

3195--A

2013-2014 Regular Sessions

I N S E N A T E

January 31, 2013

Introduced by Sens. PARKER, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommended to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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1 (a) assessing the privacy issues associated with the application of
2 automatic identification technologies, including but not limited to
3 optical bar code scanning, radio frequency identification, smart card,
4 and optical memory card technologies by public and private entities,
5 including but not limited to, state, county, and local governments,
6 retailers, manufacturers, employers, and schools;

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

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

24 S 3. The task force shall issue its findings, in the form of a report,
25 no later than November 30, 2016.

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

1 in the marketplace, educates consumers, and researches and analyzes
2 consumer issues, including consumers' right to privacy.

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

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

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

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

18 S 9. This act shall take effect immediately.