

STATE OF NEW YORK

9642

IN ASSEMBLY

March 26, 2024

Introduced by M. of A. BORES -- read once and referred to the Committee on Cities

AN ACT to amend the general municipal law, in relation to interagency data sharing by agencies of a city with a population of one million or more for providing benefits, services or care coordination

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 "one city act".

3 § 2. The general municipal law is amended by adding a new section
4 139-e to read as follows:

5 § 139-e. Data sharing by agencies within a local government for
6 providing benefits, services or care coordination. 1. Applicability.
7 This section shall apply to cities having a population of one million or
8 more.

9 2. Legislative intent. The legislature hereby finds, determines, and
10 declares that the effective delivery of benefits, services and care
11 coordination by a local government to its populace may be improved
12 through cooperative data-sharing arrangements that enable its agencies
13 to act, in effect, as a single coordinated entity, "one city", for such
14 purposes. The delivery of benefits, services and care coordination often
15 either requires or is buttressed by the sharing of the personal informa-
16 tion collected from individuals or households by one local government
17 agency with other local government agencies, particularly where the same
18 individual or household is known to multiple local government agencies
19 or faces complex challenges requiring cross-agency coordination to
20 effectively address a pressing need for government services, such as but
21 not limited to food, shelter, mental health services, public benefits,
22 and health care. The legislature recognizes the importance of ensuring
23 robust protections for safeguarding the privacy of the personal informa-
24 tion that individuals have entrusted to their local government while
25 also enabling its agencies to responsibly share such information with
26 each other in order to effectively deliver benefits, services and care
27 coordination to its populace. State authority for cooperative data-shar-

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

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1 ing arrangements that enable agencies of a local government to coordi-
2 nate their activities is necessary in certain instances where laws of
3 the state of New York impose restrictions on the disclosure of such
4 personal information between local government agencies. Such cooperative
5 data-sharing arrangements can be developed and implemented with appro-
6 priate safeguards and protocols for protecting personal privacy and
7 cybersecurity.

8 3. Definitions. As used in this section:

9 (a) "Agency" means an office, position, administration, department,
10 division, bureau, board or commission, or a corporation, institution or
11 agency of government, the expenses of which are paid in whole or in part
12 from the city treasury.

13 (b) "Agent" means an authorized person who acts on behalf of or at the
14 direction of an agency.

15 (c) "Benefits" means assistance and resources that a local government
16 provides to individuals in order to meet basic needs, such as but not
17 limited to food, shelter, financial security, education, and health
18 care, and other types of assistance or resources that may help improve
19 an individual's quality of life.

20 (d) "Care coordination" means coordination or case management of bene-
21 fits and services.

22 (e) "Human services agency" means an agency that delivers a service to
23 individuals or groups of individuals for the purpose of improving or
24 enhancing such individuals' health or welfare in circumstances including
25 but not limited to: domestic violence, teenage pregnancy, health prob-
26 lems, child abuse, nutritional deficiencies, suicide, hunger, unemploy-
27 ment, lack of suitable shelter, crime, drug and alcohol abuse and pover-
28 ty.

29 (f) "Personal information" means information collected by an agency
30 concerning an individual that, because of name, number, symbol, mark or
31 other identifier, can be used to identify that individual, and includes
32 data contained in an agency record about the individual's background,
33 circumstances, needs and services that have been provided to the indi-
34 vidual.

35 (g) "Services" means functions a local government performs for the
36 purpose of assisting individuals, including but not limited to educa-
37 tional efforts and outreach by a local government about benefits,
38 services, and care coordination.

39 4. Disclosure of personal information among agencies. Subject to any
40 restrictions imposed by federal law, and notwithstanding any other
41 provision of the laws of New York relating to the confidentiality of
42 personal information, other than laws requiring that records be sealed,
43 an agency may disclose the personal information of individuals that
44 would otherwise be restricted from disclosure to another agency or agent
45 thereof for the limited purpose of:

46 (a) providing benefits, services, or care coordination to individuals;
47 or

48 (b) a research study concerning the provision of benefits, services or
49 care coordination that is conducted by or on behalf of a local govern-
50 ment health or human services agency and is in compliance with applica-
51 ble local, state and federal laws relating to human subjects research.

52 5. The disclosure of personal information pursuant to this section
53 shall only be made subject to a written agreement between the parties
54 involved in the disclosure of the personal information, and such agree-
55 ment shall:

1 (a) be approved by legal counsel and the chief information security
2 officer for each agency that is a party to the agreement, and the local
3 government's chief privacy officer, where such a position exists;

4 (b) provide that access to the personal information to be shared is
5 limited to employees or agents of the parties that require such access
6 to fulfill their job functions in relation to providing the benefits,
7 services and care coordination described in such agreement;

8 (c) describe the type of personal information to be shared, how it is
9 to be shared, and the use and purpose relating to specific benefits,
10 services or care coordination to be furthered by the disclosure;

11 (d) prohibit the agency to which personal information shall be
12 disclosed from redisclosing, publishing or otherwise revealing such
13 personal information without written permission of the disclosing agen-
14 cy, except where required by law, and require that such redisclosure be
15 in accordance with a written agreement subject to the terms set forth in
16 this subdivision; and

17 (e) impose requirements governing the secure transmission, storage,
18 use and access to the disclosed personal information that are no less
19 stringent than those established by the local government agency that
20 directs, manages, and has authority over a city's cyber defense, inves-
21 tigation, response, and policy.

22 6. Nothing in this section shall be interpreted to authorize the
23 disclosure of personal information among or between agencies of a local
24 government for any other purpose than providing or making available
25 benefits, services and care coordination to its populace or conducting a
26 research study pursuant to paragraph (b) of subdivision four of this
27 section, nor shall this section be interpreted to authorize disclosure
28 of personal information for the purposes of investigating an offense as
29 such term is defined in subdivision one of section 10.00 of the penal
30 law.

31 § 3. This act shall take effect immediately.