

STATE OF NEW YORK

8963

2025-2026 Regular Sessions

IN ASSEMBLY

August 13, 2025

Introduced by M. of A. BORES -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to establishing the NY digital choice act

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

Section 1. The general business law is amended by adding a new article 48 to read as follows:

ARTICLE 48

NY DIGITAL CHOICE ACT

Section 1800. Short title.

1801. Definitions.

1802. Portability.

1803. Interoperability.

1804. Data rights.

1805. Rulemaking authority.

1806. Enforcement by attorney general.

1807. Severability.

§ 1800. Short title. This article shall be known and may be cited as the "NY digital choice act".

§ 1801. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Open protocol" means a publicly available technical standard that:
(a) enables interoperability and data exchange between social media platforms by providing a common data infrastructure where multiple social media platforms can access, contribute to, and synchronize a covered user's social graph;

(b) is free from licensing fees and patent restrictions; and
(c) governs how social media platforms communicate and exchange data with each other.

2. (a) "Social graph" means:

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

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1 (i) a covered user's social connections with secondary users;
2 (ii) content created by a covered user;
3 (iii) the covered user's responses to secondary users' content,
4 including comments, reactions, and shares;
5 (iv) secondary users' responses to the covered user's content; and
6 (v) metadata for subparagraphs (i), (ii), (iii), and (iv) of this
7 paragraph.

8 (b) "Social graph" does not include a covered user's or secondary
9 user's content and responses that have been designated private by such
10 covered user or secondary user, including private messages.

11 3. "Content" has the same meaning as in section eleven hundred of this
12 chapter.

13 4. "Social media company" has the same meaning as in section eleven
14 hundred of this chapter.

15 5. "Social media platform" has the same meaning as in section eleven
16 hundred of this chapter.

17 6. "Covered user" has the same meaning as in section fifteen hundred
18 of this chapter.

19 7. "Secondary user" means a user of a website, online service, online
20 application, or mobile application that is developed, deployed, or oper-
21 ating in whole or in part in the state and that is not acting as an
22 operator, or agent or affiliate of an operator, of such website, online
23 service, online application, or mobile application, or any portion ther-
24 eof, irrespective of such user's physical location.

25 8. "Data portability" means the ability of covered users of social
26 media platforms to retain existing social graphs without impairment of
27 quality, reliability, or convenience when such information is trans-
28 ferred from one social media platform or third party to another.

29 § 1802. Portability. If a covered user requests a copy of such covered
30 user's social graph under this article, a social media company shall
31 provide the social graph, in a format that:

32 1. allows for data portability, to the extent technically feasible;
33 2. is readily viewable by the covered user; and
34 3. allows the covered user to transmit the data to another social
35 media platform or third party without impediment if the social media
36 platform or third party processes the data by automated means.

37 § 1803. Interoperability. 1. A social media company shall implement a
38 transparent, third-party-accessible interoperability interface or inter-
39 faces to allow covered users to choose to:

40 (a) share a covered user's social graph between the social media plat-
41 forms designated by the covered user; and

42 (b) enable third parties to access content created by the covered user
43 and to be notified when new or updated content is available, with the
44 covered user's permission.

45 2. To achieve interoperability under subdivision one of this section,
46 a social media company shall:

47 (a) utilize an open protocol;

48 (b) facilitate and maintain interoperability and synchronous data
49 sharing with other social media platforms through an interoperability
50 interface, based on reasonable terms that do not discriminate between
51 social media platforms;

52 (c) establish reasonable and proportionate thresholds related to the
53 frequency, nature, and volume of requests, beyond which the social media
54 company may assess a reasonable fee for such access;

55 (d) make available to other social media companies a functionally
56 equivalent version of any internal interfaces created by the social

1 media company for the social media company's own social media platforms;
2 and

3 (e) disclose to other social media companies complete, accurate, and
4 regularly updated documentation describing access to the interoperabi-
5 lity interface required under this section.

6 3. A social media company or third party shall take reasonable precau-
7 tions to safeguard the privacy and security of a covered user's social
8 graph and any information obtained via an interoperability interface.

9 4. A social media company or third party may not share or receive a
10 covered user's social graph through the interoperability interface,
11 except with the covered user's consent.

12 5. A social media company shall adopt an accessible, prominent, and
13 persistent method for covered users to give consent for data sharing
14 with other social media platforms or third parties through the interop-
15 erability interface.

16 6. A social media company is not required to:

17 (a) provide access to:

18 (i) inferences, analyses, or derived data that the social media compa-
19 ny has generated internally about a user; or

20 (ii) proprietary algorithms, ranking systems, or other internal oper-
21 ating mechanisms; or

22 (b) transmit data that meets all of the following criteria:

23 (i) such data is stored or structured in a proprietary format;

24 (ii) no open, industry-standard format is reasonably available; and

25 (iii) transmitting the data would disclose information described in
26 paragraph (a) of this subdivision.

27 § 1804. Data rights. Upon specific request from a covered user, a
28 social media company shall allow such covered user to delete the data in
29 such covered user's social graph, as well as any data that has been
30 designated private by such covered user.

31 § 1805. Rulemaking authority. The attorney general may promulgate such
32 rules and regulations as are necessary to identify open protocols that
33 satisfy the requirements of this article.

34 § 1806. Enforcement by attorney general. In addition to any other
35 remedies provided by law, whenever there shall be a violation of this
36 article, application may be made by the attorney general in the name of
37 the people of the state of New York to a court or justice having juris-
38 isdiction by a special proceeding to issue an injunction, and upon notice
39 to the defendant of not less than five days, to enjoin and restrain the
40 continuance of such violations. If it shall appear to the satisfaction
41 of the court or justice that the defendant has, in fact, violated this
42 article, an injunction may be issued by such court or justice enjoining
43 and restraining any further violation, without requiring proof that any
44 person has, in fact, been injured or damaged thereby. In any such
45 proceeding, the court may make allowances to the attorney general as
46 provided in paragraph six of subdivision (a) of section eighty-three
47 hundred three of the civil practice law and rules. Whenever the court
48 shall determine that a violation of this article has occurred, the court
49 may impose a civil penalty of not more than twenty-five hundred dollars
50 for each violation.

51 § 1807. Severability. If any clause, sentence, paragraph, subdivision,
52 section or part of this article shall be adjudged by any court of compe-
53 tent jurisdiction to be invalid, such judgment shall not affect, impair,
54 or invalidate the remainder thereof, but shall be confined in its opera-
55 tion to the clause, sentence, paragraph, subdivision, section, or part

1 thereof directly involved in the controversy in which such judgment
2 shall have been made.

3 § 2. This act shall take effect on the ninetieth day after it shall
4 have become a law. Effective immediately, the addition, amendment and/or
5 repeal of any rule or regulation necessary for the implementation of
6 this act on its effective date are authorized to be made and completed
7 on or before such effective date.