

1821

2011-2012 Regular Sessions

I N S E N A T E

January 13, 2011

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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,

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

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1 and optical memory card technologies by public and private entities,
2 including but not limited to, state, county, and local governments,
3 retailers, manufacturers, employers, and schools;

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

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

21 S 3. The task force shall issue its findings, in the form of a report,
22 no later than November 30, 2013.

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

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

4 S 6. The task force may consult with any organization, educational
5 institution, governmental agency, or person.

6 S 7. The members of the task force shall serve without compensation,
7 except that at-large members shall be allowed their necessary and actual
8 expenses incurred in the performance of their duties under this act.

9 S 8. The consumer protection board shall provide the task force with
10 such facilities, assistance, and data as will enable the task force to
11 carry out its powers and duties. Additionally, all other departments or
12 agencies of the state or subdivisions thereof shall, at the request of
13 the chairpersons, provide the task force with such facilities, assist-
14 ance, and data as will enable the task force to carry out its powers and
15 duties.

16 S 9. This act shall take effect immediately.