S T A T E O F N E W Y O R K

6323

2009-2010 Regular Sessions

I N A S S E M B L Y

March 2, 2009

Introduced by M. of A. TOWNS, WALKER, ALFANO -- Multi-Sponsored by -- M. of A. GORDON, JOHN, MILLMAN, PEOPLES -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to access to agency information

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

Section 1. Subdivision 1 of section 87 of the public officers law is amended by adding a new paragraph (d) to read as follows:

(D) I. WHEN INFORMATION CONTAINED IN A RECORD IS AVAILABLE UNDER THIS ARTICLE, AND WHEN AN AGENCY MAINTAINS SUCH INFORMATION BY MEANS OF SOFTWARE ACQUIRED FROM A PRIVATE ENTITY, AND THE SOFTWARE IS COPYRIGHTED, PATENTED OR LICENSED TO PREVENT ITS UNAUTHORIZED USE OR REPRODUCTION, THE AGENCY SHALL MAKE THE AVAILABLE INFORMATION ACCESSIBLE TO THE PUBLIC VIA THE INTERNET, FREE OF CHARGE, SO LONG AS INFORMATION CAN BE "READ ONLY".

II. INFORMATION DESCRIBED IN SUBPARAGRAPH I OF THIS PARAGRAPH SHALL BE AVAILABLE FOR VIEWING OR INSPECTION, BUT SOFTWARE DESCRIBED IN SUCH SUBPARAGRAPH I SHALL BE EXEMPTED FROM ALL INSPECTION AND COPYING REQUIREMENTS OF THIS ARTICLE.

III. NOTHING CONTAINED IN THIS PARAGRAPH SHALL PROHIBIT AN AGENCY FROM MAKING INFORMATION DESCRIBED IN SUBPARAGRAPH I OF THIS PARAGRAPH AVAILABLE BY MEANS OF CD-ROM OR SIMILAR INFORMATION STORAGE MEDIUM, SO LONG AS SUCH INFORMATION CAN BE "READ ONLY".

S 2. This act shall take effect immediately.

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

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