

# STATE OF NEW YORK

733

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the general business law, in relation to collection,  
storage or transmission of personal information collected from smart  
home systems

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  
2 390-d to read as follows:

3 § 390-d. Smart home systems. 1. For the purposes of this section the  
4 following terms shall have the following meanings:

5 (a) "Smart home system" means any device, or other physical object  
6 that is capable of connecting to the internet, directly or indirectly,  
7 and that is assigned an internet protocol address or bluetooth address.

8 (b) "End user" means a person that ultimately uses a smart home  
9 connected system regardless of whether such person installed such  
10 system.

11 (c) "Personal information" includes, but is not limited to, the  
12 following:

13 (i) identity information including, but not limited to, real name,  
14 alias, nickname, and user name;

15 (ii) address information, including, but not limited to, postal  
16 address or e-mail;

17 (iii) telephone number;

18 (iv) account name;

19 (v) social security number or other government-issued identification  
20 number, including, but not limited to, social security number, driver's  
21 license number, identification card number, and passport number;

22 (vi) birthdate or age;

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

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1 (vii) physical characteristic information, including, but not limited  
2 to, height and weight;

3 (viii) sexual information, including, but not limited to, sexual  
4 orientation, sex, gender status, gender identity, and gender expression;

5 (ix) race or ethnicity;

6 (x) religious affiliation or activity;

7 (xi) political affiliation or activity;

8 (xii) professional or employment-related information;

9 (xiii) educational information;

10 (xiv) medical information, including, but not limited to, medical  
11 conditions or drugs, therapies, mental health, or medical products or  
12 equipment used;

13 (xv) financial information, including, but not limited to, credit,  
14 debit, or account numbers, account balances, payment history, or infor-  
15 mation related to assets, liabilities, or general creditworthiness;

16 (xvi) commercial information, including, but not limited to, records  
17 of property, products or services provided, obtained, or considered, or  
18 other purchasing or consumer histories or tendencies;

19 (xvii) location information;

20 (xviii) internet or mobile activity information, including, but not  
21 limited to, internet protocol addresses or information concerning the  
22 access or use of any internet or mobile-based site or service;

23 (xix) content, including text, photographs, audio or video recordings,  
24 or other material generated by or provided by an end user; and

25 (xx) any of the above categories of information as they pertain to any  
26 children of an end user.

27 2. (a) No business which manufactures or sells a smart home connected  
28 system shall collect, store or transmit any personal information  
29 obtained from the installation or use of a smart home connected system  
30 to a third-party without the express and affirmative consent of the end  
31 user of such system.

32 (b) No landlord who has installed a smart home connected system on or  
33 in rental property shall collect, store or transmit any personal infor-  
34 mation obtained from the installation or use of such smart home  
35 connected system without the express and affirmative consent of the  
36 tenant of such rental property.

37 (c) No employer who has installed a smart home connected system shall  
38 collect, store or transmit any personal information of any employee  
39 obtained from the installation or use of such smart home connected  
40 system without the express and affirmative consent of such employee.

41 § 2. This act shall take effect immediately.