§ 99. Central state registry of security guards. 1. The department shall collect information and maintain, on a current basis, a registry of all security guards and applicants for registration cards in the state. Such registry shall include, but not be limited to, with respect to each security guard or applicant as the case may be, his or her name, address, date of birth, whether a registration card has been issued, denied, suspended or revoked or has expired, and the security guard company or companies by whom he or she is or has been employed and such other information as may in the discretion of the secretary be appropriate; provided, however, that in no case shall such registry include criminal history information.

2. Each security guard company as defined in subdivision five of section eighty-nine-f of the general business law which employs security guards shall transmit to the department, no later than the fifteenth day of January in the year next succeeding the year in which the provisions of this section become effective, a list which shall include but not be limited to the name of every security guard employed by such security guard company indicating with respect to each security guard his or her name, address, date of birth and such other information as may in the discretion of the secretary be appropriate; provided, however, that in no case shall such registry include criminal history information. Each such security guard company shall thereafter, submit to the department the name of each security guard employed or who has retired or resigned or whose employment as a security guard is terminated for any reason, no later than the fifteenth calendar day following such employment, retirement, resignation or termination, and, in the instance of newly appointed security guards, shall include all the information required to be furnished in the initial listing required by this subdivision. The information required to be submitted pursuant to this subdivision which is required by law to be kept confidential shall be kept confidential and all other information shall be released only pursuant to this section.

3. The department shall establish rules and regulations to provide for a permanent system of identification for each security guard or applicant as the case may be, which will ensure the security and privacy

of information contained in the registry and to ensure that such information is made available only to qualified agencies defined in subdivision nine of section eight hundred thirty-five of this chapter and to security guard companies only for the purposes enumerated in subdivision four of this section.

4. Notwithstanding any other provision of law, security guard companies, as defined in subdivision five of section eighty-nine-f of the general business law, shall, upon such terms and conditions as the department shall by rules and regulations prescribe, have timely access to information contained in the registry, with respect to security guards as defined in subdivision six of section eighty-nine-f of the general business law or applicants as defined in subdivision nine of section eighty-nine-f of the general business law, who as certified by such security guard companies making such inquiries are presently employed by or who have applied for employment by such security guard companies as security guards. Such information shall include but not be limited to employment history and such other information as may in the discretion of the secretary be appropriate and relevant to the employment of a security guard.

5. In the event of failure or refusal to comply with the requirements of subdivision two of this section, the secretary may apply to the supreme court for an order directed to the person responsible requiring compliance. Upon such application the court may issue such order as may be just, and a failure to comply with the order of the court shall be a contempt of court and punishable as such.

6. Whenever an applicant for or holder of a security guard registration card has been charged with a serious offense as defined by subdivision thirteen of section eighty-nine-f of the general business law or of a misdemeanor, the division shall notify the department and the department shall notify the security guard company which employs such applicant or which has filed the application on behalf of such applicant of such serious offense or a misdemeanor as provided for in paragraph a of subdivision three of section eighty-nine-g of this article.

7. In the event that a registration card is not issued within six months following application therefor, or is not reissued within six months following the expiration thereof, unless the registration card has been suspended or revoked, the department shall so notify the division which shall thereupon destroy the set of fingerprints received with the application.

8. The department shall continue to maintain in the registry the information required to be kept pursuant to this article for security guards and applicants for a period of not less than five years following their termination, revocation, resignation, retirement or failure to be hired or renewed at which time the department shall purge from the registry such information.

9. Saving clause. In case it be judicially determined that any of the provisions of this section is unconstitutional or otherwise invalid, such determination shall not affect the validity or effect of the remaining provisions of this section.