

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND
BUSINESS LICENSING

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December 10, 2020
Start: 11:34 A.M.
Recess: 11:40 A.M.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 1)

B E F O R E: ANDREW COHEN, CHAIR

COUNCIL MEMBERS: Justin L. Brannan
Margaret S. Chin
Peter A. Koo
Karen Koslowitz
Brad S. Lander
Kalman Yeger

A P P E A R A N C E S (CONTINUED)

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING
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3 (TECHNICAL)

4 SERGEANT-AT-ARMS: Thank you and good morning
5 and welcome to today's remote New York city Council
6 vote on the Committee on Consumer Affairs and
7 Business Licensing. At this time would all Council
8 members and Council staff please turn on their
9 video. To minimize disruption please place
10 electronic devices on vibrate or silent mode. Thank
11 you, Chair Cohen. We are ready to begin.

12 CHAIRPERSON COHEN: Excellent. (gavel). Good
13 morning. My name is Andrew Cohen and I am the Chair
14 of the Committee on Consumer Affairs and Business
15 Licensing. Thank you for joining us today for this
16 remote virtual vote on Introduction 1170-A
17 sponsored by Council Member Torres in relation to
18 requiring businesses to notify customers of the use
19 of biometric identifier technology, and prohibiting
20 the sale of biometric identifier information. I
21 would like to acknowledge my colleagues on the
22 committee. Council Member Koslowitz, Council Member
23 Yeger, Council Member Lander, Council Member
24 Brannan and I think that's it. Okay? Oh, and
25 Council Member Koo. I'm sorry I did that.

COUNCIL MEMBER KOO: Yes. (laughs)

CHAIR COHEN: Excellent. Good to see you.

COUNCIL MEMBER KOO: Yes.

CHAIR COHEN: As the Chair of Consumer

Affairs it is of the utmost importance to me that New Yorkers receive honest transparent and fair treatment from retailers and other commercial establishments.

Developments in facial recognition and other

biometric technology pose new consumer protection

challenges in an atmosphere where there are already

growing concerns about privacy and personal data.

While this technology has the potential to be

utilized in a number of positive ways, there are

several valid concerns that our legislatures across

the country are just beginning to address. Facial

recognition remains and imperfect technology with a

tendency to misidentify people especially people of

color and vary our rates. At times this technology is

even led to the arrest and detention of the wrong

person an outcome that can have life threatening

impact. These are outcomes we as a city simply cannot

allow. We have also heard that companies developing

this type of software sometimes resort to unethical

or deceitful tactics to expand the databases or

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2 improve their products. For example, last year
3 Google hired contractors to deliberately target
4 people of color encouraging them to scan their faces
5 in exchange for a \$5.00 gift card so that it could
6 improve its new pixel rights (sic) According to news
7 reports the contractors were told to go out to people
8 of color, conceal the fact that the people's faces
9 were being recorded, and even lie and maximize the
10 data collections. It was even suggested that the
11 contractors describe the face scans as a kind of
12 selfie game similar to Snap Jack. Currently
13 businesses in New York City are not required to
14 inform customers that their biometric information
15 such as face or fingerprint scan is being collected,
16 stored or sold by such scoundrels. These kinds of
17 deceptive practices are simply not acceptable. While
18 we certainly do not want to stand in the way of
19 technological advances, given the current lack of
20 regulation, oversight, and oversight of biometric
21 identifier information, we must do what we can as a
22 city to protect New Yorkers' privacy and information.
23 That is why I'm proud to be holding this vote on
24 Intro 1170, which would require businesses to notify
25 customers if they are collecting biometric

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2 information of customers and would prohibit any sale
3 of this information. Now before we proceed to the
4 vote I would just like to thank the committee staff
5 Kalman Yeger (sic) Senior Counsel the Consumer
6 Affairs Committee Laya Seperzack (sic) Milla Nixer
7 (sp?) Policy Analyst to the Committee, Florentine
8 Calbor (sp?) Finance Analyst (phone ringing) I'm
9 sorry. It's my house number, old fashioned house
10 number and my Legislative Director Patty Vandenack. I
11 would also like to thank the sergeant-at-arms and all
12 the Council staff that make these virtual hearings
13 possible. I will now ask the Clerk to call the roll
14 call on Intro 1170-A. Thank you.

15 CLERK: Good morning everyone. William
16 Martin, Committee Clerk, roll call vote Committee on
17 Consumer Affairs and Business Licensing, Introduction
18 1170-A, Chair Cohen.

19 CHAIR COHEN: I can't believe we're letting
20 Richard pass another bill on the way out, but I will
21 vote for you. Aye.

22 CLERK: Koo.

23 COUNCIL MEMBER KOO: Aye.

24 CLERK: Koslowitz.

25 COUNCIL MEMBER KOSLOWITZ: Aye.

CLERK: Lander.

COUNCIL MEMBER LANDER: Aye.

CLERK: Brannan.

COUNCIL MEMBER BRANNAN: Aye.

CLERK: Yeger.

COUNCIL MEMBER YEGER: May I be excused to explain my vote.

CHAIR COHEN: But of course.

COUNCIL MEMBER YEGER: Chairman, first I just want to thank you for your leadership I don't know if we're gathering together as a committee between now and the first of the year, but you will be going onto bigger and better and greater, and I really just want to thank you for your friendship, your leadership and for what you've taught me in your time in the Council, and just for being a good friend. On this bill I will be voting in favor of it, but I just want to briefly explain. I have always said I have a reluctance to, um, to adopting new laws in New York City that is not previously legislated that don't provided for in the first instance of a violation a warning instead of a fine and healthy, but on this topic I think it's that important that I will, I will back away from my always rule, which I

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2 guess is no longer and always rule. Some of the
3 things that we've seen and we've heard about the way
4 that facial technology is used, retained and in
5 particular the way that it is targeted either by
6 intent or at least by result to hurt minority
7 particularly flat because of the way the technology
8 works or because of the way it's designed requires
9 that we step in and do something, and so for that
10 reason and because of ideas that come out of Richard
11 Torres is usually a good one I will vote in favor of
12 it, but I just wanted to explain why I'm deviating
13 from my general rule on this.

14 CHAIR COHEN: Thank you, Kalman.

15 CLERK: Thank you. By a vote of 6 in the
16 affirmative and zero in the negative and no
17 abstentions Introduction 1170-A has been adopted by
18 the committee. Thank you.

19 CHAIR COHEN: So, thank you very much
20 everybody. This concludes the Committee vote. Thank
21 you. (gavel)

22 COUNCIL MEMBER KOO: Thank you, Chair.

23 CHAIR COHEN: Thank you Peter.
24 Congratulations. You did a good job.

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING
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2 COUNCIL MEMBER KOO: Good job. I want to
3 congratulate...

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 16, 2020