STATE OF NEW YORK

8103

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Banks

AN ACT to amend the financial services law, in relation to enacting the "department of financial services open data act"

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

Section 1. This act shall be known and may be cited as the "department of financial services open data act".

§ 2. Legislative findings. The legislature finds that the release of data, in a format that is easily accessible, understandable and usable by the public, can increase civic engagement with government. In addition, in a department providing a public service and operating an enterprise as vital as that of the Department of Financial Services, transparency in data is in the public's best interest. It is the intent of the legislature that the department and its subsidiaries release as much data as is feasible in open formats, so that the public can access that data, analyze it, and engage with the department with suggestions and solutions to improve its operations.

§ 3. The financial services law is amended by adding a new section 208 to read as follows:

§ 208. Open data reporting. (a) The department shall fully comply with the provisions of Executive Order 95 of 2013, "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement", and shall provide the New York state office of information technology services and the legislature all data as defined in subsection (b) of this section.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) "open data website" shall mean the website data.ny.gov or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technolo-

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

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gy services under Executive Order 95 of 2013, or any successor agency or order;

(2) "data" shall mean final versions of statistical or factual information that: (i) are in alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; (ii) are regularly created or maintained by or on behalf of the department and are controlled by the same department; and (iii) record a measurement, transaction or determination related to the mission of the department. The term "data" shall not include image files, such as designs, drawings, photos or scanned copies of original documents; provided, however, that the term "data" shall include statistical or factual information about image files and geographic information system data;

(3) "data set" shall mean a named collection of related records maintained on a storage device, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form; and

(4) "publishable DFS data" shall mean data that is collected by the department where the department is permitted, required or able to make the data available to the public, consistent with any and all applicable laws, rules, regulations, ordinances, resolutions, policies or other restrictions, requirements or rights associated with the data, including but not limited to contractual or other legal orders, restrictions or requirements. Data shall not be publishable DFS data if making such data available on the open data website would violate statute or regulation, including, but not limited to, disclosures that would constitute an unwarranted invasion of personal privacy, endanger the public health, safety or welfare, hinder the operation of government, including criminal and civil investigations, or impose an undue financial, operational or administrative burden on the the department or its subsidiaries or affiliates.

(c) As required by Executive Order 95 of 2013, the department shall designate a data coordinator, who shall:

(1) have authority equivalent to that of a deputy commissioner or the head of a division or bureau of the department;

(2) have knowledge of data and resources in use by the department; and

(3) be responsible for the compliance of the department, its subsidiaries and affiliates with the order.

(d) The department and its subsidiaries and affiliates shall make their publishable DFS data available on its website and the open data website as follows:

(1) the department shall create a catalogue of publishable DFS data within one hundred eighty days of the effective date of this section;

(2) the department shall within one hundred eighty days of the effective date of this section, submit to the legislature and publish on its shared internet website a schedule for making its publishable DFS data publicly available. Such schedule shall provide for updating the data catalogue as appropriate; and

(3) the department shall create schedules for publishing all publishable DFS data within three years of the effective date of this section.

(e) The department shall not be prevented from publishing data in advance of the dates set in their schedules.

§ 4. This act shall take effect immediately.