

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

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Introduced by M. of A. DINOWITZ, ROSENTHAL, KAVANAGH, JAFFEE, ENGLE-
BRIGHT -- Multi-Sponsored by -- M. of A. FARRELL -- read once and
referred to the Committee on Consumer Affairs and Protection

AN ACT to establish the New York state automatic identification technol-
ogy privacy task force

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

1 Section 1. Legislative intent. The legislature finds that new technol-
2 ogies can have a profound impact on people and social systems. The use
3 of new technologies can be very beneficial, but care must be taken to
4 ensure that such technologies are used responsibly. Automated systems
5 used to identify, track, record, store and transfer data, commonly
6 referred to as automatic identification technology, are increasingly
7 being used by public and private entities, including retailers, manufac-
8 turers, and hospitals. The legislature recognizes that as the price of
9 automatic identification technology decreases, the employment of this
10 technology is expected to increase rapidly. The legislature further
11 recognizes that automatic identification technologies may have privacy
12 implications affecting consumers and the general public. The legislature
13 further recognizes that such technology has numerous applications bene-
14 ficial to public and private entities and affecting both consumers and
15 the general public. The legislature further recognizes that understand-
16 ing various applications and potential privacy concerns regarding auto-
17 matic identification technology is an area that needs study and review
18 in order to determine what protections, if any, are needed to protect
19 personal privacy.
20 S 2. The New York state automatic identification technology privacy
21 task force is hereby established. The role of the task force includes,
22 but is not limited to:

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

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1 (a) assessing the privacy issues associated with the application of
2 automatic identification technologies, including but not limited to
3 optical bar code scanning, radio frequency identification, smart card,
4 and optical memory card technologies by public and private entities,
5 including but not limited to, state, county, and local governments,
6 retailers, manufacturers, employers, and schools;

7 (b) assessing the practical applications associated with automatic
8 identification technologies, including, but not limited to, the tracking
9 of merchandise within a chain of distribution, protection of merchandise
10 against theft, and other beneficial uses by state, county and local
11 governments, retailers, manufacturers, employers and schools; and

12 (c) preparing a report for submission to the governor and the legisla-
13 ture that provides specific recommendations regarding: existing state
14 laws, regulations, programs, policies, and practices related to the use
15 of automatic identification technology and whether legislation is neces-
16 sary to regulate the use of such technology; the privacy issues associ-
17 ated with the use of automatic identification technology by public and
18 private entities; research on privacy issues associated with the use of
19 automatic identification technology; current and anticipated or possible
20 future uses of automatic identification technology; the benefits to
21 consumers and businesses from the use of automatic identification tech-
22 nology; and public awareness on the use of automatic identification
23 technology.

24 S 3. The task force shall issue its findings, in the form of a report,
25 no later than November 30, 2016.

26 S 4. The task force shall consist of a total of seventeen members and
27 shall include the superintendent of the department of financial
28 services, the secretary of state, the commissioner of education, the
29 director of the office of information technology services, the attorney
30 general, and the mayor of the city of New York, or a designee of any of
31 said officers. The remaining eleven, at-large members shall be appointed
32 as follows: three shall be appointed by the governor; three shall be
33 appointed by the temporary president of the senate and one by the minor-
34 ity leader of the senate; three shall be appointed by the speaker of the
35 assembly and one by the minority leader of the assembly. One each of the
36 appointments of the governor, temporary president of the senate, and the
37 speaker of the assembly shall be a member, officer, or employee of a
38 consumer advocacy organization. One of the appointments of the governor
39 shall be a member, officer, or employee of a financial institution that
40 employs automatic identification technology systems in one or more of
41 its products. One of the appointments of the governor shall be a member,
42 officer, or employee of a statewide association representing and advo-
43 cating for the interests of local governments. One of the appointments
44 of the speaker of the assembly shall be a member, officer, or employee
45 of a statewide trade association representing primarily retail busi-
46 nesses. One of the appointments of the speaker of the assembly shall be
47 a member, officer, or employee of a manufacturer of radio frequency
48 identification systems. One of the appointments of the temporary presi-
49 dent of the senate shall be a member, officer, or employee of a state-
50 wide trade association representing the grocery industry. One of the
51 appointments of the temporary president of the senate shall be a member,
52 officer, or employee of a national high technology trade association
53 with a significant presence in the state representing the radio frequen-
54 cy identification technology manufacturing industry. An organization
55 shall be considered a consumer advocacy organization if it advocates for
56 enhanced consumer protection in the marketplace, educates consumers, and

1 researches and analyzes consumer issues, including consumers' right to
2 privacy.

3 S 5. The secretary of state and the director of the office of informa-
4 tion technology services or their designees shall serve as joint chair-
5 persons of the task force.

6 S 6. The task force may consult with any organization, educational
7 institution, governmental agency, or person.

8 S 7. The members of the task force shall serve without compensation,
9 except that at-large members shall be allowed their necessary and actual
10 expenses incurred in the performance of their duties under this act.

11 S 8. The secretary of state shall provide the task force with such
12 facilities, assistance, and data as will enable the task force to carry
13 out its powers and duties. Additionally, all other departments or agen-
14 cies of the state or subdivisions thereof shall, at the request of the
15 chairpersons, provide the task force with such facilities, assistance,
16 and data as will enable the task force to carry out its powers and
17 duties.

18 S 9. This act shall take effect immediately.