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I N   S E N A T E

May 29, 2014

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Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to the disclosure of records to public retirement systems of the city of New York

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

1     Section 1. Paragraph (n) of subdivision 1 of section 96 of the public  
2 officers law, as added by chapter 652 of the laws of 1983, is amended  
3 and a new paragraph (o) is added to read as follows:  
4     (n) to officers or employees of another agency if the record sought to  
5 be disclosed is necessary for the receiving agency to comply with the  
6 mandate of an executive order, but only if such records are to be used  
7 only for statistical research, evaluation or reporting and are not used  
8 in making any determination about a data subject[.]; OR  
9     (O) TO OFFICERS OR EMPLOYEES OF A PUBLIC RETIREMENT SYSTEM OF THE CITY  
10 OF NEW YORK IF THE INFORMATION SOUGHT TO BE DISCLOSED IS NECESSARY FOR  
11 THE RECEIVING PUBLIC RETIREMENT SYSTEM TO PROCESS BENEFITS UNDER THE  
12 RETIREMENT AND SOCIAL SECURITY LAW, THE ADMINISTRATIVE CODE OF THE CITY  
13 OF NEW YORK, OR THE EDUCATION LAW OR ANY OTHER APPLICABLE PROVISION OF  
14 LAW. A WRITTEN REQUEST OR CONSENT FROM THE DATA SUBJECT PURSUANT TO  
15 PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT BE REQUIRED FOR THE DISCLO-  
16 SURE OF RECORDS PURSUANT TO THIS PARAGRAPH.  
17     S 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend New York State Public Officers Law Article 6-A, known as the Personal Privacy Protection Law, by adding a new paragraph (o) to Section 96 to allow the disclosure of records or personal information belonging to a "data subject" (generally, an employee of a state agency, board, public authority, etc.) to any of the New York City Retirement Systems ("NYCRS") without requiring a written request or consent from the data subject if the information being sought is necessary to process statutory pension benefits.

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

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The Effective Date of the proposed legislation would be the date of enactment.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUE OF BENEFITS, EMPLOYER NORMAL COST, ACTUARIAL ACCRUED LIABILITY AND EMPLOYER CONTRIBUTIONS: The enactment of this proposed legislation is expected to result in no change in the Actuarial Present Value of Benefits, Employer Normal Cost, Actuarial Accrued Liability or employer contributions to the NYCRS.

FINANCIAL IMPACT - ADMINISTRATIVE EXPENSES: The enactment of this legislation would result in the more efficient and less costly administration of the NYCRS.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2014 Legislative Session. It is Fiscal Note 2014-03, dated December 12, 2013, prepared by the Chief Actuary for the New York City Retirement Systems.