

1005

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the state technology law, in relation to the creation of a state privacy task force

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

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares that personal privacy is an issue of great concern to state
3 policymakers. Over the past decade, public and private entities have
4 increased their use of computers and databases, permitting significant
5 amounts of data about specific individuals to be compiled. During that
6 same period, the internet has grown from a relatively small and little
7 known computer network into a medium of international commerce. While
8 these advances have increased the efficiency and output of the entities
9 utilizing them, they have also resulted in a greater amount of personal
10 information being compiled, retained and disseminated than ever before.
11 The intent of this legislation is to create an entity within the state
12 office for technology that will develop an expertise in issues relating
13 to personal privacy and serve as a resource to state and local policy-
14 makers. The state privacy task force will review and analyze current
15 state and local law and practices with respect to the collection,
16 retention and dissemination of personal information, and provide an
17 annual report to the legislature and the governor that will include its
18 recommendations to protect and enhance the privacy of New Yorkers.
19 S 2. Article 3 and sections 301, 302, 303, 304, 305, 306, 307, 308 and
20 309 of the state technology law, as renumbered by chapter 437 of the
21 laws of 2004, are renumbered article 5 and sections 501, 502, 503, 504,
22 505, 506, 507, 508 and 509, respectively, and a new section 510 is added
23 to read as follows:

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

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1 S 510. PRIVACY TASK FORCE. 1. THERE SHALL BE A PRIVACY TASK FORCE, THE
2 FUNCTION AND RESPONSIBILITY OF WHICH SHALL BE TO CONDUCT AN ONGOING
3 REVIEW AND ANALYSIS OF STATE AND LOCAL LAWS, REGULATIONS AND PRACTICES
4 WITH RESPECT TO THE COMPILATION, PROTECTION AND DISSEMINATION OF
5 "PERSONAL INFORMATION", AS SUCH TERM IS DEFINED IN SECTION FIVE HUNDRED
6 EIGHT OF THIS ARTICLE, AND TO PREPARE ANNUAL REPORTS CONTAINING A SUMMA-
7 RY OF THE RESULTS OF SUCH ANALYSIS AND REVIEW, AS WELL AS RECOMMENDA-
8 TIONS TO PROTECT AND ENHANCE THE PRIVACY OF THE PEOPLE OF THE STATE OF
9 NEW YORK.

10 2. THE PRIVACY TASK FORCE SHALL CONSIST OF NINE MEMBERS APPOINTED BY
11 THE GOVERNOR. ALL MEMBERS SHALL BE RESIDENTS OF THE STATE OF NEW YORK
12 AND SHALL BE KNOWLEDGEABLE ABOUT THE INTERNET AND THE COMPUTER AND SOFT-
13 WARE INDUSTRIES AND SUPPORTIVE OF THE STATE'S EFFORTS TO PROTECT
14 PERSONAL PRIVACY. ONE MEMBER SHALL BE THE HEAD OF THE STATE OFFICE FOR
15 TECHNOLOGY. ONE MEMBER SHALL BE APPOINTED BY THE GOVERNOR; ONE MEMBER
16 SHALL BE EMPLOYED IN THE INFORMATION TECHNOLOGY SECTOR; ONE MEMBER SHALL
17 BE EMPLOYED BY A COUNTY, CITY OR LOCAL GOVERNMENT WITHIN THE STATE; ONE
18 MEMBER SHALL BE THE EXECUTIVE DIRECTOR OF THE COMMITTEE ON OPEN GOVERN-
19 MENT; ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE
20 TEMPORARY PRESIDENT OF THE SENATE; ONE MEMBER SHALL BE APPOINTED UPON
21 THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY; ONE MEMBER SHALL BE
22 APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE;
23 AND ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE MINORI-
24 TY LEADER OF THE ASSEMBLY. THE GOVERNOR SHALL DESIGNATE ONE OF THE
25 MEMBERS OF THE BOARD AS CHAIR.

26 (A) THE TERM OF OFFICE SHALL BE THREE YEARS. VACANCIES SHALL BE FILLED
27 IN THE MANNER OF ORIGINAL APPOINTMENTS FOR THE REMAINDER OF THE TERM.

28 (B) TASK FORCE MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR
29 SERVICES AS MEMBERS, BUT SHALL BE REIMBURSED FOR THEIR ACTUAL AND NECES-
30 SARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

31 (C) THE MEMBERS SHALL BE CONSIDERED EMPLOYEES OF THE STATE FOR THE
32 PURPOSES OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW.

33 3. THE TASK FORCE CHAIR SHALL SUBMIT THE REPORT SET FORTH IN THIS
34 SECTION ON OR BEFORE JANUARY FIFTEENTH, TWO THOUSAND TEN, AND EACH JANU-
35 ARY FIFTEENTH THEREAFTER, TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF
36 THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEM-
37 BLY AND THE MINORITY LEADER OF THE ASSEMBLY.

38 S 3. This act shall take effect immediately.