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Introduced by Sens. GONZALEZ, CLEARE, HARCKHAM, LIU, PERSAUD, SALAZAR, SANDERS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- again amended and ordered reprinted, retaining its place in the order of second report -- reported favorably from said committee, ordered to second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the 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:

10 1. "Automated decision-making tool" shall mean any software that uses
11 algorithms, computational models, or artificial intelligence techniques,
12 or a combination thereof, to automate, support, or replace human deci-
13 sion-making. "Automated decision-making tool" shall not include any
14 software used primarily for basic computerized processes, such as calcu-
15 lators, spellcheck tools, autocorrect functions, spreadsheets, electron-
16

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (d) testing for:

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

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

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

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

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

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

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

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

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

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

53 (c) If the impact assessment covers any automated decision-making tool
54 that includes technology that is used to prevent, detect, protect
55 against or respond to security incidents, identity theft, fraud, harass-
56 ment, malicious or deceptive activities or other illegal activity,

1 preserve the integrity or security of tools, or to investigate, report
2 or prosecute those responsible for any such malicious or deceptive
3 action, such government agency may redact such information for the
4 purposes of this subdivision, provided that an explanatory statement on
5 the process by which the government agency made such determination is
6 published along with the redacted impact assessment.

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

9 § 103-f. Automated decision-making tool inventory. 1. The office shall
10 maintain an inventory of state automated decision-making tools. The
11 office shall issue guidance to state agencies identifying the data
12 elements to be collected and submitted to the office for such inventory,
13 including but not limited to the purpose and uses of such automated
14 decision-making tools. The inventory shall be posted on the New York
15 state open data website on the thirtieth of December next succeeding the
16 date on which this section takes effect, and annually thereafter. State
17 agencies shall submit information required by the office at least sixty
18 days in advance of the annual publication date. The office may withhold
19 certain information if it determines disclosure of this information
20 would jeopardize the security of information technology assets, or as
21 prescribed by article six of the public officers law.

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

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

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

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

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

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

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

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

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

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

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

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

1 bargaining relationships between the employer and an employee organiza-
2 tion.

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

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

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

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

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

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

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

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

53 (b) The use of such artificial intelligence systems shall not result
54 in the: (i) discharge, displacement or loss of position, including
55 partial displacement such as a reduction in the hours of non-overtime
56 work, wages, or employment benefits, or result in the impairment of

1 existing collective bargaining agreements; or (ii) transfer of existing
2 duties and functions currently performed by employees of the state or
3 any agency or public authority thereof to and artificial intelligence
4 system or automated decision-making tool.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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