STATE OF NEW YORK

7599

2025-2026 Regular Sessions

IN SENATE

April 23, 2025

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the state technology 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:

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

ARTICLE V

AUTOMATED DECISION-MAKING IN GOVERNMENT AGENCIES

Section 501. Definitions.
502. Use of automated decision-making systems by government agencies.
503. Impact assessments.
504. Submission to the governor and legislature.

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

1. "Automated decision-making system" shall mean any software that uses algorithms, computational models, or artificial intelligence techniques, or a combination thereof, to automate, support, or replace human decision-making and shall include, without limitation, systems that process data, and apply predefined rules or machine learning algorithms to analyze such data, and generate conclusions, recommendations, outcomes, assumptions, projections, or predictions without meaningful human discretion. "Automated decision-making system" shall not include any software used primarily for basic computerized processes, such as calculators, spellcheck tools, autocorrect functions, spreadsheets, electronic communications, or any tool that relates only to internal management affairs such as ordering office supplies or processing payments, and that do not materially affect the rights, liberties, benefits, safety or welfare of any individual within the state.

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

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

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

4. "Public assistance benefit" shall mean any service or program within the control of the state, or benefit provided by the state to individuals or households, including but not limited to public assistance, cash assistance, grants, child care assistance, housing assistance, unemployment benefits, transportation benefits, education assistance, domestic violence services, and any other assistance or benefit within the authority of the state to grant to individuals within the state. This shall not include any federal program that is administered by the federal government or the state.

§ 502. Use of automated decision-making systems by government agencies. 1. No government agency, or any entity acting on behalf of such agency, which utilizes or applies any automated decision-making system, directly or indirectly, in performing any function that: (a) is related to the delivery of any public assistance benefit; (b) will have a material impact on the rights, civil liberties, safety or welfare of any individual within the state; or (c) affects any statutorily or constitutionally provided right of an individual, shall utilize such automated decision-making system, unless such automated decision-making system is subject to continued and operational meaningful human review.

2. No government agency shall authorize any procurement, purchase or acquisition of any service or system utilizing, or relying on, automated decision-making systems in performing any function that is: (a) related to the delivery of any public assistance benefit; (b) will have a material impact on the rights, civil liberties, safety or welfare of any individual within the state; or (c) affects any statutorily or constitutionally provided right of an individual unless such automated decision-making system is subject to continued and operational meaningful human review.

§ 503. Impact assessments. 1. Government agencies seeking to utilize or apply an automated decision-making system permitted under section five hundred two of this article with continued and operational meaningful human review shall conduct or have conducted an impact assessment substantially completed and bearing the signature of one or more individuals responsible for meaningful human review for the lawful application and use of such automated decision-making system. Following the first impact assessment, an impact assessment shall be conducted in accordance with this section at least once every two years. An impact assessment shall be conducted prior to any material change to the auto-

mated decision-making system that may change the outcome or effect of such system. Such impact assessments shall include:

(a) a description of the objectives of the automated decision-making system;

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

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

(i) a summary of the underlying algorithms, computational modes, and artificial intelligence tools that are used within the automated decision-making system; and

(ii) the design and training data used to develop the automated decision-making system process;

(d) testing for:

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

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

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

(iv) any reasonably foreseeable misuse of the automated decision-making system and the development or existence of safeguards against such misuse;

(e) the extent to which the deployment and use of the automated decision-making system requires input of sensitive and personal data, how that data is used and stored, and any control users may have over their data; and

(f) the notification mechanism or procedure, if any, by which individuals impacted by the utilization of the automated decision-making system may be notified of the use of such automated decision-making system and of the individual's personal data, and informed of their rights and options relating to such use.

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

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

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

(b) If the government agency makes a determination that the disclosure of any information required in the impact assessment would result in a substantial negative impact on health or safety of the public, infringe upon the privacy rights of individuals, or significantly impair the government agency's ability to protect its information technology or

operational assets, such government agency may redact such information, provided that an explanatory statement on the process by which the government agency made such determination is published along with the redacted impact assessment.

(c) If the impact assessment covers any automated decision-making system that includes technology that is used to prevent, detect, protect against or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities or other illegal activity, preserve the integrity or security of systems, or to investigate, report or prosecute those responsible for any such malicious or deceptive action, such government agency may redact such information for the purposes of this subdivision, provided that an explanatory statement on the process by which the government agency made such determination is published along with the redacted impact assessment.

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

(a) a description of the automated decision-making system utilized by such agency;

(b) a list of any software vendors related to such automated decision-making system;

(c) the date that the use of such system began;

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

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

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

§ 3. This act shall take effect immediately, provided that section one of this act shall take effect one year after it shall have become a law.