

Int. No. 658

By Council Members Garodnick, Rodriguez, Chin, Constantinides, Rose, Espinal, Williams, Cabrera, Mendez and Rosenthal

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring information security and use of personal information policies for base stations, black car bases, and luxury limousine bases.

Be it enacted by the Council as follows:

Section 1. Chapter five of title 19 of the administrative code of the city of New York is amended by adding a new section 19-544 to read as follows:

§ 19-544 Information security and use of personal information. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. “Information system” means an interconnected set of information resources under the same direct management control that shares common functionality. An information system may include hardware, software, information, data, applications, communications systems, communications, and people.

2. “Personal information” means any information that can specifically identify an individual, such as name, address, social security number, unmasked or non-truncated credit, debit, or prepaid card numbers, together with any other information that relates to an individual who has been so identified, and any other information that is otherwise subject to privacy or confidentiality laws and associated rules and regulations. The display or disclosure of only the last four digits of a credit, debit, or prepaid card number and the name of a driver and such driver's commission license are not deemed personal information.

3. “Security event” means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an information system.

b. The commission shall develop an information security and use of personal information policy applicable to base stations, black car bases, and luxury limousine bases. Such policy shall, at a minimum: (i) require such bases to establish an information security policy, including usage policies for critical employee-facing technologies, such as applications and communications systems, and requirements for third party access, if applicable; (ii) require that personal information may only be used for the stated purpose for which it was gathered and may not be used, shared, or disclosed, except for lawful purposes; (iii) require such bases to develop a procedure for reporting to the commission and affected parties observed or suspected security incidents, threats, weaknesses, malfunctions, or criminal activity; (iv) require such bases to use and process personal information provided to the base to which it has access solely for the purposes of performing authorized activities and in compliance with all applicable privacy and data protection laws; (v) require that except to the extent necessary to provide credit, debit, and prepaid card services and services for any application that provides for electronic payment, such bases shall not collect any personal information on any passenger without such passenger's express, informed, and documented consent; (vi) require such bases to ensure that personal information collected by a credit, debit, or prepaid card services provider is stored in a database management system maintained and administered by such provider or its processing agent in compliance with applicable payment card industry standards; and (vii) require bases to establish a policy regarding the use of passenger trip information, with such policy including but not limited to a prohibition on the use, monitoring, or disclosure of trip information, including the

date, time, pick-up location, drop-off location, and route traveled during such trip, except for legitimate business purposes without such passenger's express, informed, and documented consent.

c. All base stations, black car bases, and luxury limousine bases shall comply with the requirements of the information security and use of personal information policy established pursuant to subdivision b of this section and any rules promulgated pursuant to such section.

d. The commission shall adopt rules establishing civil penalties of not less than two hundred dollars and not more than one thousand dollars to be assessed against base stations, black car bases, and luxury limousine bases for violations of subdivision c of this section and any regulations promulgated thereunder. Such rules establishing civil penalties shall specify the violations subject to penalty.

§ 2. This local law shall take effect 90 days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

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