

STATE OF NEW YORK

8317

IN SENATE

February 11, 2022

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the general business law, in relation to disclosing to a parent the personal information and content about a minor collected by an operator of an internet platform

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

1 Section 1. The general business law is amended by adding a new section
2 392-k to read as follows:

3 § 392-k. Disclosure of personal information and content about a minor
4 collected by an operator of an internet platform. 1. As used in this
5 section, the following terms shall have the following meanings:

6 (a) "operator" shall mean and include a platform located on the inter-
7 net or an online service who collects or maintains personal information
8 from or about the user of or visitors to such platform or online
9 service, or on whose behalf such information is collected or maintained,
10 where such platform or online service is operated for commercial
11 purposes, including any person offering products or services for sale
12 through such platform or online service.

13 (b) "identifiers" shall mean any information which is generated by an
14 operator, whether automatically or manually, through the minor's online
15 activity, whether on the operator's platform or otherwise.

16 (c) "internet" shall mean the myriad of computer and telecommuni-
17 cations facilities, including equipment and operating software, which
18 comprise the interconnected worldwide network of networks that employ
19 the transmission control protocol/internet protocol, or any predecessor
20 or successor protocols to such protocol, to communicate information of
21 all kinds by wire or radio.

22 (d) "parent" shall mean a legal guardian under the laws of the state
23 of New York.

24 (e) "verified parent" shall mean a person who is determined to be a
25 legal guardian by the operator in accordance with the methods provided
26 in 15 USC § 6501(9).

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

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1 (f) "minor" shall mean any person in the state who has not attained
2 the age of thirteen.

3 (g) "platform" shall mean an application or website that serves as a
4 base from which the interactive computer service is provided.

5 (h) "content" shall mean the textual, visual or aural information that
6 is generated by a third-party or the operator.

7 (i) "tracked" shall mean to monitor a minor's activity on or off the
8 operator's platform for the purpose of determining a user's identifiers.

9 (j) "identifiers" shall mean the information generated from tracking a
10 minor which assigns to them certain factors which are used for conveying
11 content to the minor.

12 2. Upon request from a verified parent of a minor, an operator shall:

13 (a) provide the verified parent with digital or physical copies of all
14 advertisements and other content which the minor was shown by the opera-
15 tor on the operator's platform that were shown solely based on the
16 minor's identifiers; and

17 (b) provide the verified parent with the identifiers which the opera-
18 tor generated by utilizing the child's online activity whether that
19 activity is tracked on or off the operator's platform.

20 3. It shall be a defense to this section that the operator is unable
21 to provide the information required in subdivision two of this section
22 due to foreseeable or unforeseeable circumstances that prevent the
23 disclosure of such information that is not the fault of the operator.

24 4. This section shall not be construed as imposing any obligation on
25 an operator for disclosing the information required in subdivision two
26 of this section to a verified parent during the period of time in which
27 the operator did not have actual knowledge of the child's age.

28 § 2. This act shall take effect on the thirtieth day after it shall
29 have become a law.