



Legislation Text

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Int. No. 1672

By Council Members Kallos, Louis, Gibson, Rivera and Koo (by request of the Queens Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to requiring real property owners to submit registration statements regarding biometric recognition technology utilized on the premises

Be it enacted by the Council as follows:

Section 1. Title 10 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

CHAPTER 12

TECHNOLOGY

§ 10-1201 Biometric recognition technology. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Biometric data. The term “biometric data” means a physiological, biological, or behavioral characteristic, including but not limited to an iris scan, fingerprint, a hand scan, voiceprint, and thermal or facial characteristics that can be used alone or in combination with each other, or with other information, to establish individual identity.

Biometric recognition technology. The term “biometric recognition technology” means either or both of the following : (i) a process or system that captures biometric data of an individual or individuals; (ii) a process or system that can assist in verifying or identifying an individual or individuals based on biometric data.

Building manager. The term “building manager” means the person designated by the owner of a real property to manage the property on behalf of the owner.

Department. The term department means the department of information technology and telecommunications.

b. Real property owner's obligation to register. By December 1, 2020, and annually thereafter, every real property owner or building manager that implements biometric recognition technology in a commercial or residential property shall submit, to the department, a registration statement. Such registration statement shall include the following information:

(a) the street address of the property, including borough, block and lot number;

(b) whether the property is commercial or residential;

(c) date when each biometric recognition technology was first utilized;

(d) number of units in the building;

(e) number of tenants in the building;

(f) type of each biometric recognition technology used;

(g) the name of the vendor providing each biometric recognition technology;

(h) the purpose for each use of the technology;

(i) list of all public locations where imaging is performed; and

(j) data retention policy for each biometric recognition technology.

c. Penalty. Any real property owner who fails to register pursuant to subdivision b of this section is liable for a civil penalty of not more than \$500 per property unit for the first violation, and not more than \$1,000 for each subsequent violation. Such penalties shall be imposed by the department provided that after a notice of failure to register has been issued to a property owner, such owner may cure any resulting first violation by registering within 2 months of the receipt of such notice. Failure to register 2 months after the first violation shall be considered a subsequent violation.

d. Database. The department of information technology and telecommunications shall establish and

maintain a publicly searchable database of properties that utilize biometric recognition technology. Updates to such database shall be made no less than 30 days following the annual registration deadline pursuant to subdivision b. Such database shall be made available on the website of the department, shall have the ability to produce reports by query, and shall include, but need not be limited to, the following information for each property:

- (1) the location of the property, including the physical address, borough, block and lot number;
- (2) the date when each biometric recognition technology was first utilized; and
- (3) the type of each biometric recognition technology.

f. Report. No later than one year after the effective date of the local law adding this section, and annually thereafter, the commissioner shall submit to the mayor, the speaker of the council, a report of the following information, based upon registrations filed during the previous year:

- (a) the street address of the property, including borough, block and lot number;
- (b) whether the property is commercial or residential;
- (c) the date when each biometric recognition technology was first utilized;
- (d) number of units in the building;
- (e) number of tenants in the building;
- (f) the type of each biometric recognition technology used;
- (g) the name of the vendor providing each biometric recognition technology.

§ 2. This local law takes effect 90 days after it becomes law, except that the department of information technology and telecommunications shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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