



NEW YORK STATE SENATOR

Martin J. Golden

Senator Golden Developing Comprehensive Legislation to Protect the Online Privacy of Individuals and Businesses

MARTIN J. GOLDEN January 15, 2015

Brooklyn – State Senator Martin J. Golden (R-C-I, Brooklyn), the Chair of the State Senate Select Committee Science, Technology, Incubation, and Entrepreneurship, today is announcing that he has been working with the internet industry and others to develop comprehensive legislation that will protect the online privacy and promote the internet safety of businesses and individuals.

“The news is filled these days with reports recently about large-scale breaches of security and loss of personally identifiable information to hackers,” Senator Golden said. “The result is that people lose money, property, and security. What may not be known, since only the breaches get reported, is that there are thousands of ongoing daily attacks on public and private websites as well as internet services. The risk threat is ongoing.”

“There are several purposes to the legislation: to inform and educate consumers concerning online privacy and in internet safety issues; to insure that providers are taking all necessary steps to protect the confidentiality of the information they receive; to coordinate an adequate State response to help individual consumers and businesses, and to prosecute hackers and offenders; to prohibit certain violations of privacy by corporations, academic institutions, and landlords; and to rewrite the privacy laws in this area to insure that

penalties are equal to the damages inflicted.”

Golden said that the legislation, which he has been developing for the past several months, would seek to raise the profile of privacy issues in New York by creating an Office of Online Privacy and Internet Safety directly responsible to the governor. The new office would coordinate and collaborate with other agencies involved in online privacy issues, such as the Attorney General, the Office of Information Technology, the Office of Homeland Security and Emergency Services, and others.

The office will assure that consumers receive timely information concerning security breaches; work with the Attorney General and others to develop and coordinate appropriate state responses when there are breaches; develop model privacy and internet safety policies for businesses and internet entities; provide education and training to individuals and businesses in collaboration with the online industry; and create an ongoing policy group to anticipate new technologies and programs and threats.

The ongoing work with technology issues and possible privacy issues is especially important, Golden said, noting that ten years ago there was no Twitter, Facebook was just being launched, and Pinterest had not even been dreamed of. “Each new technological development brings enjoyment and entertainment, but also is a ground for new threats. We need to be looking at these and balancing the issues of pleasure, risk, and security. People and businesses need to know what steps they can take to protect themselves, and what to do if their security is violated.”

The legislation also makes significant changes to protect the privacy of individuals, employees, students, and tenants, with respect to social media and personal email, prohibiting employers and academic institutions and landlords from requiring access to personal social media and email accounts, with strict exceptions, such as for criminal

investigations. It also requires destruction of personally identifiable information when an account is canceled, and prohibits the use of a portion of a social security number. “The hackers have become so sophisticated that they can reconstruct a social security number from even a portion of the full number,” Golden noted.

The legislation will also change the way online privacy crimes are considered, aligning penalties and damage caused, and increasing crimes and penalties for computer tampering, identity theft, denial of service attacks, and other invasions of privacy.

Golden has taken the lead in development of program opportunities for high tech businesses in New York. He created the country’s most far-reaching and comprehensive incubator law, and has developed Biomedical and Biotech program initiatives, and programs to encourage the growth of the digital game industry in New York, and programs for veterans entrepreneurship.