



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to reporting on surveillance data

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Attachments: 1. Summary of Int. No. 2191, 2. Int. No. 2191, 3. December 17, 2020 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 12-17-20, 5. Minutes of the Stated Meeting - December 17, 2020

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Int. No. 2191

By Council Members Rivera and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to reporting on surveillance data

Be it enacted by the Council as follows:

Section 1. Section 23-1201 of the administrative code of the city of New York, as added by local law 247 for the year 2017, is amended by adding new definitions of “surveillance technology” and “surveillance technology data” in alphabetical order to read as follows:

Surveillance technology. The term “surveillance technology” means any software, electronic device, system utilizing an electronic device, or similar device used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, biometric, olfactory or similar types of data specifically associated with, or capable of being associated with or identifying, any individual or group. For the purposes of this section, surveillance technology shall not include: (i) office hardware, such as televisions,

computers, credit card machines, copy machines, telephones and printers that are used for routine city business and transactions; (ii) databases and enterprise systems that contain information kept in the ordinary course of city business, including, but not limited to, human resource, permit, license and business records; (iii) physical access control systems, employee identification management systems and other physical control systems that are used in conjunction with city employment; (iv) medical equipment and systems used to record, diagnose, treat or prevent disease or injury, and used or kept in the ordinary course of providing city services; (v) parking ticket devices that lack the ability to record anything other than information required to complete a notice of violation returnable to the parking violations bureau; (vi) inquiries, complaints or service requests made to city agencies, including inquiries, complaints or service requests made through the 311 customer service center; and (vii) calls made to 911.

Surveillance technology data. The term “surveillance technology data” means any data acquired through the use of surveillance technology.

§2. Chapter 12 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1206 to read as follows:

§ 23-1206 City agency surveillance report. a. No later than January 31, 2021, and by January 31 of every year thereafter, the director of operations shall submit the reports required by subdivision b of this section to the speaker of the council and the mayor, and post such reports to the city’s website. Such submission shall be a compilation of the reports required by subdivision b, each as it was received by the director of operations.

b. Each mayoral agency, with the exception of the police department, shall submit a report annually to the director of operations regarding the acquisition, collection, retention, disclosure, utilization and processing of surveillance technology data by such agency as well as the collection, retention, disclosure, utilization and processing of surveillance technology data by any third party that such agency contracted with for such purpose, during the calendar year prior to the annual reporting date pursuant to subdivision a. Each agency’s report shall include, but need not be limited to:

1. A general description of how surveillance technology data is collected, retained, processed or utilized by such agency;

2. Whether, and how often during the reporting period, surveillance technology data has been otherwise obtained from outside entities, how such data has been obtained and how frequently such surveillance data has been obtained;

3. A general description of whether, and how often, surveillance technology data has been shared with outside entities, including the name of any recipient outside entity, the type of data disclosed, the justification for the disclosure and whether the city received compensation for such disclosure;

4. The number of complaints received from the public during the reporting period about the collection, retention, processing and use of surveillance technology and a summary of the complaints received;

5. Whether surveillance technology data has been obtained or released by a third party without the knowledge and consent of the agency during the reporting period;

6. The total costs expended to maintain the surveillance technology during the reporting period, including personnel and other ongoing costs;

7. The total amount that has been spent on the acquisition of surveillance technology data from third parties that such agency has contracted with to acquire such data during the reporting period, and the identity of any such third party from whom such data has been acquired;

8. Where applicable, a general description of the physical objects that surveillance technology under such agency's control has been installed upon; and

9. Whether surveillance technology data has been shared with any city, state or federal agency during the reporting period and, if so, the name of the agency and the type of data shared.

c. The report required by subdivision a shall not contain the specific records that any surveillance technology collects, retains, discloses, utilizes or processes, nor shall it contain information protected, restricted or exempt from disclosure under state or federal law.

§ 3. This local law takes effect immediately.

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