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Int. No. 1335

By Council Members Gutiérrez, Banks, Brewer, Brannan and De La Rosa

A Local Law to amend the administrative code of the city of New York, in relation to the definitions of identifying information and private information

Be it enacted by the Council as follows:

Section 1. The definition of "identifying information" set forth in section 23-1201 of the administrative code of the city of New York, as amended by local law number 61 for the year 2023, is amended to read as follows:

Identifying information. The term "identifying information" means any information obtained by or on behalf of the city that may be used on its own or with other information to identify or locate an individual, including, but not limited to: name[,]; sexual orientation[,]; gender identity[,]; race[,]; marital or partnership status[,]; status as a victim of domestic violence or sexual assault[,]; status as a crime victim or witness[,]; citizenship or immigration status[,]; eligibility for or receipt of public assistance or city services[,]; all information obtained from an individual's income tax records[,]; information obtained from any surveillance system operated by, for the benefit of, or at the direction of the police department[,]; motor vehicle information or license plate number[,]; biometrics such as fingerprints [and], photographs, behavioral characteristics such as keystroke and gait patterns, height, and weight[,]; languages spoken[,]; religion[,]; nationality[,]; country of origin[,]; place of birth[,]; arrest record or criminal conviction[,]; employment status[,]; employer information [,]; current and previous home and work addresses[,]; contact information such as phone number and email address[,]; information concerning social media accounts[,]; device identifiers, such as media access control address, internet mobile equipment identity, or internet protocol address; date [and/or] or time of release from

the custody of the administration for children's services, the department of correction, or the police department [,]; any scheduled court appearances[,]; or any scheduled appointments with any employee, contractor, or subcontractor.

§ 2. The definition of "private information" set forth in subdivision b of section 10-501 of the administrative code of the city of New York, as added by local law number 151 for the year 2021, is amended to read as follows:

b. The term "private information" shall mean either: (i) personal information consisting of any information in combination with any one or more of the following data elements, when either the data element alone or the combination of such information plus the data element is not encrypted, or encrypted with an encryption key that has also been accessed or acquired:

(1) social security number;

(2) driver's license number or non-driver identification card number;

(3) account number, credit or debit card number, in combination with any required security code, access code, password or other information which would permit access to an individual's financial account;

(4) account number, or credit or debit card number, if circumstances exist wherein such number could be used to access an individual's financial account without additional identifying information, security code, access code, or password; or

(5) biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as a retina or iris scan, fingerprint, voiceprint, [or] scan of hand or face geometry, or behavioral characteristics such as keystroke or gait patterns, any of which is collected, retained, converted, stored, or shared to identify an individual;

(6) technological information, such as device identifiers, including media access control address, internet mobile equipment identity, or internet protocol address; or

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(ii) a user name or e-mail address in combination with a password or security question and answer that would permit access to an online account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

§ 3. This local law takes effect immediately.

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