

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 49

Introduced by Council Members Vacca, Rosenthal, Johnson, Salamanca, Gentile, Cornegy, Williams, Kallos and Menchaca.

A LOCAL LAW

In relation to automated decision systems used by agencies

Be it enacted by the Council as follows:

Section 1. a. For purposes of this local law:

Agency. The term “agency” means an agency, as defined in section 1-112 of the administrative code of the city of New York, the head of which is appointed by the mayor.

Automated decision system. The term “automated decision system” means computerized implementations of algorithms, including those derived from machine learning or other data processing or artificial intelligence techniques, which are used to make or assist in making decisions.

Automated decision system, agency. The term “agency automated decision system” means an automated decision system used by an agency to make or assist in making decisions concerning rules, policies or actions implemented that impact the public.

Charitable corporation. The term “charitable corporation” shall have the meaning ascribed to such term by section 102 of the not-for-profit corporation law.

b. 1. No later than 120 days after the effective date of this local law, the mayor or a designee thereof shall convene an automated decision systems task force.

2. Such task force and the chair thereof shall be appointed by the mayor or a designee thereof and shall include, but need not be limited to, persons with expertise in the areas of fairness, accountability and transparency relating to automated decision systems and persons affiliated with charitable corporations that represent persons in the city affected by agency automated decision systems, provided that nothing herein shall prohibit the mayor, the designee thereof or the chair from limiting participation in or attendance at meetings of such task force that may involve consideration of information that, if disclosed, would violate local, state or federal law, interfere with a law enforcement investigation or operations, compromise public health or safety or result in the disclosure of proprietary information.

3. No later than 18 months after such task force is established, it shall electronically submit to the mayor and the speaker of the council a report that shall include, at a minimum, recommendations on:

(a) Criteria for identifying which agency automated decision systems should be subject to one or more of the procedures recommended by such task force pursuant to this paragraph;

(b) Development and implementation of a procedure through which a person affected by a decision concerning a rule, policy or action implemented by the city, where such decision was made by or with the assistance of an agency automated decision system, may request and receive an explanation of such decision and the basis therefor;

(c) Development and implementation of a procedure that may be used by the city to determine whether an agency automated decision system disproportionately impacts persons based upon age, race, creed, color, religion, national origin, gender, disability, marital status, partnership status, caregiver status, sexual orientation, alienage or citizenship status;

(d) Development and implementation of a procedure for addressing instances in which a person is harmed by an agency automated decision system if any such system is found to disproportionately impact persons based upon a category described in subparagraph (c);

(e) Development and implementation of a process for making information publicly available that, for each agency automated decision system, will allow the public to meaningfully assess how such system functions and is used by the city, including making technical information about such system publicly available where appropriate; and

(f) The feasibility of the development and implementation of a procedure for archiving agency automated decision systems, data used to determine predictive relationships among data for such systems and input data for such systems, provided that this need not include agency automated decision systems that ceased being used by the city before the effective date of this local law.

4. Such task force shall dissolve 60 days after submission of the report required by paragraph 3.

5. The mayor shall, no later than 10 days after receipt of the report required by paragraph 3, make such report publicly available online through the city's website.

6. Nothing herein shall require compliance with the task force's recommendations or disclosure of any information where such disclosure would violate local, state, or federal law, interfere with a law enforcement investigation or operations, compromise public health or safety, or that would result in the disclosure of proprietary information.

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 11, 2017 and returned unsigned by the Mayor on January 17, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 49 of 2018, Council Int. No. 1696-A of 2017) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.