

# STATE OF NEW YORK

6428

2019-2020 Regular Sessions

## IN SENATE

June 10, 2019

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

AN ACT creating the "automated decision systems task force" and providing for the powers and duties thereof

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "automated decision systems task force".

3 § 2. Definitions. For the purposes of this act, the following terms  
4 shall have the following meanings:

5 1. "Automated decision systems" shall mean any software system or  
6 process that aims to aid or replace human decision-making. Automated  
7 decision systems can include analyzing complex datasets to generate  
8 scores, predictions, classifications, or some recommended actions, which  
9 are used by agencies to make decisions that impact human welfare.

10 2. "Charitable corporation" shall have the meaning ascribed to such  
11 term by section 102 of the not-for-profit corporation law.

12 3. "Agency" shall have the meaning ascribed to such term by section  
13 102 of the state administrative procedure act.

14 § 3. Automated decision systems task force; members. 1. There is  
15 created the "automated decision systems task force" (hereinafter  
16 referred to as the task force) consisting of fifteen, non-governmental  
17 members with expertise in the areas of fairness, accountability, and  
18 transparency relating to automated decision systems. No fewer than seven  
19 members shall be persons affiliated with charitable corporations that  
20 represent persons in the state affected by agency automated decision  
21 systems one of whom shall be appointed chairperson. The members shall be  
22 appointed as follows:

23 a. four members to be appointed by the governor;

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

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1 b. three members to be appointed by the attorney general including the  
2 chairperson who shall be one of the seven or more members affiliated  
3 with a charitable corporation as prescribed above;

4 c. three members to be appointed by the temporary president of the  
5 senate;

6 d. three members to appointed by the speaker of the assembly;

7 e. one member to be appointed by the minority leader of the senate;  
8 and

9 f. one member to be appointed by the minority leader of the assembly.

10 2. The members of the task force shall serve without compensation but  
11 shall be entitled to reimbursement for their reasonable and necessary  
12 expenses incurred in the performance of their duties.

13 3. The task force may utilize skilled experts, and shall receive the  
14 cooperation of those state agencies it deems appropriate to assist the  
15 task force in carrying out its duties.

16 4. The task force shall meet no fewer than once a month.

17 § 4. Automated decision systems task force; duties. The task force  
18 shall:

19 1. compile a list of existing automated decision systems used by all  
20 state agencies;

21 2. analyze how, by whom, and to what end automated decision systems in  
22 use in New York state were created and the privacy issues associated  
23 with the use of automated decision systems; and

24 3. hold regular public hearings, and maintain full video and written  
25 documentation accessible in person and online, on issues related to  
26 automated decision systems.

27 § 5. The task force shall prepare a report for submission to the  
28 governor and the legislature that shall include, at a minimum, the spec-  
29 ified duties of subdivisions one and two of section four of this act and  
30 make specific recommendations on:

31 1. whether and how existing state laws, regulations, programs, poli-  
32 cies, and practices related to the use of automated decision systems  
33 should be changed to promote fairness, accountability, and transparency;

34 2. development and implementation of a procedure through which a  
35 person affected by a decision concerning a rule, policy, or action  
36 implemented by New York state, where such decision was made by, or with  
37 the assistance of an agency automated decision system, may request and  
38 receive an explanation of such decision and the basis therefor;

39 3. development and implementation of a procedure that may be used by  
40 the state to determine whether an agency automated decision system  
41 disproportionately impacts protected classes of persons defined in  
42 subdivision 1 of section 291 of the executive law;

43 4. development and implementation of a procedure for addressing  
44 instances in which a person is harmed by an agency automated decision  
45 system if any such system is found to disproportionately impact  
46 protected classes of persons defined in subdivision 1 of section 291 of  
47 the executive law;

48 5. development and implementation of a process for making information  
49 publicly available that, for each agency automated decision system, will  
50 allow the public to meaningfully assess how such system functions and is  
51 used by the state, including making technical information about such  
52 system publicly available; and

53 6. development and implementation of a procedure for archiving agency  
54 automated decision systems, data used to determine predictive relation-  
55 ships among data for such systems and input data for such systems.

1 § 6. The task force shall issue its findings, in the form of a written  
2 report, no later than 24 months after such task force is established.

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

10 § 8. Such task force shall dissolve 60 days after submission of the  
11 report required by section five of this act.

12 § 9. The governor shall, no later than 10 days after receipt of the  
13 report required by section five of this act, make such report publicly  
14 available online through the state's website.

15 § 10. This act shall take effect immediately.