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:

Section 1. Short title. This act shall be known and may be cited as the "one city act".

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

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

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

LBD14914-01-4

ing arrangements that enable agencies of a local government to coordinate their activities is necessary in certain instances where laws of the state of New York impose restrictions on the disclosure of such personal information between local government agencies. Such cooperative data-sharing arrangements can be developed and implemented with appropriate safeguards and protocols for protecting personal privacy and cybersecurity.

3. Definitions. As used in this section:

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

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

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

(d) "Care coordination" means coordination or case management of benefits and services.

(e) "Human services agency" means an agency that delivers a service to individuals or groups of individuals for the purpose of improving or enhancing such individuals' health or welfare in circumstances including but not limited to: domestic violence, teenage pregnancy, health problems, child abuse, nutritional deficiencies, suicide, hunger, unemployment, lack of suitable shelter, crime, drug and alcohol abuse and poverty.

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

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

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

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

(b) a research study concerning the provision of benefits, services or care coordination that is conducted by or on behalf of a local government health or human services agency and is in compliance with applicable local, state and federal laws relating to human subjects research.

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.