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

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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, PHEFFER, FIELDS, SWEENEY, LENTOL -- Multi-Sponsored by -- M. of A. ALESSI, ALFANO, BARRA, BENEDETTO, BRADLEY, CARROZZA, EDDINGTON, FARRELL, GIANARIS, GUNTHER, LATIMER, LUPARDO, MAGNARELLI, MARKEY, McDONOUGH, PERALTA, RAMOS, REILLY, P. RIVERA, WALKER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law and the general municipal law, in relation to the redaction of personal identifying information in public documents

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

Section 1. The public officers law is amended by adding a new section 66-b to read as follows:

S 66-B. DOCUMENTS WITH PERSONAL IDENTIFYING INFORMATION. 1. DEFINITIONS. AS USED IN THIS SECTION:

A. "AGENCY" SHALL HAVE THE SAME MEANING AS PROVIDED IN SUBDIVISION THREE OF SECTION EIGHTY-SIX OF THIS CHAPTER.

B. "RECORD" SHALL HAVE THE SAME MEANING AS PROVIDED IN SUBDIVISION FOUR OF SECTION EIGHTY-SIX OF THIS CHAPTER.

C. "PERSONAL IDENTIFYING INFORMATION" MEANS A SOCIAL SECURITY NUMBER, A DRIVER'S LICENSE NUMBER, MOTHER'S MAIDEN NAME, A CONSUMER CREDIT ACCOUNT NUMBER OR CODE, A SAVINGS ACCOUNT NUMBER OR CODE, A CHECKING ACCOUNT NUMBER OR CODE, OR A DEBIT CARD NUMBER OR CODE.

D. "INTERNET" SHALL HAVE THE SAME MEANING AS PROVIDED IN SUBDIVISION THREE OF SECTION TWO HUNDRED TWO OF THE STATE TECHNOLOGY LAW.

2. REJECTION OF DOCUMENTS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AN AGENCY SHALL NOT RECORD OR ACCEPT FOR RECORDING ANY DOCUMENT THAT INCLUDES PERSONAL IDENTIFYING INFORMATION OF ANY PERSON WHICH IS NOT REQUIRED BY STATE OR FEDERAL LAW.

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

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3. REQUEST FOR REDACTION OF PERSONAL IDENTIFYING INFORMATION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PERSON, OR HIS OR HER ATTORNEY OR LEGAL GUARDIAN, HAS THE RIGHT TO REQUEST THAT AN AGENCY REMOVE, FROM AN IMAGE OR COPY OF A RECORD PLACED ON SUCH AGENCY'S INTERNET WEBSITE OR AN INTERNET WEBSITE USED BY SUCH AGENCY, TO DISPLAY PUBLIC RECORDS OR OTHERWISE MAKE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC, PERSONAL IDENTIFYING INFORMATION CONTAINED IN SUCH RECORD. SUCH REQUEST MUST BE MADE IN WRITING, SIGNED BY THE REQUESTOR AND DELIVERED BY MAIL, FACSIMILE, ELECTRONIC TRANSMISSION, OR DELIVERED IN PERSON, TO THE AGENCY. THE REQUEST MUST SPECIFY WHICH RECORD CONTAINS THE PERSONAL IDENTIFYING INFORMATION TO BE REDACTED. UPON RECEIPT OF SUCH REQUEST, AN AGENCY SHALL REMOVE SUCH RECORD, IN WHOLE OR IN PART, CONTAINING THE PERSONAL IDENTIFYING INFORMATION FROM THE AGENCY'S PUBLICLY AVAILABLE INTERNET WEBSITE AS EXPEDITIOUSLY AS POSSIBLE. AN AGENCY HAS NO DUTY TO INQUIRE BEYOND THE WRITTEN REQUEST TO VERIFY THE IDENTITY OF THE PERSON REQUIRING REDACTION. A FEE SHALL NOT BE CHARGED FOR THE REDACTION OF PERSONAL IDENTIFYING INFORMATION PURSUANT TO SUCH REQUEST.

4. PUBLIC NOTICE REQUIREMENTS. ALL AGENCIES SHALL IMMEDIATELY AND CONSPICUOUSLY POST SIGNS THROUGHOUT THE AGENCIES' OFFICES FOR PUBLIC VIEWING AND SHALL IMMEDIATELY AND CONSPICUOUSLY POST, ON ANY INTERNET WEBSITE MADE AVAILABLE TO THE GENERAL PUBLIC BY THE AGENCY AND USED FOR THE ORDERING OR DISPLAY OF RECORDS, A NOTICE STATING, IN AT LEAST TWELVE-POINT FONT, IN SUBSTANTIALLY SIMILAR FORM, THE FOLLOWING:

"ANY PERSON HAS A RIGHT TO REQUEST AN AGENCY TO REMOVE, FROM AN IMAGE OR COPY OF A RECORD PLACED ON THE AGENCY'S INTERNET WEBSITE OR ON AN INTERNET WEBSITE USED BY THE AGENCY TO DISPLAY PUBLIC RECORDS OR OTHERWISE MAKE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC, ANY PERSONAL IDENTIFYING INFORMATION CONTAINED IN A RECORD. SUCH REQUEST MUST BE MADE IN WRITING AND DELIVERED BY MAIL, FACSIMILE, ELECTRONIC TRANSMISSION, OR DELIVERED IN PERSON, TO THE AGENCY. THE REQUEST MUST SPECIFY WHICH RECORD CONTAINS THE PERSONAL IDENTIFYING INFORMATION TO BE REDACTED. A FEE SHALL NOT BE CHARGED FOR THE REDACTION OF PERSONAL IDENTIFYING INFORMATION PURSUANT TO SUCH REQUEST."

5. REDACTION OF PERSONAL IDENTIFYING INFORMATION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, BY DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, AN AGENCY SHALL, ABSENT A COURT ORDER, REMOVE FROM IMAGE OR COPY OF A RECORD PLACED ON SUCH AGENCY'S INTERNET WEBSITE OR AN INTERNET WEBSITE USED BY SUCH AGENCY TO DISPLAY PUBLIC RECORDS OR OTHERWISE MAKE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC, PERSONAL IDENTIFYING INFORMATION CONTAINED IN SUCH RECORD.

S 2. The general municipal law is amended by adding a new section 99-v to read as follows:

S 99-V. DOCUMENTS WITH PERSONAL IDENTIFYING INFORMATION. EACH TOWN, CITY, VILLAGE AND COUNTY SHALL, BY LOCAL LAW OR RESOLUTION, IDENTIFY A PERSON OR PERSONS TO ENSURE COMPLIANCE WITH THE PROVISIONS OF SECTION SIXTY-SIX-B OF THE PUBLIC OFFICERS LAW, WHICH PERTAINS TO THE REDACTION OF PERSONAL IDENTIFYING INFORMATION.

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.