

STATE OF NEW YORK

9141

IN SENATE

April 30, 2024

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to ensuring the privacy of name change actions and of sex designation change actions; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Section 64-a of the civil rights law is REPEALED and a new
2 section 64-a is added to read as follows:

3 § 64-a. Ensuring privacy of name change actions. 1. At no time shall
4 any paper or document filed by electronic or paper means in a name
5 change action be available for public inspection in-person, online, or
6 at any computer terminal in the courthouse or the office of the county
7 clerk, except for access by the petitioner, the person changing their
8 name if different from the petitioner, the attorney of record, or upon a
9 finding of good cause. No order of the court shall be required for a
10 petitioner, or a person whose name change a filing pertains to, to
11 access their own file.

12 2. Any entity responsible for processing and maintaining court records
13 shall ensure matters filed under this article are inaccessible to the
14 public immediately upon filing, regardless of whether a petitioner makes
15 a showing of risk and regardless of the reason for the name change. This
16 section applies to all matters filed under this article regardless of
17 whether a petitioner has made a specific request for their information
18 to be kept private and regardless of whether a court has ordered seal-
19 ing.

20 3. The office of court administration, clerks, and all other records
21 custodians shall develop policies and procedures to ensure no identify-
22 ing information or documentation relating to a matter filed under this
23 article is visible or retrievable in any electronic database maintained
24 by the state of New York or a subdivision thereof. Non-identifying
25 administrative information including but not limited to index numbers,
26 judges, courts, attorney names, information about the nature and status
27 of the action, and initialized or anonymized captions may be visible.

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

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1 All custodial agencies and individuals shall ensure any platforms or
2 systems used to file or maintain court records allow for custodians to
3 input and maintain matters filed under this article consistent with this
4 section.

5 4. Within ninety days of the effective date of this section, all
6 custodial agencies and individuals maintaining existing name change
7 records shall ensure all matters filed under this article prior to the
8 effective date of this section are removed from public view in-person
9 and in online databases consistent with this section.

10 5. If a person whose name was changed by court order prior to the
11 effective date of this section discovers that information deemed private
12 under this section is publicly accessible, such person may move ex parte
13 at any time to request that information deemed private under this
14 section be removed from public view consistent with this section,
15 regardless of whether a request to seal was made at the time of the
16 original petition or the matter was previously ordered sealed.

17 6. Nothing in this section shall be construed to limit the discretion
18 of the court to order notice of a name change pursuant to this article.

19 § 2. Section 67-b of the civil rights law is REPEALED and a new
20 section 67-b is added to read as follows:

21 § 67-b. Ensuring the privacy of sex designation change actions. 1. At
22 no time shall any paper or document filed by electronic or paper means
23 in a sex designation change action be available for public inspection
24 in-person, online, or at any computer terminal in the courthouse or the
25 office of the county clerk, except for access by the petitioner, the
26 person changing their sex designation if different from the petitioner,
27 the attorney of record, or upon a finding of good cause. No order of the
28 court shall be required for a petitioner, or a person whose sex desig-
29 nation change a filing pertains to, to access their own file.

30 2. Any entity responsible for processing and maintaining court records
31 shall ensure matters filed under this article are inaccessible to the
32 public immediately upon filing, regardless of whether a petitioner makes
33 a showing of risk and regardless of the reason for the sex designation
34 change. This section applies to all matters filed under this article
35 regardless of whether a petitioner has made a specific request for their
36 information to be kept private and regardless of whether a court has
37 ordered sealing.

38 3. The office of court administration, clerks, and all other records
39 custodians shall develop policies and procedures to ensure no identify-
40 ing information or documentation relating to a matter filed under this
41 article is visible or retrievable in any electronic database maintained
42 by the state of New York or a subdivision thereof. Non-identifying
43 administrative information including but not limited to index numbers,
44 judges, courts, attorney names, information about the nature and status
45 of the action, and initialized or anonymized captions may be visible.
46 All custodial agencies and individuals shall ensure any platforms or
47 systems used to file or maintain court records allow for custodians to
48 input and maintain matters filed under this article consistent with this
49 section.

50 4. Within ninety days of the effective date of this section, all
51 custodial agencies and individuals maintaining existing sex designation
52 change records shall ensure all matters filed under this article prior
53 to the effective date of this section are removed from public view
54 in-person and in online databases consistent with this section.

55 5. If a person whose sex designation was changed by court order prior
56 to the effective date of this section discovers that information deemed

1 private under this section is publicly accessible, such person may move
2 ex parte at any time to request that information deemed private under
3 this section be removed from public view consistent with this section,
4 regardless of whether a request to seal was made at the time of the
5 original petition or the matter was previously ordered sealed.

6 § 3. This act shall take effect immediately.