

PART GGG

6 Section 1. Section 1 of subpart K of part II of a chapter of the laws
7 of 2019 amending the public officers law relating to prohibiting disclo-
8 sure of law enforcement booking information and photographs, as proposed
9 in legislative bill numbers S.1505-C and A.2005-C, is amended to read as
10 follows:

11 Section 1. Legislative findings. The legislature finds that law
12 enforcement [~~booking information and~~] photographs, otherwise known as
13 "mugshots," are published on the internet and other public platforms
14 with impunity. An individual's mugshot is displayed publicly even if the
15 arrest does not lead to a conviction, or the conviction is later
16 expunged, sealed, or pardoned. This practice presents an unacceptable
17 invasion of the individual's personal privacy. While there is a well-es-
18 tablished Constitutional right for the press and the public to publish
19 government records which are in the public domain or that have been
20 lawfully accessed, arrest and booking information have not been found by
21 courts to have the same public right of access as criminal court
22 proceedings or court filings. Therefore, each state can set access to
23 this information through its Freedom of Information laws. The federal
24 government has already limited access to booking photographs through
25 privacy formulations in its Freedom of Information Act, and the legisla-
26 ture hereby declares that New York will follow the same principle to
27 protect its residents from this unwarranted invasion of personal priva-
28 cy, absent a specific law enforcement purpose, such as disclosure of a
29 photograph to alert victims or witnesses to come forward to aid in a
30 criminal investigation.

31 § 2. Paragraph (b) of subdivision 2 of section 89 of the public offi-
32 cers law, as amended by section 2 of subpart K of part II of a chapter
33 of the laws of 2019 amending the public officers law relating to prohib-
34 iting disclosure of law enforcement booking information and photographs,
35 as proposed in legislative bill numbers S.1505-C and A.2005-C, is
36 amended to read as follows:

37 (b) An unwarranted invasion of personal privacy includes, but shall
38 not be limited to:

39 i. disclosure of employment, medical or credit histories or personal
40 references of applicants for employment;

41 ii. disclosure of items involving the medical or personal records of a
42 client or patient in a medical facility;

43 iii. sale or release of lists of names and addresses if such lists
44 would be used for solicitation or fund-raising purposes;

45 iv. disclosure of information of a personal nature when disclosure
46 would result in economic or personal hardship to the subject party and
47 such information is not relevant to the work of the agency requesting or
48 maintaining it;

49 v. disclosure of information of a personal nature reported in confi-
50 dence to an agency and not relevant to the ordinary work of such agency;

51 vi. information of a personal nature contained in a workers' compen-
52 sation record, except as provided by section one hundred ten-a of the
53 workers' compensation law;

S. 1509--C

97

A. 2009--C

1 vii. disclosure of electronic contact information, such as an e-mail
2 address or a social network username, that has been collected from a
3 taxpayer under section one hundred four of the real property tax law; or

4 viii. disclosure of law enforcement [~~booking information about an~~

5 ~~individual, including~~ arrest or booking photographs of an individual,
6 unless public release of such ~~information~~ photographs will serve a
7 specific law enforcement purpose and disclosure is not precluded by any
8 state or federal laws.

9 § 3. This act shall take effect on the same date and in the same
10 manner as subpart K of part II of a chapter of the laws of 2019 amending
11 the public officers law relating to prohibiting disclosure of law
12 enforcement booking information and photographs, as proposed in legisla-
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S. 1509--C 97 A. 2009--C

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