

SUBPART K

44 Section

1. Legislative findings. The legislature finds that law  
45 enforcement booking information and photographs, otherwise  
known as

46 "mugshots," are published on the  
internet and other public platforms

47 with impunity. An individual's mugshot is displayed publicly  
even if the

48 arrest does not lead to a conviction, or the conviction  
is later

49 expunged, sealed, or pardoned. This practice  
presents an unacceptable

50 invasion of the individual's personal privacy. While there is a  
well-es-

51 tablished Constitutional right for the press and the public  
to publish

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1 government records which are in the  
public domain or that have been

2 lawfully accessed, arrest and booking information have not been  
found by

3 courts to have the same public right of access as  
criminal court

4 proceedings or court filings. Therefore, each state can set  
access to

5 this information through its Freedom of  
Information laws. The federal

6 government has already limited access to booking  
photographs through

7 privacy formulations in its Freedom of Information Act, and the  
legisla-

8 ture hereby declares that New York will  
follow the same principle to

9 protect its residents from this unwarranted invasion of  
personal priva-

10 cy, absent a specific law enforcement purpose, such as  
disclosure of a

11 photograph to alert victims or witnesses to come forward to  
aid in a

12 criminal investigation.

13 § 2. Paragraph (b) of subdivision 2 of section 89 of the  
public offi-

14 cers law, as amended by section 11 of part U of chapter 61 of  
the laws

15 of 2011, is amended to read as follows:

16 (b) An unwarranted invasion of personal  
privacy includes, but shall

17 not be limited to:

18 i. disclosure of employment, medical or credit histories or  
personal

19 references of applicants for employment;

20 ii. disclosure of items involving the medical or personal  
records of a

21 client or patient in a medical facility;  
22 iii. sale or release of lists of names  
and addresses if such lists  
23 would be used for solicitation or fund-raising purposes;  
24 iv. disclosure of information of a personal nature when  
disclosure  
25 would result in economic or personal hardship to the  
subject party and  
26 such information is not relevant to the work of the agency  
requesting or  
27 maintaining it;  
28 v. disclosure of information of a personal nature reported  
in confi-  
29 dence to an agency and not relevant to the ordinary work of  
such agency;  
30 vi. information of a personal nature contained in  
a workers' compen-  
31 sation record, except as provided by section one hundred  
ten-a of the  
32 workers' compensation law; ~~or~~  
33 vii. disclosure of electronic contact information, such  
as an e-mail  
34 address or a social network username, that has been  
collected from a  
35 taxpayer under section one hundred four of the real property  
tax law; or  
36 viii. disclosure of law enforcement booking information about  
an indi-  
37 vidual, including booking photographs,  
unless public release of such  
38 information will serve a specific law enforcement purpose and  
disclosure  
39 is not precluded by any state or federal laws.  
40 § 3. This act shall take effect immediately.