

STATE OF NEW YORK

637

2023-2024 Regular Sessions

IN SENATE

January 5, 2023

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, the transportation law and the general municipal law, in relation to establishing a closed-circuit television system and surveillance personal privacy act; and to amend the vehicle and traffic law, in relation to the operation of traffic-control signal photo violation-monitoring devices

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

1 Section 1. Legislative findings and declarations. The legislature
2 finds and declares the state has increasingly used camera systems and
3 other surveillance technologies to monitor the daily legal activities of
4 its citizens. Even in public and quasi-public forums, increasing use of
5 government surveillance has a chilling effect on the freedoms and activ-
6 ities of its citizens. Therefore, the legislature finds that the state
7 has an obligation to establish a policy in which the public's privacy
8 interests are protected where camera systems are increasingly used in
9 traffic enforcement, surveillance and other areas. Where these surveil-
10 lance systems are used, the state has an obligation to protect an indi-
11 vidual's right of personal privacy, and consequently, must take all
12 steps to protect personal privacy in all aspects of system planning,
13 design, deployment, operation and maintenance and shall not collect or
14 disseminate any personal identifier information.

15 § 2. The public authorities law is amended by adding a new article 1-B
16 to read as follows:

ARTICLE 1-B

PUBLIC AUTHORITY CLOSED-CIRCUIT TELEVISION SYSTEM AND SURVEILLANCE PERSONAL PRIVACY ACT

Section 52. Definitions.

53. Operation of CCTV systems; privacy protections.

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

LBD00860-01-3

54. Restrictions on recording CCTV system video.

55. Use and dissemination of CCTV system data.

§ 52. Definitions. As used in this article:

1. The terms "closed-circuit television system," "CCTV system," or "CCTV" shall mean a video camera system and/or network used to collect, transmit and monitor data electronically via a data stream and project such data onto a video monitor, television screen or other monitoring equipment and any other system that allows the collection, viewing, transmission and recording of video images; and such a system is a closed circuit in that it has limited access, and all elements are directly connected and controlled by operators of the system. CCTV system shall not include: any images or videotape prepared pursuant to section twenty-nine hundred eighty-five of this chapter; or any system or network of cameras installed on a CCTV system operator's facilities for other than traffic management purposes.

2. "Private entity" shall mean a private corporation or other private organization, including any organization providing news media services or any other information service provider that is not a public service entity.

3. "Public service entity" shall mean any public agency, public authority, public corporation, other governmental entity, municipality, accredited academic institution, or not-for-profit public service provider.

4. "Incident" shall mean an activity that occurs on or near a public highway, roadway, or right-of-way, that has or could have an impact on the safety of the traveling public or that could cause or contribute to highway congestion, and shall include a vehicular accident, and any violation of law or similar situation that would normally involve the attention of a peace officer.

5. "Personal identifier information" shall mean any data or video representation that could:

- (a) identify an individual driver or passenger in or on any vehicle;
- (b) identify any license plate of a vehicle;
- (c) identify the contents of the enclosed interior of a passenger vehicle; or
- (d) show the individual travel pattern of a specific vehicle.

6. "CCTV system operator" shall mean any public authority as defined in this chapter that owns or operates a CCTV system.

§ 53. Operation of CCTV systems; privacy protections. 1. The cameras of a CCTV system subject to this article shall be continuously focused on the highway and feeder and exit roads for which the system is intended to provide information for traffic management, provided, however, such cameras may show adjacent lands where it is not practical to avoid such monitoring during CCTV operation as provided in this article, and this provision shall not prohibit such monitoring in the event of a public health danger or safety emergency.

2. No CCTV system operator shall allow the cameras to be focused on private property for the purpose of monitoring any activity or person on such property, provided however, that this provision shall not prohibit such monitoring to the extent that it becomes necessary in the event of a public health danger or safety emergency.

3. A CCTV system operator shall not operate its CCTV system to collect personal identifier information data, except pursuant to an order of a court of competent jurisdiction, and except that such data may be collected without a court order in a public health danger or safety emergency situation to provide for the safety of the public, including

1 the gathering of information necessary to provide the appropriate
2 response to an incident, or public health danger or safety emergency.

3 4. A CCTV system operator shall adopt policies and practices to imple-
4 ment the requirements of this article. No person shall be employed in
5 the operation of a CCTV system until he or she shall be fully trained in
6 such policies and practices and the requirements of this article.

7 § 54. Restrictions on recording CCTV system video. 1. Except as
8 provided in this section, a CCTV system operator shall not record CCTV
9 data. In all cases, recording of CCTV data shall be done in a manner
10 that protects the privacy of the public.

11 2. A CCTV system operator may record CCTV data either on a planned
12 basis or on an emergency basis. A CCTV system operator may establish a
13 plan in advance for the recording of video images in response to a
14 specific need where a review of such images would contribute to improv-
15 ing safety and/or future traffic operations procedures or system plan-
16 ning and performance including:

17 (a) review of a traffic operations or safety problem;
18 (b) to provide for future operational employee training;
19 (c) for research that will improve future technology or operations;
20 (d) to demonstrate or test equipment or system functions; or
21 (e) to collect data for transportation planning management purposes,
22 provided, however, that for data gathered in accordance with this subdi-
23 vision, personal identifier information shall be removed from the data
24 or obscured before the data is stored and used.

25 A CCTV system operator may record response activities for particularly
26 complex or extensive incident response activity for post-incident review
27 for the purpose of improving operational procedures and response.

28 3. Any recording made pursuant to the authority of this section shall
29 be retained in a specifically designated and secure location with access
30 restricted only for the purpose that it was gathered and upon the
31 approval of supervisory level personnel. Any such recordings shall be
32 retained only for the minimum required time after use of the archived
33 data for its intended purpose in accordance with the applicable records
34 retention schedule or policy.

35 § 55. Use and dissemination of CCTV system data. 1. A CCTV system
36 operator shall use its CCTV system data primarily for transportation
37 planning, traffic management and traveler information purposes. Nothing
38 contained in this section or any other provision of law shall be
39 construed as prohibiting a CCTV system operator from utilizing CCTV
40 system data in a judicial or administrative action proceeding to which
41 the operator is a party.

42 2. Notwithstanding any other provision of law, CCTV system data that
43 contains personal identifier information shall not be open to the public
44 and shall not be subject to public inspection and copying pursuant to
45 article six of the public officers law.

46 3. A CCTV system operator may, in its discretion, distribute CCTV
47 system data that does not contain personal identifier information
48 directly to the public via the Internet or any other means directly or
49 through public or private entities for the purposes of providing travel-
50 er information, provided that all such data disseminated from CCTV
51 systems shall be transferred in a real time feed or in data feed with a
52 delay of not to exceed fifteen minutes.

53 4. (a) A CCTV system operator may, in its discretion, disseminate its
54 CCTV system data to other public service entities to achieve common
55 transportation safety and management objectives. In the event of inci-
56 dents, public health dangers or safety emergencies, a CCTV system opera-

1 tor may disseminate CCTV system data that contains personal identifier
2 information to public service entities to the extent necessary to deal
3 with such incident, danger or emergency. A CCTV system operator shall
4 not disseminate CCTV system data that contains personal identifier
5 information to private entities.

6 (b) All dissemination of CCTV system data from a CCTV system operator
7 to a public service or private entity shall be pursuant to a written
8 agreement that contains the following provisions:

9 (i) the CCTV system operator shall have complete control over the CCTV
10 system data that is provided;

11 (ii) the CCTV system operator may stop transmission of CCTV system
12 data at any time without prior approval or notice;

13 (iii) the receiving entity shall utilize CCTV system data only for the
14 purposes for which the dissemination is made;

15 (iv) the receiving entity shall not disseminate CCTV system data to
16 any third party without the prior written consent of the CCTV system
17 operator;

18 (v) the receiving entity shall not disseminate CCTV system data that
19 contains personal identifier information to any third party under any
20 circumstances; and

21 (vi) the receiving entity shall not record any CCTV system data except
22 as provided in this section.

23 (c) A written agreement between a CCTV system operator and a private
24 entity for the dissemination of CCTV system data shall also contain the
25 following provisions:

26 (i) the private entity shall not attempt to utilize CCTV system data
27 to obtain any personal identifier information; and

28 (ii) if the private entity is a television news organization, the CCTV
29 system operator may, in its sole discretion and subject to a policy
30 established by the CCTV system operator, allow such a private entity to
31 record CCTV system data for the sole purpose of broadcasting such images
32 as traffic reports aired by such private entity within a twenty-four
33 hour period of creating such recording, provided that such private enti-
34 ty agrees to destroy any such recording within twenty-four hours of its
35 creation.

36 § 3. The New York metropolitan transportation authority is directed to
37 conduct a study to review all elements of its operations and create a
38 mission statement that explicitly states the authority's use of closed-
39 circuit television systems and other surveillance systems and what the
40 reasonable privacy expectations of an individual are regarding the
41 authority's use of such systems. The authority shall report within 60
42 days of the effective date of this act and report to the governor, the
43 speaker of the assembly, the temporary president of the senate, the
44 chairman of the assembly standing committee on corporations, authorities
45 and commissions, and the chairman of the senate standing committee on
46 corporations, authorities and commissions.

47 § 4. The transportation law is amended by adding a new article 23 to
48 read as follows:

49 ARTICLE 23

50 STATE HIGHWAY CLOSED-CIRCUIT TELEVISION SYSTEM 51 AND SURVEILLANCE PERSONAL PRIVACY ACT

52 Section 500. Definitions.

53 501. Operation of CCTV systems; privacy protections.

54 502. Restrictions on recording CCTV system video.

55 503. Use and dissemination of CCTV system data.

56 § 500. Definitions. As used in this article:

1 1. The terms "closed-circuit television system," "CCTV system," or
2 "CCTV" shall mean a video camera system and/or network used to collect,
3 transmit and monitor data electronically via a data stream and project
4 such data onto a video monitor, television screen or other monitoring
5 equipment and any other system that allows the collection, viewing,
6 transmission and recording of video images; and is a closed circuit in
7 that it has limited access and all elements are directly connected and
8 controlled by operators of the system. CCTV system shall not include:
9 any system or network of cameras installed on a CCTV system operator's
10 facilities for other than traffic management purposes.

11 2. "Private entity" shall mean a private corporation or other private
12 organization, including any organization providing news media services
13 or any other information service provider that is not a public service
14 entity.

15 3. "Public service entity" shall mean any public agency, public
16 authority, public corporation, other governmental entity, municipality,
17 accredited academic institution, or not-for-profit public service
18 provider.

19 4. "Incident" shall mean an activity that occurs on or near a public
20 highway, roadway, or right-of-way, that has or could have an impact on
21 the safety of the traveling public or that could cause or contribute to
22 highway congestion, and shall include a vehicular accident, and any
23 violation of law or similar situation that would normally involve the
24 attention of a peace officer.

25 5. "Personal identifier information" shall mean any data or video
26 representation that could:

- 27 (a) identify an individual driver or passenger in or on any vehicle;
28 (b) identify any license plate of a vehicle;
29 (c) identify the contents of the enclosed interior of a passenger
30 vehicle; or
31 (d) show the individual travel pattern of a specific vehicle.

32 6. "CCTV system operator" shall mean any department of state govern-
33 ment that owns or operates a CCTV system.

34 § 501. Operation of CCTV systems; privacy protections. 1. The cameras
35 of a CCTV system subject to this article shall be continuously focused
36 on the highway and feeder and exit roads for which the system is
37 intended to provide information for traffic management, provided, howev-
38 er, such cameras may show adjacent lands where it is not practical to
39 avoid such monitoring during CCTV operation as provided in this article,
40 and this provision shall not prohibit such monitoring in the event of a
41 public health danger or safety emergency.

42 2. No CCTV system operator shall allow the cameras to be focused on
43 private property for the purpose of monitoring any activity or person on
44 such property, provided however, that this provision shall not prohibit
45 such monitoring to the extent that it becomes necessary in the event of
46 a public health danger or safety emergency.

47 3. A CCTV system operator shall not operate its CCTV system to collect
48 personal identifier information data, except pursuant to an order of a
49 court of competent jurisdiction, and except that such data may be
50 collected without a court order in a public health danger or safety
51 emergency situation to provide for the safety of the public, including
52 the gathering of information necessary to provide the appropriate
53 response to an incident, or public health danger or safety emergency.

54 4. A CCTV system operator shall adopt policies and practices to imple-
55 ment the requirements of this article. No person shall be employed in

1 the operation of a CCTV system until he or she shall be fully trained in
2 such policies and practices and the requirements of this article.

3 § 502. Restrictions on recording CCTV system video. 1. Except as
4 provided in this section, a CCTV system operator shall not record CCTV
5 data. In all cases, recording of CCTV data shall be done in a manner
6 that protects the privacy of the public.

7 2. A CCTV system operator may record CCTV data either on a planned
8 basis or on an emergency basis. A CCTV system operator may establish a
9 plan in advance for the recording of video images in response to a
10 specific need where a review of such images would contribute to improv-
11 ing safety and/or future traffic operations procedures or system plan-
12 ning and performance including:

13 (a) review of a traffic operations or safety problem;
14 (b) to provide for future operational employee training;
15 (c) for research that will improve future technology or operations;
16 (d) to demonstrate or test equipment or system functions; or
17 (e) to collect data for transportation planning management purposes,
18 provided, however, that for data gathered in accordance with this subdi-
19 vision, personal identifier information shall be removed from the data
20 or obscured before the data is stored and used.

21 A CCTV system operator may record response activities for particularly
22 complex or extensive incident response activity for post-incident review
23 for the purpose of improving operational procedures and response.

24 3. Any recording made pursuant to the authority of this section shall
25 be retained in a specifically designated and secure location with access
26 restricted only for the purpose that it was gathered and upon the
27 approval of supervisory level personnel. Any such recordings shall be
28 retained only for the minimum required time after use of the archived
29 data for its intended purpose in accordance with the applicable records
30 retention schedule or policy.

31 § 503. Use and dissemination of CCTV system data. 1. A CCTV system
32 operator shall use its CCTV system data primarily for transportation
33 planning, traffic management and traveler information purposes. Nothing
34 contained in this section or any other provision of law shall be
35 construed as prohibiting a CCTV system operator from utilizing CCTV
36 system data in a judicial or administrative action proceeding to which
37 the operator is a party.

38 2. Notwithstanding any other provision of law, CCTV system data that
39 contains personal identifier information shall not be open to the public
40 and shall not be subject to public inspection and copying pursuant to
41 article six of the public officers law.

42 3. A CCTV system operator may, in its discretion, distribute CCTV
43 system data that does not contain personal identifier information
44 directly to the public via the Internet or any other means directly or
45 through public or private entities for the purposes of providing travel-
46 er information, provided that all such data disseminated from CCTV
47 systems shall be transferred in a real time feed or in data feed with a
48 delay of not to exceed fifteen minutes.

49 4. (a) A CCTV system operator may, in its discretion, disseminate its
50 CCTV system data to other public service entities to achieve common
51 transportation safety and management objectives. In the event of inci-
52 dents, public health dangers or safety emergencies, a CCTV system opera-
53 tor may disseminate CCTV system data that contains personal identifier
54 information to public service entities to the extent necessary to deal
55 with such incident, danger or emergency. A CCTV system operator shall

1 not disseminate CCTV system data that contains personal identifier
2 information to private entities.

3 (b) All dissemination of CCTV system data from a CCTV system operator
4 to a public service or private entity shall be pursuant to a written
5 agreement that contains the following provisions:

6 (i) the CCTV system operator shall have complete control over the CCTV
7 system data that is provided;

8 (ii) the CCTV system operator may stop transmission of CCTV system
9 data at any time without prior approval or notice;

10 (iii) the receiving entity shall utilize CCTV system data only for the
11 purposes for which the dissemination is made;

12 (iv) the receiving entity shall not disseminate CCTV system data to
13 any third party without the prior written consent of the CCTV system
14 operator;

15 (v) the receiving entity shall not disseminate CCTV system data that
16 contains personal identifier information to any third party under any
17 circumstances; and

18 (vi) the receiving entity shall not record any CCTV system data except
19 as provided in this section.

20 (c) A written agreement between a CCTV system operator and a private
21 entity for the dissemination of CCTV system data shall also contain the
22 following provisions:

23 (i) the private entity shall not attempt to utilize CCTV system data
24 to obtain any personal identifier information; and

25 (ii) if the private entity is a television news organization, the CCTV
26 system operator may, in its sole discretion and subject to a policy
27 established by the CCTV system operator, allow such a private entity to
28 record CCTV system data for the sole purpose of broadcasting such images
29 as traffic reports aired by such private entity within a twenty-four
30 hour period of creating such recording, provided that such private enti-
31 ty agrees to destroy any such recording within twenty-four hours of its
32 creation.

33 § 5. The general municipal law is amended by adding a new article
34 14-B-1 to read as follows:

35 ARTICLE 14-B-1

36 MUNICIPAL CLOSED-CIRCUIT TELEVISION SYSTEM

37 AND SURVEILLANCE PERSONAL PRIVACY ACT

38 Section 375. Definitions.

39 376. Operation of CCTV systems; privacy protections.

40 377. Restrictions on recording CCTV system video.

41 378. Use and dissemination of CCTV system data.

42 § 375. Definitions. As used in this article:

43 1. The terms "closed-circuit television system," "CCTV system," or
44 "CCTV" shall mean a video camera system and/or network used to collect,
45 transmit and monitor data electronically via a data stream and project
46 such data onto a video monitor, television screen or other monitoring
47 equipment and any other system that allows the collection, viewing,
48 transmission and recording of video images; and is a closed circuit in
49 that it has limited access and all elements are directly connected and
50 controlled by operators of the system. CCTV system shall not include:
51 any system that produces any images or videotape authorized pursuant to
52 section eleven hundred eleven-a of the vehicle and traffic law and any
53 system or network of cameras installed on a CCTV system operator's
54 facilities for other than traffic management purposes.

55 2. "Private entity" shall mean a private corporation or other private
56 organization, including any organization providing news media services

1 or any other information service provider that is not a public service
2 entity.

3 3. "Public service entity" shall mean any public agency, public
4 authority, public corporation, other governmental entity, municipality,
5 accredited academic institution, or not-for-profit public service
6 provider.

7 4. "Incident" shall mean an activity that occurs on or near a public
8 highway, roadway, or right-of-way, that has or could have an impact on
9 the safety of the traveling public or that could cause or contribute to
10 highway congestion, and shall include a vehicular accident, and any
11 violation of law or similar situation that would normally involve the
12 attention of a peace officer.

13 5. "Personal identifier information" shall mean any data or video
14 representation that could:

15 (a) identify an individual driver or passenger in or on any vehicle;

16 (b) identify any license plate of a vehicle;

17 (c) identify the contents of the enclosed interior of a passenger
18 vehicle; or

19 (d) show the individual travel pattern of a specific vehicle.

20 6. "CCTV system operator" shall mean any county, town, city or village
21 that owns or operates a CCTV system.

22 § 376. Operation of CCTV systems; privacy protections. 1. The cameras
23 of a CCTV system subject to this article shall be continuously focused
24 on the highway and feeder and exit roads for which the system is
25 intended to provide information for traffic management, provided, howev-
26 er, such cameras may show adjacent lands where it is not practical to
27 avoid such monitoring during CCTV operation as provided in this article,
28 and this provision shall not prohibit such monitoring in the event of a
29 public health danger or safety emergency.

30 2. No CCTV system operator shall allow the cameras to be focused on
31 private property for the purpose of monitoring any activity or person on
32 such property, provided however, that this provision shall not prohibit
33 such monitoring to the extent that it becomes necessary in the event of
34 a public health danger or safety emergency.

35 3. A CCTV system operator shall not operate its CCTV system to collect
36 personal identifier information data, except pursuant to an order of a
37 court of competent jurisdiction, and except that such data may be
38 collected without a court order in a public health danger or safety
39 emergency situation to provide for the safety of the public, including
40 the gathering of information necessary to provide the appropriate
41 response to an incident, or public health danger or safety emergency.

42 4. A CCTV system operator shall adopt policies and practices to imple-
43 ment the requirements of this article. No person shall be employed in
44 the operation of a CCTV system until he or she shall be fully trained in
45 such policies and practices and the requirements of this article.

46 § 377. Restrictions on recording CCTV system video. 1. Except as
47 provided in this section, a CCTV system operator shall not record CCTV
48 data. In all cases, recording of CCTV data shall be done in a manner
49 that protects the privacy of the public.

50 2. A CCTV system operator may record CCTV data either on a planned
51 basis or on an emergency basis. A CCTV system operator may establish a
52 plan in advance for the recording of video images in response to a
53 specific need where a review of such images would contribute to improv-
54 ing safety and/or future traffic operations procedures or system plan-
55 ning and performance including:

56 (a) review of a traffic operations or safety problem;

1 (b) to provide for future operational employee training;
2 (c) for research that will improve future technology or operations;
3 (d) to demonstrate or test equipment or system functions; or
4 (e) to collect data for transportation planning management purposes,
5 provided, however, that for data gathered in accordance with this subdi-
6 vision, personal identifier information shall be removed from the data
7 or obscured before the data is stored and used.

8 A CCTV system operator may record response activities for particularly
9 complex or extensive incident response activity for post-incident review
10 for the purpose of improving operational procedures and response.

11 3. Any recording made pursuant to the authority of this section shall
12 be retained in a specifically designated and secure location with access
13 restricted only for the purpose that it was gathered and upon the
14 approval of supervisory level personnel. Any such recording shall be
15 retained only for the minimum required time after use of the archived
16 data for its intended purpose in accordance with the applicable records
17 retention schedule or policy.

18 § 378. Use and dissemination of CCTV system data. 1. A CCTV system
19 operator shall use its CCTV system data primarily for transportation
20 planning, traffic management and traveler information purposes. Nothing
21 contained in this section or any other provision of law shall be
22 construed as prohibiting a CCTV system operator from utilizing CCTV
23 system data in a judicial or administrative action proceeding to which
24 the operator is a party.

25 2. Notwithstanding any other provision of law, CCTV system data that
26 contains personal identifier information shall not be open to the public
27 and shall not be subject to public inspection and copying pursuant to
28 article six of the public officers law.

29 3. A CCTV system operator may, in its discretion, distribute CCTV
30 system data that does not contain personal identifier information
31 directly to the public via the Internet or any other means directly or
32 through public or private entities for the purposes of providing travel-
33 er information, provided that all such data disseminated from CCTV
34 systems shall be transferred in a real time feed or in data feed with a
35 delay of not to exceed fifteen minutes.

36 4. (a) A CCTV system operator may, in its discretion, disseminate its
37 CCTV system data to other public service entities to achieve common
38 transportation safety and management objectives. In the event of inci-
39 dents, public health danger or safety emergencies, a CCTV system opera-
40 tor may disseminate CCTV system data that contains personal identifier
41 information to public service entities to the extent necessary to deal
42 with such incident, danger or emergency. A CCTV system operator shall
43 not disseminate CCTV system data that contains personal identifier
44 information to private entities.

45 (b) All dissemination of CCTV system data from a CCTV system operator
46 to a public service or private entity shall be pursuant to a written
47 agreement that contains the following provisions:

48 (i) the CCTV system operator shall have complete control over the CCTV
49 system data that is provided;

50 (ii) the CCTV system operator may stop transmission of CCTV system
51 data at any time without prior approval or notice;

52 (iii) the receiving entity shall utilize CCTV system data only for the
53 purposes for which the dissemination is made;

54 (iv) the receiving entity shall not disseminate CCTV system data to
55 any third party without the prior written consent of the CCTV system
56 operator;

1 (v) the receiving entity shall not disseminate CCTV system data that
2 contains personal identifier information to any third party under any
3 circumstances; and

4 (vi) the receiving entity shall not record any CCTV system data except
5 as provided in this section.

6 (c) A written agreement between a CCTV system operator and a private
7 entity for the dissemination of CCTV system data shall also contain the
8 following provisions:

9 (i) the private entity shall not attempt to utilize CCTV system data
10 to obtain any personal identifier information; and

11 (ii) if the private entity is a television news organization, the CCTV
12 system operator may, in its sole discretion and subject to a policy
13 established by the CCTV system operator, allow such a private entity to
14 record CCTV system data for the sole purpose of broadcasting such images
15 as traffic reports aired by such private entity within a twenty-four
16 hour period of creating such recording, provided that such private enti-
17 ty agrees to destroy any such recording within twenty-four hours of its
18 creation.

19 § 6. The vehicle and traffic law is amended by adding a new section
20 1111-g to read as follows:

21 § 1111-g. Traffic-control signal photo violation-monitoring devices;
22 prohibitions and protections. Notwithstanding any other provision of
23 law, rule or regulation to the contrary, a city or county authorized to
24 install and operate traffic-control signal photo violation-monitoring
25 devices pursuant to the provisions of section eleven hundred eleven-b of
26 this article shall adopt and enforce measures to protect the privacy of
27 drivers, passengers, pedestrians and cyclists whose identifying informa-
28 tion may be captured by such devices. Such privacy-protection measures
29 shall include, but not be limited to:

30 1. utilization of necessary technologies to ensure, to the extent
31 practicable, that photographs produced by such traffic-control signal
32 photo violation-monitoring devices shall not include images that identi-
33 fy the driver, the passengers, or the contents of the vehicle. However,
34 no notice of liability issued pursuant to section eleven hundred
35 eleven-b of this article shall be dismissed solely because a photograph
36 or photographs allow for the identification of the contents of a vehi-
37 cle, provided that such city or county has made a reasonable effort to
38 comply with the provisions of this section;

39 2. prohibition on the use or dissemination of a vehicle's license
40 plate information and other information and images captured by traffic-
41 control signal photo violation-monitoring devices except as required to
42 establish liability under this section or collect payment of penalties;
43 or unless authorized by a court ordered subpoena or search warrant
44 issued in response to a request by law enforcement officials pertaining
45 to a specific accident or specific incident of alleged criminal conduct,
46 or except as otherwise required by law;

47 3. destruction of images obtained by the traffic-control signal photo
48 violation-monitoring devices no later than thirty days from the date
49 such images were recorded, or immediately upon adjudication of the
50 liability and payment of fines, as provided in section eleven hundred
51 eleven-b of this article, if either event occurs later than thirty days
52 from the date such images are recorded;

53 4. deletion of identifying information, including vehicle license
54 plate information, from records maintained for research purposes or for
55 reporting purposes as detailed in section eleven hundred eleven-b of
56 this article; and

1 5. oversight procedures to ensure compliance with the aforementioned
2 privacy-protection measures.
3 § 7. This act shall take effect on the sixtieth day after it shall
4 have become a law.