



## Legislation Details (With Text)

|                        |   |                     |   |                    |  |
|------------------------|---|---------------------|---|--------------------|--|
| <b>File #:</b>         | Res 0440-2004   | <b>Version:</b>     | * | <b>Name:</b>       | Protecting computer and Internet users from privacy violations and security violations created and exploited by spyware. |
| <b>Type:</b>           | Resolution  | <b>Status:</b>      |   | <b>In control:</b> | Filed<br>Committee on State and Federal Legislation  |
| <b>On agenda:</b>      | 6/28/2004   |                     |   |                    |  |
| <b>Enactment date:</b> |   | <b>Enactment #:</b> |   |                    |  |
| <b>Title:</b>          | Resolution calling upon the United States Congress to pass legislation protecting computer and Internet users from privacy violations and security violations created and exploited by spyware. |                     |   |                    |  |
| <b>Sponsors:</b>       | Letitia James, Tony Avella, Charles Barron, Gale A. Brewer, Robert Jackson, John C. Liu, Michael C. Nelson, Bill Perkins, James Sanders, Jr., Albert Vann, David I. Weprin, Alan J. Gerson      |                     |   |                    |  |
| <b>Indexes:</b>        |   |                     |   |                    |  |
| <b>Attachments:</b>    |   |                     |   |                    |  |

| Date       | Ver. | Action By    | Action                      | Result |
|------------|------|--------------|-----------------------------|--------|
| 6/28/2004  | *    | City Council | Introduced by Council       |        |
| 6/28/2004  | *    | City Council | Referred to Comm by Council |        |
| 12/31/2005 | *    | City Council | Filed (End of Session)      |        |

Res. No. 440

Resolution calling upon the United States Congress to pass legislation protecting computer and Internet users from privacy violations and security violations created and exploited by spyware.

By Council Members James, Avella, Barron, Brewer, Jackson, Liu, Nelson, Perkins, Sanders, Vann, Weprin and Gerson

Whereas, Spyware is software that exists on a computer and collects personal information about the user such as age, sex, location, buying habits, keystrokes, email, web history and computer files without that user's consent. This includes "System Monitors," which record everything the user does on a computer, "Trojans," which open the computer up to attack by remote hackers, "Adware," which displays pop-up advertisements and tracks user data and "Adware Cookies," which share user personal data among third parties without user consent; and

Whereas, In 2004, Earthlink, a major Internet Service Provider, reported that in an internal audit, it had scanned over a million computers on the Internet and found an average of 27.8 instances of different spyware installed, with a total of 29 million instances of spyware; and

Whereas, Spyware often targets children under the age of 18, tracking their online behavior and using it for marketing purposes; and

Whereas, Spyware uses deception, obfuscation, misdirection, stealth and the exploitation of software failings to get itself installed on user machines; and

Whereas, According to Fortune Magazine, most spyware installs itself onto a user's machine without his or her awareness; and

Whereas, Dell, Inc. reported to the FCC that spyware accounts for 12% of all of its technical support calls and, according to Microsoft, spyware was responsible for over 50% of all reported computer crashes; and

Whereas, Spyware is now a growing threat to the corporate computer environment as it exposes their confidential documents and trade secrets to attackers on the Internet; and

Whereas, The City of New York is interested in promoting the use of the Internet to its citizens and calls for an Internet environment free of malicious software like spyware that diminishes the value of the Internet as a powerful tool for communication; and

Whereas, Spyware is a widespread and growing threat to healthy computing that will only grow as more users go online. It degrades the individual and networked computer users' experience, reduces their security, raises their security costs, and exposes those users to risks from privacy violations, financial loss or identity theft; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass legislation protecting computer and Internet users from privacy violations and security violations created and exploited by spyware.

BYL  
6/21/04  
LS #1026