential biases and inaccuracies that may be present. Gen-AI solutions should be tested regularly to ensure non-discriminatory effects.

#### *Disclosure and Attribution*

An agency must clearly label Gen-AI generated content that is public facing. Details of its review and editing process (how the material was reviewed, edited, and by whom) must be provided. This allows for transparent authorship and responsible content evaluation.

- Sample disclosure line: This memo was summarized by Gen-AI using the following prompt: "Summarize the following memo: (memo content)". The summary was reviewed and edited by [insert name(s)].



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- Sample disclosure line: (In the file header comments section) This code was written with the assistance of Gen-AI. The initial code was created using the following prompt: “Write HTML code for an Index.HTML page that says, ‘Hello World’”. The code was then modified, reviewed, and tested by the web development team at DoIT.

Additionally, agency personnel should conduct due diligence to ensure that no copyrighted material is published without appropriate attribution to the copyright owner or the procurement of necessary rights. This includes content generated by Gen-AI which could inadvertently infringe upon existing copyrights.

### *Sensitive or Confidential Data*

Agency personnel shall not integrate, enter, or otherwise incorporate any non-public data or information, such as trade secrets or personal identifying information, into publicly available Gen-AI systems for which DoIT or the agency does not have a current license agreement. The use of such data could lead to unauthorized disclosures, legal liabilities, and other harmful consequences.

State law restricts the sharing of confidential information with unauthorized third parties. Gen-AI shall not be used to share legally protected information beyond authorized disclosures.

### *Record Retention*

A Gen-AI solution may record prompts, generate databases, or produce output that constitutes a public record subject to retention schedules established by the State Commission of Public Records. Contact your agency’s legal counsel and records custodian for more guidance on record retention requirements.

## **IT GOVERNANCE AND COMPLIANCE:**

Effective IT governance and compliance are crucial for the successful deployment and management of Gen-AI systems within the New Mexico state government. This involves establishing clear policies, procedures, and controls to ensure that Gen-AI development and use aligns with state objectives, regulatory requirements, and industry best practices.

- **Governance Framework:** Before developing or deploying Gen-AI, an agency shall implement a comprehensive governance framework to oversee Gen-AI initiatives. This includes defining

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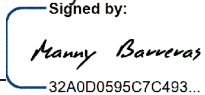
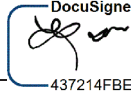
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roles and responsibilities, setting strategic goals, and establishing governance committees to monitor progress and address issues.

- **Policy Development:** An agency shall develop and enforce policies that guide the ethical use, data management, and operational practices of Gen-AI systems; and ensure policies comply with these guidelines and applicable laws and regulations, including privacy, security, and anti-discrimination statutes.
- **Risk Management:** An agency shall establish robust risk management practices to identify, assess, and mitigate potential risks associated with Gen-AI implementations. This involves continuous monitoring, regular audits, and timely updates to risk mitigation plans.
- **Compliance Monitoring:** An agency shall regularly review Gen-AI systems and processes for compliance with established policies, standards, and legal requirements; and conduct internal and external audits to ensure adherence to compliance obligations and readiness for potential regulatory inspections.
- **Training and Awareness:** An agency shall provide ongoing training and awareness programs for state personnel involved in Gen-AI projects. This ensures that all stakeholders understand their roles, responsibilities, and the importance of adhering to governance and compliance standards.
- **Security Review:** An agency shall not procure or deploy Gen-AI or use publicly available Gen-AI to process non-public data, unless the solution has successfully completed a security review, the agency has implemented and applied sensitivity labeling and data classification to their data, and the agency has received prior written authorization from OCS and DoIT.

Version Date	Version Approved By		Version Comments
	DoIT Name, Title, & Signature	OCS Name, Title, & Signature	
1.0 - June 2025	Manny Barreras Cabinet Secretary <div>Signed by:  32A0D0595C7C493...</div>	Raja Sambandam State Chief Information Security Officer <div>DocuSigned by:  437214FBE82C453...</div>	