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

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:

Section 1. Legislative intent. The legislature hereby finds and declares that personal privacy is an issue of great concern to state policymakers. Over the past decade, public and private entities have increased their use of computers and databases, permitting significant amounts of data about specific individuals to be compiled. During that same period, the internet has grown from a relatively small and little known computer network into a medium of international commerce. While these advances have increased the efficiency and output of the entities utilizing them, they have also resulted in a greater amount of personal information being compiled, retained and disseminated than ever before.

The intent of this legislation is to create an entity within the state office for technology that will develop an expertise in issues relating to personal privacy and serve as a resource to state and local policymakers. The state privacy task force will review and analyze current state and local law and practices with respect to the collection, retention and dissemination of personal information, and provide an annual report to the legislature and the governor that will include its recommendations to protect and enhance the privacy of New Yorkers.

S 2. Article 3 and sections 301, 302, 303, 304, 305, 306, 307, 308 and 309 of the state technology law, as renumbered by chapter 437 of the laws of 2004, are renumbered article 5 and sections 501, 502, 503, 504, 505, 506, 507, 508 and 509, respectively, and a new section 510 is added to read as follows:

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

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

2. THE PRIVACY TASK FORCE SHALL CONSIST OF NINE MEMBERS APPOINTED BY THE GOVERNOR. ALL MEMBERS SHALL BE RESIDENTS OF THE STATE OF NEW YORK AND SHALL BE KNOWLEDGEABLE ABOUT THE INTERNET AND THE COMPUTER AND SOFTWARE INDUSTRIES AND SUPPORTIVE OF THE STATE'S EFFORTS TO PROTECT PERSONAL PRIVACY. ONE MEMBER SHALL BE THE HEAD OF THE STATE OFFICE FOR TECHNOLOGY. ONE MEMBER SHALL BE APPOINTED BY THE GOVERNOR; ONE MEMBER SHALL BE EMPLOYED IN THE INFORMATION TECHNOLOGY SECTOR; ONE MEMBER SHALL BE EMPLOYED BY A COUNTY, CITY OR LOCAL GOVERNMENT WITHIN THE STATE; ONE MEMBER SHALL BE THE EXECUTIVE DIRECTOR OF THE COMMITTEE ON OPEN GOVERNMENT; ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE; ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY; ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE; AND ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS OF THE BOARD AS CHAIR.

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

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

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

3. THE TASK FORCE CHAIR SHALL SUBMIT THE REPORT SET FORTH IN THIS SECTION ON OR BEFORE JANUARY FIFTEENTH, TWO THOUSAND TEN, AND EACH JANUARY FIFTEENTH THEREAFTER, TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY.

S 3. This act shall take effect immediately.