

MEMORANDUM OF SUPPORT FOR THE MODERNIZE THE PPPL ACT

A.3051 Assemblymember Epstein/S.4044 Senator Gonzalez
May 2023

The Surveillance Technology Oversight Project supports the Modernize the PPPL Act (A.3051 Epstein/S.4044 Gonzalez) and urges the legislature to pass, and the Governor to sign, this bill.

The Surveillance Technology Oversight Project (S.T.O.P.) litigates and advocates for New Yorkers' privacy, working to abolish local governments' systems of mass surveillance. Our work highlights the discriminatory impact of surveillance on Muslim Americans, immigrants, the LGBTQ+ community, indigenous peoples, and communities of color, particularly the unique trauma of anti-Black policing. S.T.O.P. fights to ensure that technological advancements don't come at the expense of age-old rights. We hope to transform New York City and State into models for the rest of the United States of how to harness novel technologies without adversely impacting marginalized communities.

New York's Personal Privacy Protection Law (PPPL) regulates how government agencies share personal information. The current statute exempts law enforcement activities, giving state and local police departments the ability to collect sensitive information from other government agencies without a warrant. New Yorkers shouldn't have to fear that police can freely access their library records or SNAP cards.

This bill would strengthen the PPPL preventing prevent agencies from voluntarily sharing New Yorkers' personal data with police without a warrant. It would not affect information sharing between non-law enforcement agencies. The amendments would also extend the PPPL to local governments, ensuring that cities and towns are held to the same standard as the state.

As the PPPL stands:

- **Police can circumvent the U.S. and New York constitutions by collecting New Yorkers' information from other government agencies.** Because of judge-created loopholes, New Yorkers generally do not have privacy in the information they share with government agencies. This opens New Yorkers to bulk data collection, whenever the police choose.
- **Local government agencies can freely share sensitive personal information.**

- **All government agencies may share personal information with law enforcement agencies.** Both state and local governments can willingly share personal information with police, even without a good reason to do so. This is especially dangerous for people who are seeking gender-affirming care, living in New York without documentation, or traveling to New York to seek reproductive care that is illegal in their home state.

If implemented, the Modernize the PPPL Act would:

- Bring New York law in line with the U.S. Constitution by prohibiting government agencies from sharing information with law enforcement agencies without a warrant.
- Enact exceptions to the PPPL that allows the exchange of information in emergencies and when sharing information is necessary to respond to a 911 call.
- Extend the PPPL to local governments.
- Clarify and extend the PPPL's remedies.
- Suppress evidence obtained by police in violation of the PPPL.
- Make clerical changes to the PPPL, including updating gender-neutral language.

By passing this bill, New York will take a major step to protect personal privacy and end government abuse of personal data. We urge the legislature to pass and the Governor to sign the Modernize the PPPL Act (A.3051 Epstein/S.4044 Gonzalez).