

STATE OF NEW YORK

8295--D

R. R. 406

2025-2026 Regular Sessions

IN ASSEMBLY

May 12, 2025

Introduced by M. of A. OTIS, McDONALD, SIMON, COLTON, GONZALEZ-ROJAS, SHRESTHA, SMITH -- read once and referred to the Committee on Science and Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- ordered to a third reading -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading -- again amended on special order of third reading, ordered reprinted, retaining its place on the special order of third reading

AN ACT to amend the state technology law, the education law and the civil service law, in relation to automated decision-making by government agencies

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

1 Section 1. The state technology law is amended by adding a new article
2 5 to read as follows:

ARTICLE V

AUTOMATED DECISION-MAKING IN GOVERNMENT AGENCIES

Section 501. Definitions.

6 502. Disclosure of automated decision-making tools by government
7 agencies.

8 503. Impact assessments.

9 504. Submission to the governor and legislature.

§ 501. Definitions. For the purpose of this article:

11 1. "Automated decision-making tool" shall mean any software that uses
12 algorithms, computational models, or artificial intelligence techniques,
13 or a combination thereof, to automate, support, or replace human deci-
14 sion-making. "Automated decision-making tool" shall not include any
15 software used primarily for basic computerized processes, such as calcu-

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

LBD11535-19-5

1 lators, spellcheck tools, autocorrect functions, spreadsheets, electronic
2 communications, or any tool that relates only to internal management
3 affairs such as ordering office supplies or processing payments, and
4 that do not materially affect the rights, liberties, benefits, safety or
5 welfare of any individual within the state. "Automated decision-making
6 tools" shall not include "automated employment decision-making tools" as
7 defined in section four hundred one of this chapter.

8 2. "Meaningful human review" means review, oversight and control of
9 the automated decision-making process by one or more individuals who
10 understand the risks, limitations, and functionality of, and are trained
11 to use, the automated decision-making tool and who have the authority to
12 intervene or alter the decision under review, including but not limited
13 to the ability to approve, deny, or modify any decision recommended or
14 made by the automated tool.

15 3. "Government agency" shall mean: (a) the state or civil division
16 thereof; (b) a county, city, town or village; (c) a school district,
17 board of cooperative educational services, vocational education and
18 extension board or a school district as enumerated in section one of
19 chapter five hundred sixty-six of the laws of nineteen hundred sixty-
20 seven, as amended; (d) the state university of New York; (e) the city
21 university of New York; (f) a public improvement or special district
22 including police or fire districts; (g) a public authority, commission
23 or public benefit corporation; or (h) any other public corporation,
24 agency, instrumentality or unit of government which exercises govern-
25 mental power under the laws of this state.

26 § 502. Disclosure of automated decision-making tools by government
27 agencies. Any government agency that utilizes an automated decision-mak-
28 ing tool, as defined in section five hundred one of this article, shall
29 publish a list of such automated decision-making tools on such govern-
30 ment agency's website no later than the thirtieth of December next
31 succeeding the date on which this section takes effect, and annually
32 thereafter. Such disclosure shall include:

33 1. a description of the automated decision-making tool utilized
34 by such government agency;

35 2. the date that the government agency use of such automated deci-
36 sion-making tool began;

37 3. a summary of the purpose and use of such automated decision-
38 making tool; and

39 4. any other information deemed relevant by the agency.

40 § 503. Impact assessments. 1. Government agencies seeking to utilize
41 or apply an automated decision-making tool permitted under section five
42 hundred two of this article with continued and operational meaningful
43 human review shall conduct or have conducted an impact assessment
44 substantially completed and bearing the signature of one or more indi-
45 viduals responsible for meaningful human review for the lawful applica-
46 tion and use of such automated decision-making tool. Following the first
47 impact assessment, an impact assessment shall be conducted in accordance
48 with this section at least once every two years. An impact assessment
49 shall be conducted prior to any material change to the automated deci-
50 sion-making tool that may change the outcome or effect of such tool.
51 Such impact assessments shall include:

52 (a) a description of the objectives of the automated decision-making
53 tool;

54 (b) an evaluation of the ability of the automated decision-making tool
55 to achieve its stated objectives;

1 (c) a description and evaluation of the objectives and development of
2 the automated decision-making including:

3 (i) a summary of the underlying algorithms, computational modes, and
4 artificial intelligence tools that are used within the automated deci-
5 sion-making tool; and

6 (ii) the design and training data used to develop the automated deci-
7 sion-making tool process;

8 (d) testing for:

9 (i) accuracy, fairness, bias and discrimination, and an assessment of
10 whether the use of the automated decision-making tool produces discrimi-
11 natory results on the basis of a consumer's or a class of consumers'
12 actual or perceived race, color, ethnicity, religion, national origin,
13 sex, gender, gender identity, sexual orientation, familial status, biom-
14 etric information, lawful source of income, or disability and outlines
15 mitigations for any identified performance differences in outcomes
16 across relevant groups impacted by such use;

17 (ii) any cybersecurity vulnerabilities and privacy risks resulting
18 from the deployment and use of the automated decision-making tool, and
19 the development or existence of safeguards to mitigate the risks;

20 (iii) any public health or safety risks resulting from the deployment
21 and use of the automated decision-making tool;

22 (iv) any reasonably foreseeable misuse of the automated decision-mak-
23 ing tool and the development or existence of safeguards against such
24 misuse;

25 (e) the extent to which the deployment and use of the automated deci-
26 sion-making tool requires input of sensitive and personal data, how that
27 data is used and stored, and any control users may have over their data;
28 and

29 (f) the notification mechanism or procedure, if any, by which individ-
30 uals impacted by the utilization of the automated decision-making tool
31 may be notified of the use of such automated decision-making tool and of
32 the individual's personal data, and informed of their rights and options
33 relating to such use.

34 2. Notwithstanding the provisions of this article or any other law, if
35 an impact assessment finds that the automated decision-making tool
36 produces discriminatory or biased outcomes, the government agency shall
37 cease any utilization, application, or function of such automated deci-
38 sion-making tool, and of any information produced using such tool.

39 § 504. Submission to the governor and legislature. 1. Each impact
40 assessment conducted pursuant to this article shall be submitted to the
41 governor, the temporary president of the senate, and the speaker of the
42 assembly at least thirty days prior to the implementation of the auto-
43 mated decision-making tool that is the subject of such assessment.

44 2. (a) The impact assessment of an automated decision-making tool
45 shall be published on the website of the relevant government agency.

46 (b) If the government agency makes a determination that the disclosure
47 of any information required in the impact assessment would result in a
48 substantial negative impact on health or safety of the public, infringe
49 upon the privacy rights of individuals, or significantly impair the
50 government agency's ability to protect its information technology or
51 operational assets, such government agency may redact such information,
52 provided that an explanatory statement on the process by which the
53 government agency made such determination is published along with the
54 redacted impact assessment.

55 (c) If the impact assessment covers any automated decision-making tool
56 that includes technology that is used to prevent, detect, protect

1 against or respond to security incidents, identity theft, fraud, harass-
2 ment, malicious or deceptive activities or other illegal activity,
3 preserve the integrity or security of tools, or to investigate, report
4 or prosecute those responsible for any such malicious or deceptive
5 action, such government agency may redact such information for the
6 purposes of this subdivision, provided that an explanatory statement on
7 the process by which the government agency made such determination is
8 published along with the redacted impact assessment.

9 § 2. The state technology law is amended by adding a new section 103-f
10 to read as follows:

11 § 103-f. Automated decision-making tool inventory. 1. The office shall
12 maintain an inventory of state automated decision-making tools. The
13 office shall issue guidance to state agencies identifying the data
14 elements to be collected and submitted to the office for such inventory,
15 including but not limited to the purpose and uses of such automated
16 decision-making tools. The inventory shall be posted on the New York
17 state open data website on the thirtieth of December next succeeding the
18 date on which this section takes effect, and annually thereafter. State
19 agencies shall submit information required by the office at least sixty
20 days in advance of the annual publication date. The office may withhold
21 certain information if it determines disclosure of this information
22 would jeopardize the security of information technology assets, or as
23 prescribed by article six of the public officers law.

24 2. For purposes of this section, "automated decision-making tool"
25 shall have the same meaning as the term is defined in section five
26 hundred one of this chapter.

27 3. The office may ask and shall receive from any state agency any
28 information or assistance necessary to carry out its powers and duties
29 under this section.

30 4. The office shall submit a copy of the artificial intelligence
31 inventory to the governor, the temporary president of the senate, and
32 the speaker of the assembly.

33 § 3. Disclosure of existing automated decision-making tools. Any
34 government agency, that directly or indirectly, utilizes an automated
35 decision-making tool, as defined in section 501 of the state technology
36 law, shall submit to the legislature a disclosure on the use of such
37 tool, no later than one year after the effective date of this section.
38 Such disclosure shall include:

39 (a) a description of the automated decision-making tool utilized by
40 such agency;

41 (b) a list of any software vendors related to such automated deci-
42 sion-making tool;

43 (c) the date that the use of such tool began;

44 (d) a summary of the purpose and use of such tool, including a
45 description of human decision-making and discretion supported or
46 replaced by the automated decision-making tool;

47 (e) whether any impact assessments for the automated decision-making
48 tool were conducted and the dates and summaries of the results of such
49 assessments where applicable; and

50 (f) any other information deemed relevant by the agency.

51 § 4. Section 2510 of the education law is amended by adding a new
52 subdivision 4 to read as follows:

53 4.(a) The use of artificial intelligence systems as defined by section
54 one hundred three-e of the state technology law and automated decision-
55 making tools as defined by section five hundred one of the state tech-
56 nology law shall not affect (i) the existing rights of employees pursu-

1 ant to an existing collective bargaining agreement, or (ii) the existing
2 representational relationships among employee organizations or the
3 bargaining relationships between the employer and an employee organiza-
4 tion.

5 (b) The use of such artificial intelligence systems and automated
6 decision-making tools shall not result in the: (i) discharge, displace-
7 ment or loss of position, including partial displacement such as a
8 reduction in the hours of non-overtime work, wages, or employment bene-
9 fits, or result in the impairment of existing collective bargaining
10 agreements; or (ii) transfer of existing duties and functions currently
11 performed by employees of the state or any agency or public authority
12 thereof to an artificial intelligence system or automated decision-mak-
13 ing tool.

14 (c) The use of such artificial intelligence system or automated deci-
15 sion-making tool shall not alter the rights or benefits, and privileges,
16 including but not limited to terms and conditions of employment and
17 civil service status. The collective bargaining unit membership status
18 of all existing employees of the board of education shall be preserved
19 and protected.

20 § 5. Section 2585 of the education law is amended by adding a new
21 subdivision 5 to read as follows:

22 5.(a) The use of artificial intelligence systems as defined by section
23 one hundred three-e of the state technology law and automated decision-
24 making tools as defined by section five hundred one of the state tech-
25 nology law shall not affect (i) the existing rights of employees pursu-
26 ant to an existing collective bargaining agreement, or (ii) the existing
27 representational relationships among employee organizations or the
28 bargaining relationships between the employer and an employee organiza-
29 tion.

30 (b) The use of such artificial intelligence systems and automated
31 decision-making tools shall not result in the: (i) discharge, displace-
32 ment or loss of position, including partial displacement such as a
33 reduction in the hours of non-overtime work, wages, or employment bene-
34 fits, or result in the impairment of existing collective bargaining
35 agreements; or (ii) transfer of existing duties and functions currently
36 performed by employees of the state or any agency or public authority
37 thereof to an artificial intelligence system or automated decision
38 making tool.

39 (c) The use of such artificial intelligence system and automated deci-
40 sion-making tool shall not alter the rights or benefits, and privileges,
41 including but not limited to terms and conditions of employment and
42 civil service status. The collective bargaining unit membership status
43 of all existing employees of the board of education shall be preserved
44 and protected.

45 § 6. Section 2588 of the education law is amended by adding a new
46 subdivision 9 to read as follows:

47 9.(a) The use of artificial intelligence systems as defined by section
48 one hundred three-e of the state technology law and automated decision-
49 making tools as defined by section five hundred one of the state tech-
50 nology law shall not affect (i) the existing rights of employees pursu-
51 ant to an existing collective bargaining agreement, or (ii) the existing
52 representational relationships among employee organizations or the
53 bargaining relationships between the employer and an employee organiza-
54 tion.

55 (b) The use of such artificial intelligence systems shall not result
56 in the: (i) discharge, displacement or loss of position, including

1 partial displacement such as a reduction in the hours of non-overtime
2 work, wages, or employment benefits, or result in the impairment of
3 existing collective bargaining agreements; or (ii) transfer of existing
4 duties and functions currently performed by employees of the state or
5 any agency or public authority thereof to and artificial intelligence
6 system or automated decision-making tool.

7 (c) The use of such artificial intelligence system and automated deci-
8 sion-making tool shall not alter the rights or benefits, and privileges,
9 including but not limited to terms and conditions of employment and
10 civil service status. The collective bargaining unit membership status
11 of all existing employees of the board of education shall be preserved
12 and protected.

13 § 7. Section 3013 of the education law is amended by adding a new
14 subdivision 4 to read as follows:

15 4.(a) The use of artificial intelligence systems as defined by section
16 one hundred three-e of the state technology law and automated decision-
17 making tools as defined by section five hundred one of the state tech-
18 nology law shall not affect (i) the existing rights of employees pursu-
19 ant to an existing collective bargaining agreement, or (ii) the existing
20 representational relationships among employee organizations or the
21 bargaining relationships between the employer and an employee organiza-
22 tion.

23 (b) The use of such artificial intelligence systems and automated
24 decision-making tools shall not result in the: (i) discharge, displace-
25 ment or loss of position, including partial displacement such as a
26 reduction in the hours of non-overtime work, wages, or employment bene-
27 fits, or result in the impairment of existing collective bargaining
28 agreements; or (ii) transfer of existing duties and functions currently
29 performed by employees of the state or any agency or public authority
30 thereof to an artificial intelligence system or automated decision-mak-
31 ing tool.

32 (c) The use of such artificial intelligence system and automated deci-
33 sion-making tool shall not alter the rights or benefits, and privileges,
34 including but not limited to terms and conditions of employment and
35 civil service status. The collective bargaining unit membership status
36 of all existing employees of the board of education, board of cooper-
37 ative educational services, or board of trustees thereof shall be
38 preserved and protected.

39 § 8. The education law is amended by adding a new section 115 to read
40 as follows:

41 § 115. Use of artificial intelligence systems and automated decision-
42 making tools by the state university of New York, the city university of
43 New York, or community colleges. 1. The use of artificial intelligence
44 systems as defined by section one hundred three-e of the state technolo-
45 gy law and automated decision-making tools as defined by section five
46 hundred one of the state technology law shall not affect (a) the exist-
47 ing rights of employees pursuant to an existing collective bargaining
48 agreement, or (b) the existing representational relationships among
49 employee organizations or the bargaining relationships between the
50 employer and an employee organization.

51 2. The use of such artificial intelligence systems and automated deci-
52 sion-making tools shall not result in the: (a) discharge, displacement
53 or loss of position, including partial displacement such as a reduction
54 in the hours of non-overtime work, wages, or employment benefits, or
55 result in the impairment of existing collective bargaining agreements;
56 or (b) transfer of existing duties and functions currently performed by

1 employees of the state or any agency or public authority thereof to an
2 artificial intelligence system or automated decision-making tool.

3 3. The use of such artificial intelligence system or automated deci-
4 sion-making tool shall not alter the rights or benefits, and privileges,
5 including but not limited to terms and conditions of employment, civil
6 service status, and collective bargaining unit membership status of all
7 existing employees of the state university of New York, the city univer-
8 sity of New York, or community colleges shall be preserved and
9 protected.

10 § 9. Subdivision 10 of section 80 of the civil service law, as added
11 by chapter 96 of the laws of 2025, is amended to read as follows:

12 10. (a) The use of artificial intelligence systems as defined by
13 section one hundred three-e of the state technology law and automated
14 decision-making tools as defined by section five hundred one of the
15 state technology law shall not affect (i) the existing rights of employ-
16 ees pursuant to an existing collective bargaining agreement, or (ii) the
17 existing representational relationships among employee organizations or
18 the bargaining relationships between the employer and an employee organ-
19 ization.

20 (b) The use of such artificial intelligence systems and automated
21 decision-making tools shall not result in the: (i) discharge, displace-
22 ment or loss of position, including partial displacement such as a
23 reduction in the hours of non-overtime work, wages, or employment bene-
24 fits, or result in the impairment of existing collective bargaining
25 agreements; or

26 (ii) transfer of existing duties and functions currently performed by
27 employees of the state or any agency or public authority thereof to an
28 artificial intelligence system or automated decision-making tool.

29 (c) The use of [~~an~~] such artificial intelligence system and automated
30 decision-making tool shall not alter the rights or benefits, and privi-
31 leges, including but not limited to terms and conditions of employment,
32 civil service status, and collective bargaining unit membership status
33 of all existing employees of the state or any agency or public authority
34 thereof shall be preserved and protected.

35 § 10. This act shall take effect immediately; provided, however, that
36 if chapter 96 of the laws of 2025 shall not have taken effect on or
37 before such date then section nine of this act shall take effect on the
38 same date and in the same manner as such chapter of the laws of 2025,
39 takes effect; provided further, however, that section one of this act
40 shall take effect one year after it shall have become a law; provided
41 further, however, that the amendments to subdivision 10 of section 80 of
42 the civil service law made by section nine of this act shall not affect
43 the expiration and repeal of such subdivision and shall be deemed
44 repealed therewith.