

7269--A

I N S E N A T E

March 26, 2010

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish the New York state automatic identification technology 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 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:

23 (a) assessing the privacy issues associated with the application of
24 automatic identification technologies, including but not limited to
25 optical bar code scanning, radio frequency identification, smart card,
26 and optical memory card technologies by public and private entities,

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

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1 including but not limited to, state, county, and local governments,
2 retailers, manufacturers, employers, and schools;

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

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

20 S 3. The task force shall issue its findings, in the form of a report,
21 no later than November 30, 2011.

22 S 4. The task force shall consist of a total of seventeen members and
23 shall include the chairperson of the consumer protection board, the
24 secretary of state, the commissioner of education, the director of the
25 office for technology, the attorney general, and the mayor of the city
26 of New York, or a designee of any of said officers. The remaining elev-
27 en, at-large members shall be appointed as follows: three shall be
28 appointed by the governor; three shall be appointed by the temporary
29 president of the senate and one by the minority leader of the senate;
30 three shall be appointed by the speaker of the assembly and one by the
31 minority leader of the assembly. One each of the appointments of the
32 governor, temporary president of the senate, and the speaker of the
33 assembly shall be a member, officer, or employee of a consumer advocacy
34 organization. One of the appointments of the governor shall be a member,
35 officer, or employee of a financial institution that employs automatic
36 identification technology systems in one or more of its products. One of
37 the appointments of the governor shall be a member, officer, or employee
38 of a statewide association representing and advocating for the interests
39 of local governments. One of the appointments of the speaker of the
40 assembly shall be a member, officer, or employee of a statewide trade
41 association representing primarily retail businesses. One of the
42 appointments of the speaker of the assembly shall be a member, officer,
43 or employee of a manufacturer of radio frequency identification systems.
44 One of the appointments of the temporary president of the senate shall
45 be a member, officer, or employee of a statewide trade association
46 representing the grocery industry. One of the appointments of the tempo-
47 rary president of the senate shall be a member, officer, or employee of
48 a national high technology trade association with a significant presence
49 in the state representing the radio frequency identification technology
50 manufacturing industry. An organization shall be considered a consumer
51 advocacy organization if it advocates for enhanced consumer protection
52 in the marketplace, educates consumers, and researches and analyzes
53 consumer issues, including consumers' right to privacy.

54 S 5. The chairperson of the consumer protection board and the director
55 of the office for technology or their designees shall serve as joint
56 chairpersons of the task force.

1 S 6. The task force may consult with any organization, educational
2 institution, governmental agency, or person.
3 S 7. The members of the task force shall serve without compensation,
4 except that at-large members shall be allowed their necessary and actual
5 expenses incurred in the performance of their duties under this act.
6 S 8. The consumer protection board shall provide the task force with
7 such facilities, assistance, and data as will enable the task force to
8 carry out its powers and duties. Additionally, all other departments or
9 agencies of the state or subdivisions thereof shall, at the request of
10 the chairpersons, provide the task force with such facilities, assist-
11 ance, and data as will enable the task force to carry out its powers and
12 duties.
13 S 9. This act shall take effect immediately.