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 Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new section 390-d to read as follows:

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

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

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

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

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

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

(iii) telephone number;

(iv) account name;

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

(vi) birthdate or age;

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

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

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

(ix) race or ethnicity;

(x) religious affiliation or activity;

(xi) political affiliation or activity;

(xii) professional or employment-related information;

(xiii) educational information;

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

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

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

(xvii) location information;

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

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

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

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

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

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

§ 2. This act shall take effect immediately.