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

5379

2011-2012 Regular Sessions

I N A S S E M B L Y

February 17, 2011

Introduced by M. of A. ROBINSON -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to the privacy of contact information of senior center members

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

Section 1. The elder law is amended by adding a new section 224 to read as follows:

S 224. PRIVACY OF SENIOR CENTER VISITOR RECORDS. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "SENIOR CENTER" SHALL MEAN FACILITIES OPERATED BY AN AREA OFFICE OF THE AGING OR OPERATED BY AN ENTITY THAT HAS CONTRACTED WITH THE OFFICE OR MUNICIPALITY TO PROVIDE SERVICES TO SENIOR CITIZENS ON A REGULAR BASIS INCLUDING, BUT NOT LIMITED TO MEALS, RECREATION AND COUNSELING.

(B) "CONTACT INFORMATION" SHALL MEAN NAME, ADDRESS AND PHONE NUMBER OF SENIOR CITIZENS.

2. CONFIDENTIALITY OF RECORDS. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, CONTACT INFORMATION OF SENIORS WHO VISIT A SENIOR CENTER SHALL NOT BE OPEN TO THE PUBLIC, NOR SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW, AND NO PUBLIC ENTITY OR EMPLOYEE, OFFICER OR AGENT THEREOF SHALL DISCLOSE SUCH INFORMATION.

3. EXCEPTION. NOTHING IN THIS SECTION SHALL PRECLUDE THE DISCLOSURE OF CONTACT INFORMATION THAT MAY BE OBTAINED AND, IF OTHERWISE ADMISSIBLE, BE USED IN A CIVIL COURT OR OTHER CIVIL ADMINISTRATIVE OR ADJUDICATORY BODY IN ANY ACTION OR PROCEEDING PENDING THEREIN WHEN SUCH ACTION OR PROCEEDING RELATES DIRECTLY TO THE ATTENDANCE OF A SENIOR CENTER.

4. VIOLATIONS. ANY PERSON WHO KNOWINGLY RELEASES OR PERMITS THE DISCLOSURE OF THE CONTACT INFORMATION THAT IS CONFIDENTIAL UNDER THIS SECTION TO A PERSON OR ENTITY NOT ENTITLED TO RECEIVE SUCH INFORMATION SHALL BE SUBJECT TO A CIVIL PENALTY OF UP TO FIVE THOUSAND DOLLARS.

S 2. This act shall take effect immediately.

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

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