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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. development and implementation of a procedure for archiving agency automated decision systems, data used to determine predictive relationships among data for such systems and input data for such systems.

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

§ 7. The secretary of state shall provide the task force with such facilities, assistance, and data as will enable the task force to carry out its powers and duties. Additionally, all other departments or agencies of the state or subdivisions thereof shall, at the request of the chairpersons, provide the task force with such facilities, assistance, and data as will enable the task force to carry out its powers and duties.

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

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

§ 10. This act shall take effect immediately.