STATE OF NEW YORK

4886--A

2025-2026 Regular Sessions

IN SENATE

February 13, 2025

Introduced by Sens. GONZALEZ, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to prohibiting the disclosure of individualized fare payment data by the metropolitan commuter transportation authority and the New York city transit authority

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

Section 1. Section 1266 of the public authorities law is amended by adding a new subdivision 20 to read as follows:

20. (a) If a passenger station's entry system requires the use of a card, token, or other device in order to enter the passenger station, then (i) such card, token, or other device shall be available for purchase, including by cash, throughout all hours of operation of the passenger station, (ii) such card, token, or other device shall not be registered to or otherwise associated with the identity of any individual, and (iii) such card, token, or other device shall not cost in excess of the present-day value of five dollars as of January first, two thousand twenty-five.

(b) If a passenger station's entry system permits the use of a card, token, or other device in order to enter the passenger station at a reduced fare or free-of-charge, then such card, token, or other device for reduced fare or free-of-charge entry shall be exempt from the requirements of paragraph (a) of this subdivision, except that registration or association of such card, token, or other device with the identity of an individual shall be used only for the purposes of (i) confirming a prospective user's request for eligibility for such card, token, or other device or (ii) deactivating and replacing such card,

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

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token, or other device if lost or stolen, upon request of the person who requested and obtained such card, token, or other device.

§ 2. The public authorities law is amended by adding a new section 1279-j to read as follows:

§ 1279-j. Customer privacy. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Data subject" shall have the same meaning as such term is defined pursuant to subdivision three of section ninety-two of the public officers law.

(b) "Disclose" shall have the same meaning as such term is defined pursuant to subdivision four of section ninety-two of the public officers law.

(c) "Police agency" shall have the same meaning as such term is defined pursuant to subdivision eight of section eight hundred thirty-five of the executive law.

(d) "Law enforcement agency" shall mean any agency which is empowered by law to conduct an investigation or to make an arrest for a crime, and any agency which is authorized by law to prosecute or participate in the prosecution of a crime, and shall include any agency that primarily enforces immigration law.

(e) "Law enforcement officer" shall mean a police officer or peace officer, including transit police under subdivision sixteen of section one thousand two hundred four of this article and including any person employed by the authority police force established pursuant to section one thousand two hundred sixty-six of this title as well as any person employed by any agency that primarily enforces immigration law.

(f) "Police officer" shall have the same meaning as such term is defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law.

(g) "Peace officer" shall mean any individual listed pursuant to section 2.10 of the criminal procedure law.

(h) "Person employed" shall mean any employee, independent contractor, or volunteer under the statutory and common law of the state of New York acting in the scope of their duties as an employee, independent contractor, or volunteer.

(i) "Individualized fare payment data" shall mean personal information, as defined in subdivision seven of section ninety-two of the public officers law, related to payment of fares to the authority or its subsidiary corporations in order to enter, access, or otherwise use a transportation system administered by the authority or its subsidiary corporations. "Individualized fare payment data" shall include, but not be limited to, data that correlates a card, token, or device used to pay a fare and the locations at which such card, token or device was used.

2. (a) The authority, its subsidiary corporations, or any other person or entity in possession of a data subject's individualized fare payment data shall not disclose such individualized fare payment data to a police agency, law enforcement agency, or law enforcement officer, or use a data subject's individualized fare payment data for law enforcement purposes, unless such a disclosure is:

(i) reasonably necessary to prevent a serious and imminent threat to the life or safety of the data subject or others, and notification of the disclosure is transmitted to the data subject within twenty days if such notice is practicable; or

(ii) pursuant to a search warrant, supported by particularized probable cause with respect to each data subject whose individualized fare payment data is disclosed.

(b) The authority, its subsidiary corporations, or any other person or entity in possession of a data subject's individualized fare payment data shall not sell such individualized fare payment data to any third party.

(c) If the authority enters into a partnership or agreement with another entity to provide services, including but not limited to fare payment services, and such other entity directly collects individualized fare payment data pursuant to such a partnership or agreement, the entity shall not disclose such individualized fare payment data other than pursuant to paragraphs (a) and (b) of this subdivision.

(d) The authority shall not enter into an agreement described in paragraph (c) of this subdivision with any police agency or law enforcement agency.

(e) The authority shall not transfer individualized fare payment data except pursuant to paragraphs (a) and (c) of this subdivision.

3. (a) Any data subject or caller whose communication was disclosed in violation of this section may seek judicial review and relief against any private person or entity responsible for such disclosure for:

(i) five thousand dollars per violation or actual damages, whichever is greater;

(ii) punitive damages; and

(iii) any other relief the court deems warranted.

(b) In assessing the amount of punitive damages awarded to a plaintiff in an action brought under paragraph (a) of this subdivision, the court shall consider:

(i) the defendant's pattern of violations of this section; and

(ii) the impact of the violation on the data subject's or caller's exercise of constitutional and statutory rights, including, but not limited to, religion, political views, and medical care.

(c) In any action brought under paragraph (a) of this subdivision, the court shall award reasonable attorneys' fees, expenses, and costs to a prevailing plaintiff.

(d) The attorney general may seek an injunction from any court of proper jurisdiction for any violation of this section.

(e) (i) The authority shall, quarterly, provide to the inspector general a list of each instance in which it shared individualized fare payment data with a police agency, law enforcement agency, or law enforcement officer, which shall be kept by the inspector general for a period of five years.

(ii) Such list provided pursuant to this paragraph shall contain the date of the disclosure; a detailed description of the data shared, anonymized to prevent identification of the individuals to whom such data relates; the individual, agency, and division of such agency, if applicable, to which it was shared; if such data was shared pursuant to subparagraph (i) of paragraph (a) of subdivision two of this section, a detailed description of the exigency and the date of notification of the data subject, or, if notice was not practicable, a detailed description of the efforts made to notify the data subject; if such data was shared pursuant to subparagraph (ii) of paragraph (a) of subdivision two of this section, a copy of the warrant.

(iii) The inspector general shall review each disclosure, and if the inspector general finds an instance of disclosure made in violation of this section, the inspector general shall refer such improper disclosure to the attorney general for potential legal action.

4. Nothing in this section shall be construed to:

(a) limit or abridge the right of any person to obtain judicial review or pecuniary or other relief, in any other form or upon any other basis, otherwise available to a person; or

(b) require the authority or any other entity to collect or retain any information about a caller or data subject.

§ 3. Section 1205 of the public authorities law is amended by adding a new subdivision 9 to read as follows:

9. (a) If a passenger station's entry system requires the use of a card, token, or other device in order to enter the passenger station, then (i) such card, token, or other device shall be available for purchase, including by cash, throughout all hours of operation of the passenger station, (ii) such card, token, or other device shall not be registered to or otherwise associated with the identity of any individual, and (iii) such card, token, or other device shall not cost in excess of the present-day value of five dollars as of January first, two thousand twenty-five.

(b) If a passenger station's entry system permits the use of a card, token, or other device in order to enter the passenger station at a reduced fare or free-of-charge, then such card, token, or other device for reduced fare or free-of-charge entry shall be exempt from the requirements of paragraph (a) of this subdivision, except that registration or association of such card, token, or other device with the identity of an individual shall be used only for the purposes of (i) confirming a prospective user's request for eligibility for such card, token, or other device or (ii) deactivating and replacing such card, token, or other device if lost or stolen, upon request of the person who requested and obtained such card, token, or other device.

§ 4. The public authorities law is amended by adding a new section 1204-g to read as follows:

§ 1204-g. Customer privacy. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Data subject" shall have the same meaning as such term is defined pursuant to subdivision three of section ninety-two of the public officers law.

(b) "Disclose" shall have the same meaning as such term is defined pursuant to subdivision four of section ninety-two of the public officers law.

(c) "Police agency" shall have the same meaning as such term is defined pursuant to subdivision eight of section eight hundred thirty-five of the executive law.

(d) "Law enforcement agency" shall mean any agency which is empowered by law to conduct an investigation or to make an arrest for a crime, and any agency which is authorized by law to prosecute or participate in the prosecution of a crime, and shall include any agency that primarily enforces immigration law.

(e) "Law enforcement officer" shall mean a police officer or peace officer, including transit police under subdivision sixteen of section one thousand two hundred four of this title and including any person employed by the authority police force established pursuant to section one thousand two hundred sixty-six of this article as well as any person employed by any agency that primarily enforces immigration law.

(f) "Police officer" shall have the same meaning as such term is defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law.

(g) "Peace officer" shall mean any individual listed pursuant to section 2.10 of the criminal procedure law.

(h) "Person employed" shall mean any employee, independent contractor, or volunteer under the statutory and common law of the state of New York acting in the scope of their duties as an employee, independent contractor, or volunteer.

(i) "Individualized fare payment data" shall mean personal information, as defined in subdivision seven of section ninety-two of the public officers law, related to payment of fares to the authority or its subsidiary corporations in order to enter, access, or otherwise use a transportation system administered by the authority or its subsidiary corporations. "Individualized fare payment data" shall include, but not be limited to, data that correlates a card, token, or device used to pay a fare and the locations at which such card, token or device was used.

2. The authority shall comply with the requirements of subdivision two of section one thousand two hundred seventy-nine-j of this article.

3. (a) Any data subject or caller whose communication was disclosed in violation of this section may seek judicial review and relief against any private person or entity responsible for such disclosure for:

(i) five thousand dollars per violation or actual damages, whichever is greater;

(ii) punitive damages; and

(iii) any other relief the court deems warranted.

(b) In assessing the amount of punitive damages awarded to a plaintiff in an action brought under paragraph (a) of this subdivision, the court shall consider:

(i) the defendant's pattern of violations of this section; and

(ii) the impact of the violation on the data subject's or caller's exercise of constitutional and statutory rights, including, but not limited to, religion, political views, and medical care.

(c) In any action brought under paragraph (a) of this subdivision, the court shall award reasonable attorneys' fees, expenses, and costs to a prevailing plaintiff.

(d) The attorney general may seek an injunction from any court of proper jurisdiction for any violation of this section.

(e) (i) The authority shall, quarterly, provide to the inspector general a list of each instance in which it shared individualized fare payment data with a police agency, law enforcement agency, or law enforcement officer, which shall be kept by the inspector general for a period of five years.

(ii) Such list provided pursuant to this paragraph shall contain the date of the disclosure; a detailed description of the data shared, anonymized to prevent identification of the individuals to whom such data relates; the individual, agency, and division of such agency, if applicable, to which data was shared; if such data was shared pursuant to subparagraph (i) of paragraph (a) of subdivision two of this section, a detailed description of the exigency and the date of notification of the data subject, or, if notice was not practicable, a detailed description of the efforts made to notify the data subject; if such data was shared pursuant to subparagraph (ii) of paragraph (a) of subdivision two of this section, a copy of the warrant.

(iii) The inspector general shall review each disclosure, and if the inspector general finds an instance of disclosure made in violation of this section, the inspector general shall refer such improper disclosure to the attorney general for potential legal action.

4. Nothing in this section shall be construed to:

(a) limit or abridge the right of any person to obtain judicial review or pecuniary or other relief, in any other form or upon any other basis, otherwise available to a person; or

(b) require the authority or any other entity to collect or retain any information about a caller or data subject.

§ 5. This act shall take effect immediately.