6114--A

2013-2014 Regular Sessions

IN ASSEMBLY

March 15, 2013

ENGLEBRIGHT -- read once and referred to the Introduced by M. of A. Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

amend the state technology law, in relation to digital mail AN ACT to communications

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

- 1 Section 1. Short title. This act shall be known and may be cited as the "secure digital mail communications act of 2014". 2
- 3 S 2. The state technology law is amended by adding a new article 5 to 4 read as follows: 5

ARTICLE V

SECURE DIGITAL MAIL COMMUNICATIONS

7 SECTION 501. DEFINITION.

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502. COMPLIANCE WITH STATUTORILY MANDATED COMMUNICATIONS.

503. REQUIREMENTS FOR DIGITAL MAIL DELIVERY SERVICE.

504. RULES AND REGULATIONS.

11 501. DEFINITION. AS USED IN THIS ARTICLE "DIGITAL MAIL DELIVERY S SERVICE " MEANS A SERVICE 12 THAT (A) EMPLOYS SECURITY PROCEDURES TΟ 13 PROVIDE, SEND, DELIVER OR OTHERWISE COMMUNICATE ELECTRONIC RECORDS TO 14 THEIR INTENDED RECIPIENTS BY MEANS THAT UTILIZE (I) SECURITY METHODS AS PASSWORDS, ENCRYPTION AND MATCHING AN ELECTRONIC ADDRESS TO A 15 SUCH PERSON'S PHYSICAL U.S. POSTAL ADDRESS, OR (II) OTHER SECURITY 16 METHODS ARE CONSISTENT WITH APPLICABLE LAW OR INDUSTRY STANDARDS; AND (B) 17 THAT OPERATES SUBJECT TO OTHERWISE APPLICABLE REQUIREMENTS OF THE 18 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT OR THE UNIFORM ELECTRONIC 19 20 TRANSACTIONS ACT ALLOWING INFORMATION TO BE PROVIDED, SENT, DELIVERED OR 21 OTHERWISE COMMUNICATED BY OR FROM A GOVERNMENT AGENCY, GOVERNMENT OFFI-

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

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1 CIAL OR ANY PERSON ACTING WITH OFFICIAL GOVERNMENT AUTHORITY TO A PERSON 2 IN THE FORM OF AN ELECTRONIC RECORD.

3 S 502. COMPLIANCE WITH STATUTORILY MANDATED COMMUNICATIONS. ANY LAW 4 REQUIRING A GOVERNMENT AGENCY, GOVERNMENT OFFICIAL OR ANY PERSON ACTING 5 WITH OFFICIAL GOVERNMENT AUTHORITY TO COMMUNICATE WITH PERSONS IN WRIT-6 ING OR BY MAIL OR THE LIKE MAY BE SATISFIED BY USE OF A SECURE DIGITAL 7 MAIL DELIVERY SERVICE.

8 S 503. REQUIREMENTS FOR DIGITAL MAIL DELIVERY SERVICE. FOR THE 9 PURPOSES OF THIS ARTICLE, A DIGITAL MAIL DELIVERY SERVICE SHALL:

10 (A) ALLOW RECIPIENTS OF COMMUNICATIONS TO OPT-INTO RECEIVING DIGITAL 11 MAIL DELIVERY FROM EACH ENTITY FROM A LIST OF PUBLIC OR COMMERCIAL ENTI-12 TIES, INCLUDING BUSINESSES AND PUBLIC OR GOVERNMENT AGENCIES;

13 (B) SATISFY ALL EXISTING PRIVACY AND SECURITY REQUIREMENTS FOR THE 14 COMMUNICATION THAT IS BEING SENT;

15 (C) PROVIDE THE SENDER WITH A DELIVERY LOG AND AUDIT CAPABILITY WHEN 16 PROOF OF MAILING OR PROOF OF DELIVERY IS REQUIRED; AND

17 (D) USE AT LEAST TWO DIFFERENT SOURCES OF VERIFICATION TO ENSURE THE 18 IDENTITY OF THE SUBSCRIBER AND THE CURRENT PHYSICAL ADDRESS OF THE 19 SUBSCRIBER.

20 S 504. RULES AND REGULATIONS. THE DIRECTOR SHALL PROMULGATE RULES AND 21 REGULATIONS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ARTICLE.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date are authorized to be made on or before such date.