STATE OF NEW YORK

9658

IN SENATE

March 31, 2026

Introduced by Sen. BAILEY -- 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 establishing a private right of action for malicious disclosure of personally identifying information by another individual

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

Section 1. The civil rights law is amended by adding a new section 52-e to read as follows:

§ 52-e. Private right of action for malicious disclosure of personally identifying information. 1. Any person whose personally identifying information was intentionally disclosed by another individual, without consent, for the purpose of harassing, threatening, intimidating, or causing harm to such person, or with reckless disregard as to whether such disclosure would cause such harm, shall have a cause of action against the individual who disclosed such information, where such disclosure resulted in one or more of the following:

a. harassment;

b. physical harm;

c. substantial emotional distress;

d. threats or fear of violence;

e. stalking; or

f. damage to such person's property or livelihood.

2. In any action commenced pursuant to subdivision one of this section, the finder of fact, in its discretion, may award injunctive or declaratory relief, actual damages including financial losses and emotional distress, punitive damages not to exceed fifty thousand dollars, and reasonable court costs and attorney's fees.

3. This section shall not apply to:

a. the reporting of unlawful conduct;

b. disclosures made during lawful and common practices of law enforcement or legal proceedings;

c. disclosures made pursuant to a lawful subpoena, warrant, or court order; or

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

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d. disclosures made in connection with matters of legitimate public concern, including news reporting, commentary, or expressive activity protected under the United States constitution or the constitution of the state of New York.

4. The fact that personally identifying information was previously made available to the public, in whole or in part, shall not, by itself, constitute a defense to liability under this section, where the defendant intentionally disclosed such information with the intent to cause, or with reckless disregard as to whether such disclosure would cause, the harms described in subdivision one of this section.

5. Nothing herein shall be read to require a prior criminal complaint, prosecution, or conviction to establish the elements of the cause of action provided for by this section.

6. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

7. If any provision of this section or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

8. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C. § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

9. For purposes of this section:

a. "Personally identifying information" means any information that identifies, relates to, describes, or is capable of being associated with a specific individual and is not otherwise lawfully made publicly available through government records or widely accessible public sources. Such information includes, but is not limited to:

(i) a home address or physical residence;

(ii) a personal telephone number;

(iii) a personal email address;

(iv) a social security number;

(v) financial account or bank account numbers;

(vi) driver's license or state identification number;

(vii) biometric data; or

(viii) geolocation data sufficient to identify an individual's home, workplace, school, or other habitual location.

b. "Disclose" means to publish, post, transmit, or otherwise make available information to another person, either electronically, in print, or through any medium of communication.

§ 2. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law.