

5439

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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Introduced by Sen. KENNEDY -- 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, 2015.

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

1 S 5. The secretary of state and the director of the office of informa-  
2 tion technology services or their designees shall serve as joint chair-  
3 persons 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 secretary of state shall provide the task force with such  
10 facilities, assistance, and data as will enable the task force to carry  
11 out its powers and duties. Additionally, all other departments or agen-  
12 cies of the state or subdivisions thereof shall, at the request of the  
13 chairpersons, provide the task force with such facilities, assistance,  
14 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.