

Intro. Res. No. 1653-2021

Laid on Table 7/27/2021

Introduced by Legislators Berland, Donnelly, Caracappa, Anker, Calarco, Gonzalez, Flotteron, Kennedy, McCaffrey, Spencer

RESOLUTION NO. 918-2021, ADOPTING LOCAL LAW NO. 27-2021, A LOCAL LAW PROHIBITING THE DISSEMINATION OF PERSONALLY IDENTIFYING INFORMATION

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 27, 2021, a proposed local law entitled, "**A LOCAL LAW PROHIBITING THE DISSEMINATION OF PERSONALLY IDENTIFYING INFORMATION**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 27-2021, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW PROHIBITING THE DISSEMINATION OF PERSONALLY IDENTIFYING INFORMATION

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that it is the duty of Suffolk County to protect the safety and welfare of its residents.

This Legislature also finds and determines that there has been an increase in cases where an individual's personally identifying information is published, posted or otherwise made public by third-parties as a means of threatening, intimidating or harassing; colloquially known as "doxing."

This Legislature further finds and determines that in order to protect County residents from these intrusions and the risks that inherently arise from doxing, publication of their personally identifying information should be prohibited.

Therefore, the purpose of this law is to prohibit the publishing, posting or otherwise publicizing the personally identifying information of any County resident.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

DISSEMINATION – electronically publishing, posting or otherwise disclosing information to a public internet site or public forum.

HOUSEHOLD MEMBER – a person who regularly resides in the household or who within the six (6) months preceding the conduct of the offense regularly resided in the household.

IMMEDIATE FAMILY MEMBER – a parent, grandparent, spouse, child, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, sibling, brother-in-law, sister-in-law or grandchild.

PERSON – any natural person, firm, partnership, corporation, association, company, organization or legal entity of any kind.

PERSONALLY IDENTIFYING INFORMATION – any information that identifies or reasonably can be used to identify an individual, including but not limited to:

1. social security number or other government-issued identifier;
2. date of birth;
3. home or physical address;
4. electronic-mail address or phone number;
5. financial account number or credit or debit card number;
6. biometric, health or medical data, or insurance information; and/or
7. school or employment locations.

Section 3. Disclosure Prohibition.

- A. A person is guilty of disseminating personally identifying information about another person when, with the intent to intimidate, abuse, threaten, harass or frighten a person who resides in Suffolk County, he or she:
- (1) intentionally disseminates the personally identifying information of a person or a person's immediate family member or household member; and
 - (2) the dissemination would cause a reasonable person to be in fear of physical injury to himself or herself, his or her immediate family member, or his or her household member.
- B. This section shall apply to electronic communications originating within or accessible within Suffolk County.
- C. Nothing in this section shall be construed to impose liability on a broadband internet access service provider, a telecommunications service provider, an interconnected VoIP, or a mobile service provider as defined in 47 U.S.C. sec. 153, a commercial mobile service provider as defined in 47 U.S.C. sec. 332(d), or a cable operator as defined in 47 U.S.C. sec. 522, when acting in its capacity as a provider of those services.

Section 4. Penalties.

Any person who violates this law shall be guilty of an unclassified misdemeanor, punishable by a fine of up to \$1,000 and/or up to one (1) year's imprisonment.

Section 5. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), (27) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 8. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: November 16, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 2, 2021

After a public hearing duly held on November 30, 2021
Filed with the Secretary of State on December 15, 2021