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

4580--A

2011-2012 Regular Sessions

I N S E N A T E

April 12, 2011

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to confidentiality in papers filed in civil proceedings

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

Section 1. The civil practice law and rules is amended by adding a new rule 2103-b to read as follows:

RULE 2103-B. CONFIDENTIALITY IN CIVIL PROCEEDINGS. 1. EXCEPT IN A MATRIMONIAL ACTION OR AS OTHERWISE PROVIDED BY LAW OR COURT ORDER AND WHETHER OR NOT A SEALING ORDER IS OR HAS BEEN SOUGHT, THE PARTIES SHALL OMIT OR REDACT CONFIDENTIAL PERSONAL INFORMATION IN PAPERS SUBMITTED TO THE COURT FOR FILING. FOR PURPOSES OF THIS RULE, CONFIDENTIAL PERSONAL INFORMATION MEANS INFORMATION WHICH IF PUBLICLY FILED WOULD INCREASE THE RISK OF IDENTITY THEFT, FRAUDULENT USE OR DISCLOSURES IN VIOLATION OF STATE OR FEDERAL LAW. CONFIDENTIAL PERSONAL INFORMATION INCLUDES, BUT IS NOT LIMITED TO, A SOCIAL SECURITY NUMBER, A DATE OF BIRTH, A DRIVER'S LICENSE NUMBER, A NON-DRIVER PHOTO IDENTIFICATION CARD NUMBER, AN EMPLOYEE IDENTIFICATION NUMBER, A MOTHER'S MAIDEN NAME, AN INSURANCE OR FINANCIAL ACCOUNT NUMBER, A CREDIT CARD NUMBER, A COMPUTER PASSWORD OR COMPUTER ACCESS INFORMATION, ELECTRONIC SIGNATURE DATA OR UNIQUE BIOMETRIC DATA OR PATIENT MEDICAL INFORMATION.

2. THE COURT, SUA SPONTE OR ON MOTION BY ANY PERSON, MAY ORDER A PARTY TO REMOVE CONFIDENTIAL PERSONAL INFORMATION FROM PAPERS OR TO RESUBMIT A PAPER WITH SUCH INFORMATION REDACTED; ORDER THE CLERK TO SEAL THE PAPERS OR A PORTION THEREOF CONTAINING CONFIDENTIAL PERSONAL INFORMATION IN ACCORDANCE WITH RULES PROMULGATED BY THE CHIEF ADMINISTRATOR OF THE

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

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COURTS; FOR GOOD CAUSE, PERMIT THE INCLUSION OF CONFIDENTIAL PERSONAL INFORMATION IN PAPERS; OR DETERMINE THAT PARTICULAR INFORMATION IN A PARTICULAR ACTION IS NOT CONFIDENTIAL.

3. IN AN ACTION ARISING OUT OF A CONSUMER CREDIT TRANSACTION, AS DEFINED IN SUBDIVISION (F) OF SECTION ONE HUNDRED FIVE OF THIS CHAPTER, THE COMPLAINT SHALL INCLUDE THE LAST FOUR DIGITS OF THE RELEVANT ACCOUNT NUMBERS, IF ANY. IN THE EVENT THE DEFENDANT APPEARS AND DENIES RESPONSIBILITY FOR THE IDENTIFIED ACCOUNT, THE PLAINTIFF MAY, WITHOUT LEAVE OF COURT, AMEND HIS OR HER PLEADING TO ADD FULL ACCOUNT OR CONFIDENTIAL PERSONAL INFORMATION BY (A) SUBMITTING SUCH AMENDED PAPER TO THE COURT ON WRITTEN NOTICE TO DEFENDANT FOR IN CAMERA REVIEW; OR (B) IN ACCORDANCE WITH RULES PROMULGATED BY THE CHIEF ADMINISTRATOR OF THE COURTS FILE SUCH FULL ACCOUNT OR OTHER CONFIDENTIAL PERSONAL INFORMATION UNDER SEAL.

S 2. Rule 3016 of the civil practice law and rules is amended by adding a new subdivision (i) to read as follows:

(I) CONSUMER CREDIT TRANSACTION. IN AN ACTION ARISING OUT OF A CONSUMER CREDIT TRANSACTION AS DEFINED IN SUBDIVISION (F) OF SECTION ONE HUNDRED FIVE OF THIS CHAPTER, THE COMPLAINT SHALL INCLUDE THE LAST FOUR DIGITS OF THE RELEVANT ACCOUNT NUMBERS, IF ANY.

S 3. This act shall take effect immediately.