

1218

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The public officers law is amended by adding a new section
2 66-b to read as follows:
3 S 66-B. DOCUMENTS WITH PERSONAL IDENTIFYING INFORMATION. 1. DEFI-
4 NITIONS. AS USED IN THIS SECTION:
5 A. "AGENCY" SHALL HAVE THE SAME MEANING AS PROVIDED IN SUBDIVISION
6 THREE OF SECTION EIGHTY-SIX OF THIS CHAPTER.
7 B. "RECORD" SHALL HAVE THE SAME MEANING AS PROVIDED IN SUBDIVISION
8 FOUR OF SECTION EIGHTY-SIX OF THIS CHAPTER.
9 C. "PERSONAL IDENTIFYING INFORMATION" MEANS A SOCIAL SECURITY NUMBER,
10 A DRIVER'S LICENSE NUMBER, MOTHER'S MAIDEN NAME, A CONSUMER CREDIT
11 ACCOUNT NUMBER OR CODE, A SAVINGS ACCOUNT NUMBER OR CODE, A CHECKING
12 ACCOUNT NUMBER OR CODE, OR A DEBIT CARD NUMBER OR CODE.
13 D. "INTERNET" SHALL HAVE THE SAME MEANING AS PROVIDED IN SUBDIVISION
14 THREE OF SECTION TWO HUNDRED TWO OF THE STATE TECHNOLOGY LAW.
15 2. REJECTION OF DOCUMENTS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW
16 TO THE CONTRARY, AN AGENCY SHALL NOT RECORD OR ACCEPT FOR RECORDING ANY
17 DOCUMENT THAT INCLUDES PERSONAL IDENTIFYING INFORMATION OF ANY PERSON
18 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.

LBD03887-01-9

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

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

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

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

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

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

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