



New York State YMCA
Youth And Government

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Committee Assignment:

Bill #:

Sponsors: Amy Kugelman

An Act To amend article 39-F the general business law, by adding section 899-cc, allowing consumers to opt out of the sale of their personal information to third parties.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

Purpose To enact data privacy protection measures for consumers.

Summary of Provisions

Section 1 :

Categories of third parties: means types or groupings of third parties with whom the business shares personal information, described with enough particularity to provide consumers with a meaningful understanding of the type of third party. They may include advertising networks, internet service providers, data analytics providers, government entities, operating systems and platforms, social networks, and data brokers.

Request to opt-out: means a consumer request that a business not sell the consumer's personal information to third parties, pursuant to Civil Code.

Personal Information: any information that identifies or could reasonably be linked to a particular person or household that is not made available from federal, state or local government records

Section 2

1. § 899-bb. Data security protections

(A) reasonable administrative safeguards such as the following, in which the person or business:

- (1) designates one or more employees to coordinate the security program;
- (2) identifies reasonably foreseeable internal and external risks;
- (3) assesses the sufficiency of safeguards in place to control the identified risks;
- (4) trains and manages employees in the security program practices and procedures;
- (5) selects service providers capable of maintaining appropriate safeguards, and requires those safeguards by contract; and
- (6) adjusts the security program in light of business changes or new circumstances; and

2. § 899-cc

a right for the consumer to opt-out of having their information sold to third parties.
a right to protection from discrimination for consumers who choose to opt-out.

(1) The purpose of the notice of right to opt-out is to inform consumers of their right to direct a business that sells their personal information to stop selling their personal information.



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(2) The notice of right to opt-out shall be designed and presented in a way that is easy to read and understandable to consumers. The notice shall:

- a. Use plain, straightforward language and avoid technical or legal jargon.
- b. Use a format that draws the consumer's attention to the notice and makes the notice readable, including on smaller screens, if applicable.
- c. Be available in the languages in which the business in its ordinary course provides contracts, disclaimers, sale announcements, and other information to consumers in New York.
- d. Be reasonably accessible to consumers with disabilities. For notices provided online, the business shall follow generally recognized industry standards. In other contexts, the business shall provide information on how a consumer with a disability may access the notice in an alternative format.

(3) The notice at collection shall be made readily available where consumers will encounter it at or before the point of collection of any personal information.

(4) When a business collects personal information from a consumer's mobile device for a purpose that the consumer would not reasonably expect, it shall provide a just-in-time notice containing a summary of the categories of personal information being collected and a link to the full notice at collection. For example, if the business offers a flashlight application and the application collects geolocation information, the business shall provide a just-in-time notice, such as through a pop-up window when the consumer opens the application, that contains the information required by this subsection.

(5) A business shall not collect categories of personal information other than those disclosed in the notice at collection. If the business intends to collect additional categories of personal information, the business shall provide a new notice at collection.

(6) If a business does not give the notice at collection to the consumer at or before the point of collection of their personal information, the business shall not collect personal information from the consumer.

Justification

The Internet and the sharing of information play such a tremendous role in the lives of New Yorkers. We trust that the information we give to businesses online is safe. Countless investigations show that our data is often sold or traded in order to enhance companies' bottom lines. For this reason citizens should have the right to opt out of business sharing our information with third parties.

Fiscal Implications This bill has minimal fiscal implications.

Environmental Implications This bill has no environmental implications.

Effective Date This bill will go into effect 180 days after passage.