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

5299

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

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

AN ACT to amend the penal law, in relation to establishing the offense of making a false statement in an internet privacy policy

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

Section 1. The penal law is amended by adding two new sections 190.57 and 190.58 to read as follows:

S 190.57 MAKING A FALSE STATEMENT IN AN INTERNET PRIVACY POLICY; DEFINITION OF TERMS.

THE FOLLOWING DEFINITIONS ARE APPLICABLE TO SECTION 190.58 OF THIS ARTICLE.

1. "INTERNET" MEANS A SYSTEM OF LINKED COMPUTER NETWORKS, INTERNATIONAL IN SCOPE, THAT FACILITATE DATA TRANSMISSION AND EXCHANGE.

2. "PERSONAL INFORMATION" MEANS ANY INFORMATION CONCERNING A NATURAL PERSON WHICH CAN BE USED TO IDENTIFY THAT NATURAL PERSON, OR CONTACT OR LOCATE SUCH PERSON, INCLUDING NAME, ADDRESS, TELEPHONE NUMBER, MEDICAL OR FINANCIAL DATA, SEXUAL ORIENTATION OR EMAIL ADDRESS.

S 190.58 MAKING A FALSE STATEMENT IN AN INTERNET PRIVACY POLICY.

A PERSON IS GUILTY OF MAKING A FALSE STATEMENT IN AN INTERNET PRIVACY POLICY, WHEN OPERATING OR CONTROLLING AN INTERNET WEBSITE, HE OR SHE KNOWINGLY MAKES A FALSE OR MISLEADING STATEMENT IN THE PRIVACY POLICY FOR SUCH WEBSITE WITH REGARD TO THE USE OF PERSONAL INFORMATION SUBMITTED BY USERS OF THE WEBSITE.

MAKING A FALSE STATEMENT IN AN INTERNET PRIVACY POLICY IS A CLASS A MISDEMEANOR.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD09019-01-3