



NEW YORK STATE SENATOR

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Testimony Before The New York City Council's Housing & Buildings committee Regarding Intro 374-A & Electronic Access Systems On June 28, 2007

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My name is Liz Krueger and I represent the 26th Senate District, which includes the Upper East Side, East Midtown and Midtown areas of Manhattan. I want to thank Chairman Dilan and the members of the Housing and Buildings committee for providing me with the opportunity to testify on this critical piece of legislation, Intro 374-A, which provides some basic limitations and regulations on the use of electronic access systems, also known as “electronic keycards.” This bill, which has been introduced by my colleague, Council Member Dan Garodnick, provides necessary safeguards to protect the privacy rights of tenants across the city.

As the use of electronic keycards has spread and increased, particularly in large developments throughout the city, the problems associated with these electronic access systems and the lack of any guidelines or restrictions on their use have become apparent. Owners and management companies have been able to utilize the vast amounts of information and data that can be held on these cards in any manner they choose with tenants having no knowledge of how it is being used or to whom it is available. This legislation deals with a number of serious issues. By amending the New York City Administrative Code to limit the collection, storage and retention of data on electronic access systems to no more than 30 days, this bill addresses the possible civil liberties concerns of some tenants. This is a fair and reasonable standard and insures that a tenant's movements cannot be tracked by an owner or managing agent for long periods of time.

Additionally, this legislation also clearly states that an owner or managing agent cannot require that a tenant or a guest provide or disclose any personal information such as a Social Security number, date of birth, biometric information, place of residence, or a photograph in order to obtain access to the building. Some developments had been requiring that all types of sensitive personal information be revealed when they first began to introduce these cards. This was particularly troublesome to tenants and others concerned about basic privacy rights and the risks of identity theft, especially when this information is not required for issuance of these cards. A positive feature of this bill -- that will protect the privacy of tenants who have already provided this information -- is that it requires owners purge previous data. Limiting the personal information that can actually be placed on the card such as a photograph or identification number and requiring replacements for cards that already have this information is a critical protection that increases safety and further protects the privacy of tenants.

One of the more negative features of key cards is that individuals are sometimes not able to use them during certain time periods of religious observance. Requiring owners to provide alternative access procedures during these time periods is another important feature that is addressed in this legislation. This bill has a strong notice requirement which mandates that an owner must notify the tenant of all of the different types of information collected and whom will have access to it. This is a very important feature that provides for increased accountability and transparency. It will also hold owners and management companies responsible for any potential misuse.

One of the most important aspects of providing basic protections and regulations are the enforcement and penalty mechanisms. Owners and management companies that violate these provisions will face stiff penalties either through the Environmental Control Board (ECB) or through civil action. The escalating nature of these penalties will send a strong message that government is concerned and committed to safeguarding tenant privacy and protections. This will become especially important as the amount of personal information and data that is available in our electronic age continues to grow.

I strongly support this legislation and would encourage its passage by the City Council. Thank you.