STATE OF NEW YORK

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7495--A

2017-2018 Regular Sessions

IN ASSEMBLY

April 27, 2017
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Introduced by M. of A. SEAWRIGHT -- read once and referred to the
  Committee on Consumer Affairs and Protection -- committee discharged,
  bill amended, ordered reprinted as amended and recommitted to said
  committee

AN ACT to amend the general business law, in relation to the sale of
  personal information by an internet service provider

  The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1   Section 1. The general business law is amended by adding a new section
2 349-f to read as follows:
3   § 349-f. Sale, transfer, or sharing of personal information by an
4 internet service provider. 1. As used in this section:
5   (a) "Personal information" shall mean any information that, when it is
6 disclosed, identifies, describes, or is able to be associated with an
7 individual and includes, but is not limited to, the following:
8   (i) an individual's name and address;
9   (ii) information pertaining to creditworthiness, assets, income or
10 liabilities;
11   (iii) age or date of birth;
12   (iv) names of children;
13   (v) electronic mail or other addresses of children;
14   (vi) number of children;
15   (vii) the age or gender of children;
16   (viii) height;
17   (ix) weight;
18   (x) race;
19   (xi) religion;
20   (xii) occupation;
21   (xiii) telephone number;
22   (xiv) education;
23   (xv) political party affiliation;

1   (xvi) medical condition;
2   (xvii) drugs, therapies, or medical products or equipment used;
3   (xviii) the kind of product the customer purchased, leased, or rented;
4   (xix) real property purchased, leased, or rented;
5   (xx) the kind of service provided;
6   (xxi) social security number;
7   (xxii) bank account number;
8   (xxiii) credit card number;
9   (xxiv) debit card number;
10 (xxv) bank or investment account, debit card, or credit card balance;
11 (xxvi) payment history;
12 (xxvii) internet searches; or
13 (xxviii) browser cache.
14 (b) "Provider of internet service" shall mean any person, business or
15 organization qualified to do business in this state that provides indi-
16 viduals, corporations, or other entities with the ability to connect to
17 the internet through equipment that is located in this state.
18 2. A provider of internet service shall keep confidential:
19 (a) all personal information concerning a subscriber, other than the
20 electronic mail address of the subscriber, unless the subscriber gives
21 permission, in writing or by electronic mail, to the provider of inter-
22 net service to disclose the information; and
23 (b) the electronic mail address of a subscriber, if the subscriber
24 requests, in writing or by electronic mail, to have the electronic mail
25 address of the subscriber kept confidential. Upon receiving such a
26 request from a subscriber, a provider of internet service shall keep
27 confidential the electronic mail address of the subscriber, unless the
28 subscriber gives permission, in writing or by electronic mail, to the
29 provider of internet service to disclose the electronic mail address of
30 the subscriber.
31 3. A provider of internet service shall provide notice of the require-
32 ments of subdivision two of this section to each of its subscribers. The
33 notice must include, without limitation, a conspicuous statement that a
34 subscriber may request, in writing or by electronic mail, to have the
35 electronic mail address of the subscriber kept confidential.
36 4. A provider of internet service shall not add a supplemental charge
37 or in any way penalize a subscriber either financially or in quality or
38 speed of delivery for choosing not to allow for the sharing of personal
39 information.
40 5. A provider of internet service who violates any provision of this
41 section shall be guilty of a misdemeanor and shall be subject to a fine
42 of not less than five hundred dollars or more than one thousand dollars
43 for each violation.
44 § 2. This act shall take effect immediately.