STATE OF NEW YORK

2324

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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