

4580

2011-2012 Regular Sessions

I N S E N A T E

April 12, 2011

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to confidentiality in papers filed in civil proceedings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The civil practice law and rules is amended by adding a new
2 rule 2103-b to read as follows:

3 RULE 2103-B. CONFIDENTIALITY IN CIVIL PROCEEDINGS. 1. EXCEPT IN A
4 MATRIMONIAL ACTION OR AS OTHERWISE PROVIDED BY LAW OR COURT ORDER AND
5 WHETHER OR NOT A SEALING ORDER IS OR HAS BEEN SOUGHT, IN A CIVIL
6 PROCEEDING THE PARTIES SHALL REDACT OR KEEP CONFIDENTIAL PERSONAL IDENTIFYING
7 INFORMATION CONTAINED IN PAPERS SUBMITTED TO THE COURT FOR
8 FILING.

9 2. FOR THE PURPOSE OF THIS RULE, "PERSONAL IDENTIFYING INFORMATION"
10 MEANS ANY INFORMATION THAT MAY BE USED TO VIOLATE THE PRIVACY OR TO
11 UNLAWFULLY REVEAL OR ASSUME THE IDENTITY OF AN INDIVIDUAL, OR USED IN A
12 MANNER THAT IS OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW, INCLUDING
13 BUT NOT LIMITED TO A SOCIAL SECURITY NUMBER, TELEPHONE NUMBER, DATE OF
14 BIRTH, DRIVER'S LICENSE NUMBER, NON-DRIVER PHOTO IDENTIFICATION CARD
15 NUMBER, EMPLOYEE IDENTIFICATION NUMBER, MOTHER'S MAIDEN NAME, INSURANCE
16 OR FINANCIAL ACCOUNT NUMBER, DEMAND DEPOSIT ACCOUNT NUMBER, SAVINGS
17 ACCOUNT NUMBER, CREDIT CARD NUMBER OR COMPUTER PASSWORD INFORMATION,
18 ELECTRONIC SIGNATURE DATA OR UNIQUE BIOMETRIC DATA SUCH AS A FINGER-
19 PRINT, VOICE PRINT, RETINAL IMAGE OR IRIS IMAGE, OR MEDICAL PROCEDURE,
20 DIAGNOSIS OR BILLING CODES.

21 3. THE COURT, IN RESPONSE TO A MOTION OR ON ITS OWN MOTION, MAY ORDER
22 A PARTY WHO FILED OR IS SUBMITTING A PAPER TO THE COURT FOR FILING TO
23 REMOVE PERSONAL IDENTIFYING INFORMATION FROM A PAPER AND RESUBMIT A
24 PAPER WITH SUCH INFORMATION REDACTED OR, IN ACCORDANCE WITH RULES

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 PROMULGATED BY THE CHIEF ADMINISTRATOR OF THE COURTS, ORDER THE CLERK TO
2 SEAL THE PAPER, OR A PORTION THEREOF, CONTAINING PERSONAL IDENTIFYING
3 INFORMATION.
4 S 2. This act shall take effect immediately and it shall apply to
5 actions pending on such effective date or commenced on or after such
6 effective date.