

# STATE OF NEW YORK

---

2856

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

---

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

AN ACT to amend the general business law, in relation to destruction of  
personal information stored on copiers, facsimile machines or multi-  
function devices

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

1 Section 1. The general business law is amended by adding a new section  
2 349-f to read as follows:

3 § 349-f. Destruction of personal information stored on copiers,  
4 facsimile machines or multifunction devices. 1. For the purposes of this  
5 section:

6 (a) "Data storage device" means any device that stores information or  
7 data from any electronic or optical medium, including, without limita-  
8 tion, a computer, cellular telephone, magnetic tape, electronic computer  
9 drive and optical computer drive, and the medium itself.

10 (b) "Encryption" means the protection of data in electronic or optical  
11 form, in storage or in transit, using: (i) an encryption technology  
12 which has been adopted by an established standards setting body, includ-  
13 ing, without limitation, the federal information processing standards  
14 issued by the national institute of standards and technology, or its  
15 successor organization, and which renders such data indecipherable in  
16 the absence of associated cryptographic keys necessary to enable  
17 decryption of such data; and (ii) appropriate management and safeguards  
18 of cryptographic keys to protect the integrity of the encryption using  
19 guidelines promulgated by an established standards setting body, includ-  
20 ing, without limitation, the national institute of standards and tech-  
21 nology or its successor organization.

22 (c) "Multifunction device" means a machine that incorporates the func-  
23 tionality of multiple devices, which may include a printer, copier,

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

LBD03623-01-7

1 scanner, facsimile machine or electronic mail terminal, to provide for  
2 the centralized management, distribution or production of documents.

3 2. A business entity or data collector that owns or possesses a copi-  
4 er, facsimile machine or multifunction device which uses a data storage  
5 device to store, reproduce, transmit or receive data or images that may  
6 contain personal information shall, before the business entity or data  
7 collector relinquishes ownership, physical custody or control of the  
8 copier, facsimile machine or multifunction device to another person,  
9 ensure that any personal information which is stored on the data storage  
10 device of the copier, facsimile machine or multifunction device is:

11 (a) secured through the use of encryption; or

12 (b) destroyed through the use of a physical or technological method  
13 that has been adopted by an established standards setting body, includ-  
14 ing, without limitation, a method prescribed by the most recent version  
15 of the federal information processing standards issued by the national  
16 institute of standards and technology or its successor organization.

17 3. If a business entity or data collector uses or possesses a copier,  
18 facsimile machine or multifunction device which uses a data storage  
19 device to store, reproduce, transmit or receive data or images that may  
20 contain personal information pursuant to a lease agreement or rental  
21 contract, the owner or lessor of the copier, facsimile machine or multi-  
22 function device shall, as soon as practicable after the termination or  
23 cancellation of the lease agreement or rental contract, or upon assuming  
24 physical custody or control of the copier, facsimile machine or multi-  
25 function device, ensure that any personal information which is stored on  
26 the data storage device of the copier, facsimile machine or multifunc-  
27 tion device is destroyed through the use of a physical or technological  
28 method that has been adopted by an established standards setting body,  
29 including, without limitation, a method prescribed by the most recent  
30 version of the federal information processing standards issued by the  
31 national institute of standards and technology or its successor organ-  
32 ization.

33 4. The provisions of subdivisions two and three of this section do not  
34 apply to a copier, facsimile machine or multifunction device which is  
35 used or configured in such a way as to prevent the storage of data or  
36 images that may contain personal information.

37 § 2. This act shall take effect on the ninetieth day after it shall  
38 have become a law.