

# STATE OF NEW YORK

6686

2023-2024 Regular Sessions

## IN SENATE

May 5, 2023

Introduced by Sen. HOYLMAN-SIGAL -- 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 social media open application programming

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 article  
2 cle 42 to read as follows:

3 ARTICLE 42

4 SOCIAL MEDIA OPEN APPLICATION PROGRAMMING

5 INTERFACE ACCESS

6 Section 1100. Definitions.

7 1101. Required open API access with social media for third-party  
8 development tools.

9 1102. API access report.

10 1103. Violations and remedies.

11 1104. Application.

12 § 1100. Definitions. As used in this article:

13 1. "Application programming interface" or "API" means a standards-  
14 based interface that permits third-party applications to retrieve data  
15 and send instructions through the use of non-proprietary technologies  
16 that are commonly used and recognized by businesses on behalf of a user  
17 or authorized representative with no special effort.

18 2. "Authorized representative" means a person who has received written  
19 authorization from a user to take actions on behalf of a user on a  
20 social media platform.

21 3. "Content" means statements or comments made by users and media that  
22 are created, posted, shared, or otherwise interacted with by users on an  
23 internet-based service or application. "Content" does not include media

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

LBD11044-01-3

1 put on a service or application exclusively for the purpose of cloud  
2 storage, transmitting files, or file collaboration.

3 4. "Public or semipublic internet-based service or application"  
4 excludes a service or application used to facilitate communication with-  
5 in a business or enterprise among employees or affiliates of the busi-  
6 ness or enterprise, provided that access to the service or application  
7 is restricted to employees or affiliates of the business or enterprise  
8 using the service or application.

9 5. "Social media company" means a person or entity that owns or oper-  
10 ates one or more social media platforms.

11 6. "Social media platform" means a public or semipublic internet-based  
12 service or application that has users in New York and that meets both of  
13 the following criteria:

14 (a) A substantial function of the service or application is to connect  
15 users in order to allow users to interact socially with each other with-  
16 in the service or application. A service or application that provides  
17 email or direct messaging services shall not be considered to meet this  
18 criterion on the basis of that function alone.

19 (b) The service or application allows users to do all of the follow-  
20 ing:

21 (i) construct a public or semipublic profile for purposes of signing  
22 into and using the service or application;

23 (ii) populate a list of other users with whom an individual shares a  
24 social connection within the system; and

25 (iii) create or post content viewable by other users, including, but  
26 not limited to, on message boards, in chat rooms, or through a landing  
27 page or main feed that presents the user with content generated by other  
28 users.

29 § 1101. Required open API access with social media for third-party  
30 development tools. 1. A social media platform must implement and main-  
31 tain a standards-based application programming interface that permits  
32 third-party applications to retrieve data specified in subdivision two  
33 of this section at no cost, and for a user or a user's authorized repre-  
34 sentative, to be used for the user's benefit.

35 2. A social media platform must provide the following information to  
36 its current users or their authorized representatives through the API  
37 consistent with subdivision one of this section:

38 (a) The user's personal data that the social media platform controls,  
39 including, without limitation:

40 (i) data generally available to account holders, including user's  
41 name, username or handle, profile photo, bio, and location;

42 (ii) user data or data based on actions taken by the user generated by  
43 a user collected by the social media platform that forms the basis for  
44 social recommendations, including without limitation user follows and  
45 publicly available follower data, as well as the social recommendations,  
46 groups, topics, boards, and hashtags, users may follow;

47 (iii) third-party data which is either (A) generally available to all  
48 account holders, or (B) made available to the user by the action of that  
49 third party, and which is collected by the social media company to make  
50 content decisions that directly or indirectly impact a user; and

51 (iv) user settings, including notification and privacy settings,  
52 muted/blocked accounts and keywords.

53 (b) Social media platform produced or recommended data that is avail-  
54 able to the user, including without limitation:

1 (i) content that is directed or recommended to the user by the social  
2 media platform in surface areas, including direct messages, comments on  
3 user posts, mentions, tagged comments, and tagged stories;

4 (ii) social media platform produced data or compilations of data that  
5 is visible in personalized surface areas, including timeline and recom-  
6 mendations;

7 (iii) content freely available to a user as a result of a user's  
8 actions, including content generally available to groups, servers, and  
9 communities joined by the user; and

10 (iv) notifications regarding actions on the social media platform.

11 (c) Data that is generally available to all account holders about the  
12 user's friends or followers that the social media platform uses to make  
13 filtering or ranking decisions relating to a user, including, without  
14 limitation, data that is available to the user about other accounts on  
15 the platform, including name, username or handle, profile photo and  
16 number of followers or persons following.

17 3. A social media platform must provide access through the API neces-  
18 sary to allow third-party applications on behalf of any current user to  
19 write, update or take action on:

20 (a) The user's personal data that the social media platform controls,  
21 including, without limitation:

22 (i) data that is generally available to all account holders, including  
23 user's name, username or handle, profile photo, bio, and location;

24 (ii) user data and data generated by a user and collected by the  
25 social media platform that forms the basis for social recommendations,  
26 including user follows and follower data, as well as the topics users  
27 may follow;

28 (iii) third-party data which is either (A) generally available to all  
29 account holders, or (B) made available to user by the action of the  
30 third party, and which is collected by the social media company to make  
31 user safety decisions, including who users block and mute; and

32 (iv) user settings, including notification and privacy settings, and  
33 muted/blocked keywords.

34 (b) All safety or preference controls that can be applied to other  
35 users and content, including, without limitation, muting, blocking,  
36 reporting, hiding comments or replies, accepting user requests, or  
37 related controls.

38 4. A social media platform must conduct routine testing, conducted not  
39 less than quarterly, conduct ongoing monitoring, and make all updates  
40 necessary to ensure the API functions properly, including:

41 (a) Assessments to verify that the API is fully and successfully  
42 implementing privacy and security features.

43 (b) A status dashboard to allow developers to determine the operation-  
44 ality of the API.

45 (c) Functionality to enable piecewise retrieval of large data sets,  
46 including filtering, sorting, and pagination, or ability to query deltas  
47 since a given timestamp.

48 (d) Maximum latency thresholds necessary to allow developers to access  
49 any required data in a reasonable manner.

50 (e) Reasonable error handling, including standard error codes.

51 (f) Versioning of the API.

52 5. A social media platform must make publicly accessible, by posting  
53 directly on its website or via a publicly accessible hyperlink or hyper-  
54 links, complete accompanying documentation reasonably necessary for  
55 developers to access the API. This documentation shall include, without  
56 limitation:

1 (a) API syntax, function names, required and optional parameters  
2 supported and their data types, return variables and their  
3 types/structures, exceptions and exception handling methods and their  
4 returns, as well as sample data for each data type.

5 (b) The software components and configurations an application must use  
6 in order to successfully interact with the API and process its response  
7 or responses.

8 (c) All applicable technical requirements and attributes necessary for  
9 an application to be registered with any authorization server or servers  
10 deployed in conjunction with the API.

11 (d) Change logs for any updates to the API.

12 6. A social media platform may deny or discontinue any user or author-  
13 ized representative's application's access to the API if:

14 (a) the social media platform reasonably determines, consistent with  
15 access requirements clearly established in its terms and conditions,  
16 that allowing a user or authorized representative to connect or remain  
17 connected to the API would present an unacceptable level of risk to the  
18 security of the social media platform or its users; and

19 (b) the social media platform makes this determination using objec-  
20 tive, verifiable criteria that are applied fairly and consistently  
21 across all applications and developers through which users may seek  
22 access to the platform; provided that the social media platform must  
23 retain records of any decision to restrict API access to any user or  
24 authorized representative, including the user, date, time, documented  
25 misuse and record of notification of violation.

26 § 1102. API access report. 1. On a semiannual basis in accordance with  
27 subdivision two of this section, a social media company shall submit to  
28 the attorney general an API access report. The API access report shall  
29 include, for each social media platform owned or operated by the compa-  
30 ny, information on API utilization and access decisions made pursuant to  
31 section eleven hundred one of this article, including all of the follow-  
32 ing:

33 (a) the current features included in the API;

34 (b) if a social media company has filed its first report, a complete  
35 and detailed description of any changes to the API since the previous  
36 report;

37 (c) a detailed description of how the social media company has  
38 responded to additional features added to the platform since the previ-  
39 ous API access report; and

40 (d) any denials or discontinuations of any person to the API, includ-  
41 ing a complete and detailed description of the bases for such denial or  
42 discontinuation.

43 2. (a) A social media company shall electronically submit a semiannual  
44 API access report pursuant to subdivision one of this section, covering  
45 activity within the third and fourth quarters of the preceding calendar  
46 year, to the attorney general no later than April first of each year,  
47 and shall electronically submit a semiannual API access report pursuant  
48 to subdivision one of this section, covering activity within the first  
49 and second quarters of the current calendar year, to the attorney gener-  
50 al no later than October first of each year.

51 (b) Notwithstanding paragraph (a) of this subdivision, a social media  
52 company shall electronically submit its first API access report pursuant  
53 to subdivision one of this section, covering activity within the third  
54 quarter of two thousand twenty-four, to the attorney general no later  
55 than January first, two thousand twenty-five, and shall electronically  
56 submit its second API access report pursuant to subdivision one of this

1 section, covering activity within the fourth quarter of two thousand  
2 twenty-four, to the attorney general no later than April first, two  
3 thousand twenty-five. A social media platform shall submit its third  
4 report no later than October first, two thousand twenty-five, in accord-  
5 ance with paragraph (a) of this subdivision.

6 3. The attorney general shall make all API access reports submitted  
7 pursuant to this section available to the public in a searchable reposi-  
8 tory on its official internet website.

9 § 1103. Violations and remedies. 1. (a) A social media company that  
10 violates the provisions of this article may be enjoined in any court of  
11 competent jurisdiction.

12 (b) A social media company shall be considered in violation of the  
13 provisions of this article if the social media company does any of the  
14 following:

15 (i) fails to provide or maintain open API access in accordance with  
16 section eleven hundred one of this article;

17 (ii) fails to timely submit to the attorney general reports required  
18 pursuant to section eleven hundred two of this article; or

19 (iii) materially omits or misrepresents required information in a  
20 report submitted pursuant to section eleven hundred two of this article.

21 2. Actions for relief pursuant to this article shall be prosecuted  
22 exclusively in a court of competent jurisdiction by the attorney general  
23 in the name of the people of the state of New York or a city corporation  
24 counsel on behalf of a locality upon their own complaint or upon the  
25 complaint of a board, officer, person, corporation, or association.

26 § 1104. Application. This article shall not apply to a social media  
27 company that generated less than one hundred million dollars in gross  
28 revenue during the preceding calendar year or to an internet-based  
29 service or application for which interactions between users are limited  
30 to direct messages, commercial transactions, consumer reviews of  
31 products, sellers, services, events, or places, or any combination ther-  
32 eof.

33 § 2. This act shall take effect on the one hundred eightieth day after  
34 it shall have become a law.