

# STATE OF NEW YORK

637

2023-2024 Regular Sessions

## IN SENATE

January 5, 2023

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, the transportation law and the general municipal law, in relation to establishing a closed-circuit television system and surveillance personal privacy act; and to amend the vehicle and traffic law, in relation to the operation of traffic-control signal photo violation-monitoring devices

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

1 Section 1. Legislative findings and declarations. The legislature  
2 finds and declares the state has increasingly used camera systems and  
3 other surveillance technologies to monitor the daily legal activities of  
4 its citizens. Even in public and quasi-public forums, increasing use of  
5 government surveillance has a chilling effect on the freedoms and activ-  
6 ities of its citizens. Therefore, the legislature finds that the state  
7 has an obligation to establish a policy in which the public's privacy  
8 interests are protected where camera systems are increasingly used in  
9 traffic enforcement, surveillance and other areas. Where these surveil-  
10 lance systems are used, the state has an obligation to protect an indi-  
11 vidual's right of personal privacy, and consequently, must take all  
12 steps to protect personal privacy in all aspects of system planning,  
13 design, deployment, operation and maintenance and shall not collect or  
14 disseminate any personal identifier information.

15 § 2. The public authorities law is amended by adding a new article 1-B  
16 to read as follows:

### ARTICLE 1-B

### PUBLIC AUTHORITY CLOSED-CIRCUIT TELEVISION SYSTEM AND SURVEILLANCE PERSONAL PRIVACY ACT

#### Section 52. Definitions.

#### 53. Operation of CCTV systems; privacy protections.

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

LBD00860-01-3

54. Restrictions on recording CCTV system video.

55. Use and dissemination of CCTV system data.

§ 52. Definitions. As used in this article:

1. The terms "closed-circuit television system," "CCTV system," or "CCTV" shall mean a video camera system and/or network used to collect, transmit and monitor data electronically via a data stream and project such data onto a video monitor, television screen or other monitoring equipment and any other system that allows the collection, viewing, transmission and recording of video images; and such a system is a closed circuit in that it has limited access, and all elements are directly connected and controlled by operators of the system. CCTV system shall not include: any images or videotape prepared pursuant to section twenty-nine hundred eighty-five of this chapter; or any system or network of cameras installed on a CCTV system operator's facilities for other than traffic management purposes.

2. "Private entity" shall mean a private corporation or other private organization, including any organization providing news media services or any other information service provider that is not a public service entity.

3. "Public service entity" shall mean any public agency, public authority, public corporation, other governmental entity, municipality, accredited academic institution, or not-for-profit public service provider.

4. "Incident" shall mean an activity that occurs on or near a public highway, roadway, or right-of-way, that has or could have an impact on the safety of the traveling public or that could cause or contribute to highway congestion, and shall include a vehicular accident, and any violation of law or similar situation that would normally involve the attention of a peace officer.

5. "Personal identifier information" shall mean any data or video representation that could:

(a) identify an individual driver or passenger in or on any vehicle;

(b) identify any license plate of a vehicle;

(c) identify the contents of the enclosed interior of a passenger vehicle; or

(d) show the individual travel pattern of a specific vehicle.

6. "CCTV system operator" shall mean any public authority as defined in this chapter that owns or operates a CCTV system.

§ 53. Operation of CCTV systems; privacy protections. 1. The cameras of a CCTV system subject to this article shall be continuously focused on the highway and feeder and exit roads for which the system is intended to provide information for traffic management, provided, however, such cameras may show adjacent lands where it is not practical to avoid such monitoring during CCTV operation as provided in this article, and this provision shall not prohibit such monitoring in the event of a public health danger or safety emergency.

2. No CCTV system operator shall allow the cameras to be focused on private property for the purpose of monitoring any activity or person on such property, provided however, that this provision shall not prohibit such monitoring to the extent that it becomes necessary in the event of a public health danger or safety emergency.

3. A CCTV system operator shall not operate its CCTV system to collect personal identifier information data, except pursuant to an order of a court of competent jurisdiction, and except that such data may be collected without a court order in a public health danger or safety emergency situation to provide for the safety of the public, including

1 the gathering of information necessary to provide the appropriate  
2 response to an incident, or public health danger or safety emergency.

3 4. A CCTV system operator shall adopt policies and practices to imple-  
4 ment the requirements of this article. No person shall be employed in  
5 the operation of a CCTV system until he or she shall be fully trained in  
6 such policies and practices and the requirements of this article.

7 § 54. Restrictions on recording CCTV system video. 1. Except as  
8 provided in this section, a CCTV system operator shall not record CCTV  
9 data. In all cases, recording of CCTV data shall be done in a manner  
10 that protects the privacy of the public.

11 2. A CCTV system operator may record CCTV data either on a planned  
12 basis or on an emergency basis. A CCTV system operator may establish a  
13 plan in advance for the recording of video images in response to a  
14 specific need where a review of such images would contribute to improv-  
15 ing safety and/or future traffic operations procedures or system plan-  
16 ning and performance including:

17 (a) review of a traffic operations or safety problem;  
18 (b) to provide for future operational employee training;  
19 (c) for research that will improve future technology or operations;  
20 (d) to demonstrate or test equipment or system functions; or  
21 (e) to collect data for transportation planning management purposes,  
22 provided, however, that for data gathered in accordance with this subdi-  
23 vision, personal identifier information shall be removed from the data  
24 or obscured before the data is stored and used.

25 A CCTV system operator may record response activities for particularly  
26 complex or extensive incident response activity for post-incident review  
27 for the purpose of improving operational procedures and response.

28 3. Any recording made pursuant to the authority of this section shall  
29 be retained in a specifically designated and secure location with access  
30 restricted only for the purpose that it was gathered and upon the  
31 approval of supervisory level personnel. Any such recordings shall be  
32 retained only for the minimum required time after use of the archived  
33 data for its intended purpose in accordance with the applicable records  
34 retention schedule or policy.

35 § 55. Use and dissemination of CCTV system data. 1. A CCTV system  
36 operator shall use its CCTV system data primarily for transportation  
37 planning, traffic management and traveler information purposes. Nothing  
38 contained in this section or any other provision of law shall be  
39 construed as prohibiting a CCTV system operator from utilizing CCTV  
40 system data in a judicial or administrative action proceeding to which  
41 the operator is a party.

42 2. Notwithstanding any other provision of law, CCTV system data that  
43 contains personal identifier information shall not be open to the public  
44 and shall not be subject to public inspection and copying pursuant to  
45 article six of the public officers law.

46 3. A CCTV system operator may, in its discretion, distribute CCTV  
47 system data that does not contain personal identifier information  
48 directly to the public via the Internet or any other means directly or  
49 through public or private entities for the purposes of providing travel-  
50 er information, provided that all such data disseminated from CCTV  
51 systems shall be transferred in a real time feed or in data feed with a  
52 delay of not to exceed fifteen minutes.

53 4. (a) A CCTV system operator may, in its discretion, disseminate its  
54 CCTV system data to other public service entities to achieve common  
55 transportation safety and management objectives. In the event of inci-  
56 dents, public health dangers or safety emergencies, a CCTV system opera-

1 tor may disseminate CCTV system data that contains personal identifier  
2 information to public service entities to the extent necessary to deal  
3 with such incident, danger or emergency. A CCTV system operator shall  
4 not disseminate CCTV system data that contains personal identifier  
5 information to private entities.

6 (b) All dissemination of CCTV system data from a CCTV system operator  
7 to a public service or private entity shall be pursuant to a written  
8 agreement that contains the following provisions:

9 (i) the CCTV system operator shall have complete control over the CCTV  
10 system data that is provided;

11 (ii) the CCTV system operator may stop transmission of CCTV system  
12 data at any time without prior approval or notice;

13 (iii) the receiving entity shall utilize CCTV system data only for the  
14 purposes for which the dissemination is made;

15 (iv) the receiving entity shall not disseminate CCTV system data to  
16 any third party without the prior written consent of the CCTV system  
17 operator;

18 (v) the receiving entity shall not disseminate CCTV system data that  
19 contains personal identifier information to any third party under any  
20 circumstances; and

21 (vi) the receiving entity shall not record any CCTV system data except  
22 as provided in this section.

23 (c) A written agreement between a CCTV system operator and a private  
24 entity for the dissemination of CCTV system data shall also contain the  
25 following provisions:

26 (i) the private entity shall not attempt to utilize CCTV system data  
27 to obtain any personal identifier information; and

28 (ii) if the private entity is a television news organization, the CCTV  
29 system operator may, in its sole discretion and subject to a policy  
30 established by the CCTV system operator, allow such a private entity to  
31 record CCTV system data for the sole purpose of broadcasting such images  
32 as traffic reports aired by such private entity within a twenty-four  
33 hour period of creating such recording, provided that such private enti-  
34 ty agrees to destroy any such recording within twenty-four hours of its  
35 creation.

36 § 3. The New York metropolitan transportation authority is directed to  
37 conduct a study to review all elements of its operations and create a  
38 mission statement that explicitly states the authority's use of closed-  
39 circuit television systems and other surveillance systems and what the  
40 reasonable privacy expectations of an individual are regarding the  
41 authority's use of such systems. The authority shall report within 60  
42 days of the effective date of this act and report to the governor, the  
43 speaker of the assembly, the temporary president of the senate, the  
44 chairman of the assembly standing committee on corporations, authorities  
45 and commissions, and the chairman of the senate standing committee on  
46 corporations, authorities and commissions.

47 § 4. The transportation law is amended by adding a new article 23 to  
48 read as follows:

#### 49 ARTICLE 23

#### 50 STATE HIGHWAY CLOSED-CIRCUIT TELEVISION SYSTEM 51 AND SURVEILLANCE PERSONAL PRIVACY ACT

#### 52 Section 500. Definitions.

53 501. Operation of CCTV systems; privacy protections.

54 502. Restrictions on recording CCTV system video.

55 503. Use and dissemination of CCTV system data.

56 § 500. Definitions. As used in this article:

1 1. The terms "closed-circuit television system," "CCTV system," or  
2 "CCTV" shall mean a video camera system and/or network used to collect,  
3 transmit and monitor data electronically via a data stream and project  
4 such data onto a video monitor, television screen or other monitoring  
5 equipment and any other system that allows the collection, viewing,  
6 transmission and recording of video images; and is a closed circuit in  
7 that it has limited access and all elements are directly connected and  
8 controlled by operators of the system. CCTV system shall not include:  
9 any system or network of cameras installed on a CCTV system operator's  
10 facilities for other than traffic management purposes.

11 2. "Private entity" shall mean a private corporation or other private  
12 organization, including any organization providing news media services  
13 or any other information service provider that is not a public service  
14 entity.

15 3. "Public service entity" shall mean any public agency, public  
16 authority, public corporation, other governmental entity, municipality,  
17 accredited academic institution, or not-for-profit public service  
18 provider.

19 4. "Incident" shall mean an activity that occurs on or near a public  
20 highway, roadway, or right-of-way, that has or could have an impact on  
21 the safety of the traveling public or that could cause or contribute to  
22 highway congestion, and shall include a vehicular accident, and any  
23 violation of law or similar situation that would normally involve the  
24 attention of a peace officer.

25 5. "Personal identifier information" shall mean any data or video  
26 representation that could:

- 27 (a) identify an individual driver or passenger in or on any vehicle;  
28 (b) identify any license plate of a vehicle;  
29 (c) identify the contents of the enclosed interior of a passenger  
30 vehicle; or  
31 (d) show the individual travel pattern of a specific vehicle.

32 6. "CCTV system operator" shall mean any department of state govern-  
33 ment that owns or operates a CCTV system.

34 § 501. Operation of CCTV systems; privacy protections. 1. The cameras  
35 of a CCTV system subject to this article shall be continuously focused  
36 on the highway and feeder and exit roads for which the system is  
37 intended to provide information for traffic management, provided, howev-  
38 er, such cameras may show adjacent lands where it is not practical to  
39 avoid such monitoring during CCTV operation as provided in this article,  
40 and this provision shall not prohibit such monitoring in the event of a  
41 public health danger or safety emergency.

42 2. No CCTV system operator shall allow the cameras to be focused on  
43 private property for the purpose of monitoring any activity or person on  
44 such property, provided however, that this provision shall not prohibit  
45 such monitoring to the extent that it becomes necessary in the event of  
46 a public health danger or safety emergency.

47 3. A CCTV system operator shall not operate its CCTV system to collect  
48 personal identifier information data, except pursuant to an order of a  
49 court of competent jurisdiction, and except that such data may be  
50 collected without a court order in a public health danger or safety  
51 emergency situation to provide for the safety of the public, including  
52 the gathering of information necessary to provide the appropriate  
53 response to an incident, or public health danger or safety emergency.

54 4. A CCTV system operator shall adopt policies and practices to imple-  
55 ment the requirements of this article. No person shall be employed in

1 the operation of a CCTV system until he or she shall be fully trained in  
2 such policies and practices and the requirements of this article.

3 § 502. Restrictions on recording CCTV system video. 1. Except as  
4 provided in this section, a CCTV system operator shall not record CCTV  
5 data. In all cases, recording of CCTV data shall be done in a manner  
6 that protects the privacy of the public.

7 2. A CCTV system operator may record CCTV data either on a planned  
8 basis or on an emergency basis. A CCTV system operator may establish a  
9 plan in advance for the recording of video images in response to a  
10 specific need where a review of such images would contribute to improv-  
11 ing safety and/or future traffic operations procedures or system plan-  
12 ning and performance including:

13 (a) review of a traffic operations or safety problem;  
14 (b) to provide for future operational employee training;  
15 (c) for research that will improve future technology or operations;  
16 (d) to demonstrate or test equipment or system functions; or  
17 (e) to collect data for transportation planning management purposes,  
18 provided, however, that for data gathered in accordance with this subdi-  
19 vision, personal identifier information shall be removed from the data  
20 or obscured before the data is stored and used.

21 A CCTV system operator may record response activities for particularly  
22 complex or extensive incident response activity for post-incident review  
23 for the purpose of improving operational procedures and response.

24 3. Any recording made pursuant to the authority of this section shall  
25 be retained in a specifically designated and secure location with access  
26 restricted only for the purpose that it was gathered and upon the  
27 approval of supervisory level personnel. Any such recordings shall be  
28 retained only for the minimum required time after use of the archived  
29 data for its intended purpose in accordance with the applicable records  
30 retention schedule or policy.

31 § 503. Use and dissemination of CCTV system data. 1. A CCTV system  
32 operator shall use its CCTV system data primarily for transportation  
33 planning, traffic management and traveler information purposes. Nothing  
34 contained in this section or any other provision of law shall be  
35 construed as prohibiting a CCTV system operator from utilizing CCTV  
36 system data in a judicial or administrative action proceeding to which  
37 the operator is a party.

38 2. Notwithstanding any other provision of law, CCTV system data that  
39 contains personal identifier information shall not be open to the public  
40 and shall not be subject to public inspection and copying pursuant to  
41 article six of the public officers law.

42 3. A CCTV system operator may, in its discretion, distribute CCTV  
43 system data that does not contain personal identifier information  
44 directly to the public via the Internet or any other means directly or  
45 through public or private entities for the purposes of providing travel-  
46 er information, provided that all such data disseminated from CCTV  
47 systems shall be transferred in a real time feed or in data feed with a  
48 delay of not to exceed fifteen minutes.

49 4. (a) A CCTV system operator may, in its discretion, disseminate its  
50 CCTV system data to other public service entities to achieve common  
51 transportation safety and management objectives. In the event of inci-  
52 dents, public health dangers or safety emergencies, a CCTV system opera-  
53 tor may disseminate CCTV system data that contains personal identifier  
54 information to public service entities to the extent necessary to deal  
55 with such incident, danger or emergency. A CCTV system operator shall

1 not disseminate CCTV system data that contains personal identifier  
2 information to private entities.

3 (b) All dissemination of CCTV system data from a CCTV system operator  
4 to a public service or private entity shall be pursuant to a written  
5 agreement that contains the following provisions:

6 (i) the CCTV system operator shall have complete control over the CCTV  
7 system data that is provided;

8 (ii) the CCTV system operator may stop transmission of CCTV system  
9 data at any time without prior approval or notice;

10 (iii) the receiving entity shall utilize CCTV system data only for the  
11 purposes for which the dissemination is made;

12 (iv) the receiving entity shall not disseminate CCTV system data to  
13 any third party without the prior written consent of the CCTV system  
14 operator;

15 (v) the receiving entity shall not disseminate CCTV system data that  
16 contains personal identifier information to any third party under any  
17 circumstances; and

18 (vi) the receiving entity shall not record any CCTV system data except  
19 as provided in this section.

20 (c) A written agreement between a CCTV system operator and a private  
21 entity for the dissemination of CCTV system data shall also contain the  
22 following provisions:

23 (i) the private entity shall not attempt to utilize CCTV system data  
24 to obtain any personal identifier information; and

25 (ii) if the private entity is a television news organization, the CCTV  
26 system operator may, in its sole discretion and subject to a policy  
27 established by the CCTV system operator, allow such a private entity to  
28 record CCTV system data for the sole purpose of broadcasting such images  
29 as traffic reports aired by such private entity within a twenty-four  
30 hour period of creating such recording, provided that such private enti-  
31 ty agrees to destroy any such recording within twenty-four hours of its  
32 creation.

33 § 5. The general municipal law is amended by adding a new article  
34 14-B-1 to read as follows:

35 ARTICLE 14-B-1

36 MUNICIPAL CLOSED-CIRCUIT TELEVISION SYSTEM

37 AND SURVEILLANCE PERSONAL PRIVACY ACT

38 Section 375. Definitions.

39 376. Operation of CCTV systems; privacy protections.

40 377. Restrictions on recording CCTV system video.

41 378. Use and dissemination of CCTV system data.

42 § 375. Definitions. As used in this article:

43 1. The terms "closed-circuit television system," "CCTV system," or  
44 "CCTV" shall mean a video camera system and/or network used to collect,  
45 transmit and monitor data electronically via a data stream and project  
46 such data onto a video monitor, television screen or other monitoring  
47 equipment and any other system that allows the collection, viewing,  
48 transmission and recording of video images; and is a closed circuit in  
49 that it has limited access and all elements are directly connected and  
50 controlled by operators of the system. CCTV system shall not include:  
51 any system that produces any images or videotape authorized pursuant to  
52 section eleven hundred eleven-a of the vehicle and traffic law and any  
53 system or network of cameras installed on a CCTV system operator's  
54 facilities for other than traffic management purposes.

55 2. "Private entity" shall mean a private corporation or other private  
56 organization, including any organization providing news media services

1 or any other information service provider that is not a public service  
2 entity.

3 3. "Public service entity" shall mean any public agency, public  
4 authority, public corporation, other governmental entity, municipality,  
5 accredited academic institution, or not-for-profit public service  
6 provider.

7 4. "Incident" shall mean an activity that occurs on or near a public  
8 highway, roadway, or right-of-way, that has or could have an impact on  
9 the safety of the traveling public or that could cause or contribute to  
10 highway congestion, and shall include a vehicular accident, and any  
11 violation of law or similar situation that would normally involve the  
12 attention of a peace officer.

13 5. "Personal identifier information" shall mean any data or video  
14 representation that could:

15 (a) identify an individual driver or passenger in or on any vehicle;

16 (b) identify any license plate of a vehicle;

17 (c) identify the contents of the enclosed interior of a passenger  
18 vehicle; or

19 (d) show the individual travel pattern of a specific vehicle.

20 6. "CCTV system operator" shall mean any county, town, city or village  
21 that owns or operates a CCTV system.

22 § 376. Operation of CCTV systems; privacy protections. 1. The cameras  
23 of a CCTV system subject to this article shall be continuously focused  
24 on the highway and feeder and exit roads for which the system is  
25 intended to provide information for traffic management, provided, howev-  
26 er, such cameras may show adjacent lands where it is not practical to  
27 avoid such monitoring during CCTV operation as provided in this article,  
28 and this provision shall not prohibit such monitoring in the event of a  
29 public health danger or safety emergency.

30 2. No CCTV system operator shall allow the cameras to be focused on  
31 private property for the purpose of monitoring any activity or person on  
32 such property, provided however, that this provision shall not prohibit  
33 such monitoring to the extent that it becomes necessary in the event of  
34 a public health danger or safety emergency.

35 3. A CCTV system operator shall not operate its CCTV system to collect  
36 personal identifier information data, except pursuant to an order of a  
37 court of competent jurisdiction, and except that such data may be  
38 collected without a court order in a public health danger or safety  
39 emergency situation to provide for the safety of the public, including  
40 the gathering of information necessary to provide the appropriate  
41 response to an incident, or public health danger or safety emergency.

42 4. A CCTV system operator shall adopt policies and practices to imple-  
43 ment the requirements of this article. No person shall be employed in  
44 the operation of a CCTV system until he or she shall be fully trained in  
45 such policies and practices and the requirements of this article.

46 § 377. Restrictions on recording CCTV system video. 1. Except as  
47 provided in this section, a CCTV system operator shall not record CCTV  
48 data. In all cases, recording of CCTV data shall be done in a manner  
49 that protects the privacy of the public.

50 2. A CCTV system operator may record CCTV data either on a planned  
51 basis or on an emergency basis. A CCTV system operator may establish a  
52 plan in advance for the recording of video images in response to a  
53 specific need where a review of such images would contribute to improv-  
54 ing safety and/or future traffic operations procedures or system plan-  
55 ning and performance including:

56 (a) review of a traffic operations or safety problem;

1 (b) to provide for future operational employee training;  
2 (c) for research that will improve future technology or operations;  
3 (d) to demonstrate or test equipment or system functions; or  
4 (e) to collect data for transportation planning management purposes,  
5 provided, however, that for data gathered in accordance with this subdi-  
6 vision, personal identifier information shall be removed from the data  
7 or obscured before the data is stored and used.

8 A CCTV system operator may record response activities for particularly  
9 complex or extensive incident response activity for post-incident review  
10 for the purpose of improving operational procedures and response.

11 3. Any recording made pursuant to the authority of this section shall  
12 be retained in a specifically designated and secure location with access  
13 restricted only for the purpose that it was gathered and upon the  
14 approval of supervisory level personnel. Any such recording shall be  
15 retained only for the minimum required time after use of the archived  
16 data for its intended purpose in accordance with the applicable records  
17 retention schedule or policy.

18 § 378. Use and dissemination of CCTV system data. 1. A CCTV system  
19 operator shall use its CCTV system data primarily for transportation  
20 planning, traffic management and traveler information purposes. Nothing  
21 contained in this section or any other provision of law shall be  
22 construed as prohibiting a CCTV system operator from utilizing CCTV  
23 system data in a judicial or administrative action proceeding to which  
24 the operator is a party.

25 2. Notwithstanding any other provision of law, CCTV system data that  
26 contains personal identifier information shall not be open to the public  
27 and shall not be subject to public inspection and copying pursuant to  
28 article six of the public officers law.

29 3. A CCTV system operator may, in its discretion, distribute CCTV  
30 system data that does not contain personal identifier information  
31 directly to the public via the Internet or any other means directly or  
32 through public or private entities for the purposes of providing travel-  
33 er information, provided that all such data disseminated from CCTV  
34 systems shall be transferred in a real time feed or in data feed with a  
35 delay of not to exceed fifteen minutes.

36 4. (a) A CCTV system operator may, in its discretion, disseminate its  
37 CCTV system data to other public service entities to achieve common  
38 transportation safety and management objectives. In the event of inci-  
39 dents, public health danger or safety emergencies, a CCTV system opera-  
40 tor may disseminate CCTV system data that contains personal identifier  
41 information to public service entities to the extent necessary to deal  
42 with such incident, danger or emergency. A CCTV system operator shall  
43 not disseminate CCTV system data that contains personal identifier  
44 information to private entities.

45 (b) All dissemination of CCTV system data from a CCTV system operator  
46 to a public service or private entity shall be pursuant to a written  
47 agreement that contains the following provisions:

48 (i) the CCTV system operator shall have complete control over the CCTV  
49 system data that is provided;

50 (ii) the CCTV system operator may stop transmission of CCTV system  
51 data at any time without prior approval or notice;

52 (iii) the receiving entity shall utilize CCTV system data only for the  
53 purposes for which the dissemination is made;

54 (iv) the receiving entity shall not disseminate CCTV system data to  
55 any third party without the prior written consent of the CCTV system  
56 operator;

1 (v) the receiving entity shall not disseminate CCTV system data that  
2 contains personal identifier information to any third party under any  
3 circumstances; and

4 (vi) the receiving entity shall not record any CCTV system data except  
5 as provided in this section.

6 (c) A written agreement between a CCTV system operator and a private  
7 entity for the dissemination of CCTV system data shall also contain the  
8 following provisions:

9 (i) the private entity shall not attempt to utilize CCTV system data  
10 to obtain any personal identifier information; and

11 (ii) if the private entity is a television news organization, the CCTV  
12 system operator may, in its sole discretion and subject to a policy  
13 established by the CCTV system operator, allow such a private entity to  
14 record CCTV system data for the sole purpose of broadcasting such images  
15 as traffic reports aired by such private entity within a twenty-four  
16 hour period of creating such recording, provided that such private enti-  
17 ty agrees to destroy any such recording within twenty-four hours of its  
18 creation.

19 § 6. The vehicle and traffic law is amended by adding a new section  
20 1111-g to read as follows:

21 § 1111-g. Traffic-control signal photo violation-monitoring devices;  
22 prohibitions and protections. Notwithstanding any other provision of  
23 law, rule or regulation to the contrary, a city or county authorized to  
24 install and operate traffic-control signal photo violation-monitoring  
25 devices pursuant to the provisions of section eleven hundred eleven-b of  
26 this article shall adopt and enforce measures to protect the privacy of  
27 drivers, passengers, pedestrians and cyclists whose identifying informa-  
28 tion may be captured by such devices. Such privacy-protection measures  
29 shall include, but not be limited to:

30 1. utilization of necessary technologies to ensure, to the extent  
31 practicable, that photographs produced by such traffic-control signal  
32 photo violation-monitoring devices shall not include images that identi-  
33 fy the driver, the passengers, or the contents of the vehicle. However,  
34 no notice of liability issued pursuant to section eleven hundred  
35 eleven-b of this article shall be dismissed solely because a photograph  
36 or photographs allow for the identification of the contents of a vehi-  
37 cle, provided that such city or county has made a reasonable effort to  
38 comply with the provisions of this section;

39 2. prohibition on the use or dissemination of a vehicle's license  
40 plate information and other information and images captured by traffic-  
41 control signal photo violation-monitoring devices except as required to  
42 establish liability under this section or collect payment of penalties;  
43 or unless authorized by a court ordered subpoena or search warrant  
44 issued in response to a request by law enforcement officials pertaining  
45 to a specific accident or specific incident of alleged criminal conduct,  
46 or except as otherwise required by law;

47 3. destruction of images obtained by the traffic-control signal photo  
48 violation-monitoring devices no later than thirty days from the date  
49 such images were recorded, or immediately upon adjudication of the  
50 liability and payment of fines, as provided in section eleven hundred  
51 eleven-b of this article, if either event occurs later than thirty days  
52 from the date such images are recorded;

53 4. deletion of identifying information, including vehicle license  
54 plate information, from records maintained for research purposes or for  
55 reporting purposes as detailed in section eleven hundred eleven-b of  
56 this article; and

1     5. oversight procedures to ensure compliance with the aforementioned  
2     privacy-protection measures.  
3     § 7. This act shall take effect on the sixtieth day after it shall  
4     have become a law.