

# STATE OF NEW YORK

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1867

2017-2018 Regular Sessions

## IN ASSEMBLY

January 13, 2017

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Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT in relation to creating a temporary state commission on personal privacy to examine and assess the privacy of individuals in the state of New York and to make recommendations relative to the protection thereof; and providing for the repeal of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. New York state historically has been a leader in protecting  
2 the personal privacy of its citizens. Today governmental agencies and  
3 commercial firms are constantly gathering and distributing more and more  
4 detailed information on the personal lives of the citizens of New York.  
5 The rapid advancement in technology in recent years has created new  
6 potential threats to the privacy of individuals. The ability to collect,  
7 collate, and transmit personal data using information technology now  
8 allows isolated pieces of information on an individual to be compiled  
9 into profiles of the individual. No comprehensive federal or state law  
10 governs personal privacy, nor is any federal or state agency charged  
11 with the sole responsibility of identifying personal privacy problems  
12 that need to be addressed and encouraging the development and enactment  
13 of policies aimed at protecting individuals' privacy. A thorough understanding of the potential dangers to personal privacy is necessary in  
14 order that the legislature may take the appropriate steps to protect the  
15 privacy of the state's citizens at this pivotal point in time.

17 § 2. A temporary state commission is hereby established to be known as  
18 the "commission on personal privacy". The role of the commission  
19 includes, but is not limited to:

20 (a) assessing the level of citizen concern about personal privacy and,  
21 to the extent possible, the incidence of privacy intrusions suffered by  
22 New York citizens;

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

LBD02834-01-7

1 (b) examining the practices of state and local governmental agencies  
2 and businesses related to the collection, storage, and distribution of  
3 personal information and assessing the potential privacy issues associ-  
4 ated with such collection, storage and distribution;

5 (c) assessing the scope and effectiveness of existing federal and  
6 state privacy protection laws and self-regulatory efforts undertaken by  
7 businesses in protecting personal privacy;

8 (d) recommending appropriate legislative and administrative reforms  
9 relating to state systems that collect and maintain personal information  
10 of employees, public retirees and other persons to ensure that personal  
11 information is not subject to misappropriation; and

12 (e) recommending appropriate legislation relating to the collection,  
13 storage, and distribution of personal information by businesses to  
14 ensure that personal information is not subject to misappropriation.

15 § 3. The commission shall make a preliminary report to the governor  
16 and the legislature of its findings, conclusions, and recommendations  
17 not later than the one hundred eightieth day after the effective date of  
18 this section and a final report of its findings, conclusions, and recom-  
19 mendations not later than one year after the effective date of this  
20 section, and shall submit with its reports such legislative proposals as  
21 it deems necessary to implement its recommendations.

22 § 4. The commission shall consist of a total of fifteen members who  
23 shall be appointed not later than the thirtieth day after the effective  
24 date of this section and shall include the superintendent of the depart-  
25 ment of financial services, the secretary of state, the director of the  
26 office of information technology services, and the attorney general, or  
27 a designee of any of said officers. The remaining eleven, at-large  
28 members shall be appointed as follows: three shall be appointed by the  
29 governor; three shall be appointed by the temporary president of the  
30 senate and one by the minority leader of the senate; three shall be  
31 appointed by the speaker of the assembly and one by the minority leader  
32 of the assembly. One each of the appointments of the governor, temporary  
33 president of the senate, and the speaker of the assembly shall be a  
34 member, officer, or employee of a consumer advocacy organization. One  
35 of the appointments of the governor shall be a member, officer, or  
36 employee of a statewide association representing and advocating for the  
37 interests of businesses. One of the appointments of the governor shall  
38 be a member, officer, or employee of a statewide association represent-  
39 ing and advocating for the interests of local governments. One of the  
40 appointments of the speaker of the assembly shall be an individual who  
41 has conducted academic research on personal privacy protection. One of  
42 the appointments of the speaker of the assembly shall be a member, offi-  
43 cer, or employee of a manufacturer of systems used by state and local  
44 governments to electronically store data. One of the appointments of the  
45 temporary president of the senate shall be a member, officer, or employ-  
46 ee of a statewide trade association representing the health care indus-  
47 try. One of the appointments of the temporary president of the senate  
48 shall be a member, officer, or employee of a statewide trade association  
49 representing financial institutions. An organization shall be considered  
50 a consumer advocacy organization if it advocates for enhanced consumer  
51 protection in the marketplace, educates consumers, and researches and  
52 analyzes consumer issues, including consumers' right to privacy.

53 § 5. The secretary of state shall serve as chairperson of the commis-  
54 sion. The commission may consult with any organization, educational  
55 institution, governmental agency, or person.

1     § 6. The members of the commission shall serve without compensation,  
2 except that at-large members shall be allowed their necessary and actual  
3 expenses incurred in the performance of their duties under this act.

4     § 7. The department of state shall provide the commission with such  
5 facilities, assistance, and data as will enable the commission to carry  
6 out its powers and duties. Additionally, all other departments or agen-  
7 cies of the state or subdivisions thereof shall, at the request of the  
8 chairperson, provide the task force with such facilities, assistance,  
9 and data as will enable the commission to carry out its powers and  
10 duties.

11    § 8. With the approval of the chairperson of the commission, members  
12 of the commission may participate in meetings of the commission by means  
13 of videoconference or similar equipment that allows all members partic-  
14 ipating in such meetings to see and hear each other at the same time and  
15 allows the public attending the meeting in person to see and hear the  
16 members of the commission participating in such manner.

17    § 9. This act shall take effect on the thirtieth day after it shall  
18 have become a law and shall expire and be deemed repealed on the three  
19 hundred ninety-fifth day after it shall have taken effect.