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Title: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing an office of algorithmic data integrity

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Attachments: 1. Summary of Int. No. 199, 2. Int. No. 199, 3. February 28, 2024 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 2-28-24, 5. Minutes of the Stated Meeting - February 28, 2024

Date	Ver.	Action By	Action	Result
2/28/2024	*	City Council	Introduced by Council	
2/28/2024	*	City Council	Referred to Comm by Council	

Int. No. 199

By Council Members Gutiérrez, Hanif, Hudson, Restler and Williams (by request of the Queens Borough President)

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing an office of algorithmic data integrity

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-o to read as follows:

§ 20-o. Office of algorithmic data integrity. a. Definitions. As used in this section, the following terms have the following meanings:

Algorithmic tool. The term "algorithmic tool" has the same meaning as it does in section 3-119.5 of the administrative code.

Director. The term "director" means the director of algorithmic data integrity.

Office. The term "office" means the office of algorithmic data integrity.

Identifying information. The term "identifying information" has the same meaning as it does in section 23-1201 of the administrative code.

b. Office established. The commissioner of the department of information technology telecommunications in consultation with the commissioner of investigation shall establish an office of algorithmic data integrity. Such office shall be headed by a director of algorithmic data integrity who shall be appointed by the mayor. Such office shall also include other employees as may be appointed by the mayor or designated by the commissioner of the department of information technology telecommunications to assist in the performance of the duties of the office. In the event the director is removed or resigns, the mayor shall appoint a new director within 90 days of such removal or resignation.

c. Powers and duties. The director shall have the power and duty to:

1. Collaborate with agencies to:

(a) Analyze data and algorithmic tools provided to the office by an agency to determine whether such tools result in biased, unlawfully discriminatory decision-making, or disproportionate impact on individuals, and report the findings back to such agency;

(b) Assist and advise agencies that utilize algorithmic tools on compliance with laws and regulations;

(c) Establish a protocol for receiving complaints from the public, and investigating any such complaints, regarding any potentially unlawfully discriminatory outcome experienced in connection with an agency's use of algorithmic tools;

(d) Make recommendations for policies and best practices to encourage non-discriminatory decision-making in connection with an agency's use of algorithmic tools;

(e) Create and maintain a public facing platform that provides a mechanism for receiving public comments and questions about a specific algorithmic tool used by an agency;

(f) Plan and implement a public engagement and education strategy related to the city's use of algorithmic tools; and

(g) Conduct a pre-deployment assessment of algorithmic tools.

2. Perform any other relevant duties the mayor deems appropriate.

d. Report required. Within one year of the effective date of the local law that added this section, and quarterly thereafter, the director shall post on the office's website and submit to the mayor and the speaker of the council a report containing, at a minimum, the recommendations required by subparagraph (d) of paragraph 1 of subdivision c and a summary of any findings made pursuant to subparagraph (a) of paragraph 1 of subdivision, except to the extent that disclosures of such data would conflict with other applicable law. §2. Section 3-119.5 of the administrative code of the city of New York is amended to read as follows:

§ 3-119.5 [Annual reporting on algorithmic] Algorithmic tools. a. For purposes of this section, the term "algorithmic tool" means any technology or computerized process that is derived from machine learning, artificial intelligence, predictive analytics, or other similar methods of data analysis, that is used to make or assist in making decisions about and implementing policies that materially impact the rights, liberties, benefits, safety or interests of the public, including their access to available city services and resources for which they may be eligible. Such term includes, but is not limited to tools that analyze datasets to generate risk scores, make predictions about behavior, or develop classifications or categories that determine what resources are allocated to particular groups or individuals, but does not include tools used for basic computerized processes, such as calculators, spellcheck tools, autocorrect functions, spreadsheets, electronic communications, or any tool that relates only to internal management affairs such as ordering office supplies or processing payments, and does not materially affect the rights, liberties, benefits, safety or interests of the public.

b. Each agency shall report to the office of algorithmic data integrity, [the mayor's office of operations, or any other office or agency designated by the mayor,] no later than December 31 of every year, every algorithmic tool that the agency has used one or more times during the prior calendar year or plans to use within the following calendar year.

c. Each agency shall provide the following information about each algorithmic tool reported pursuant to

subdivision b of this section:

1. The name or commercial name, and a brief description of such algorithmic tool;

2. The purpose for which the agency is using such an algorithmic tool;

3. The type of data collected or analyzed by the algorithmic tool and the source of such data;

4. A description of how the information received from such algorithmic tool is used;

5. Whether a vendor or contractor was involved in the development or ongoing use of the algorithmic tool, a description of such involvement, and the name of such vendor or contractor when feasible; and

6. The month and year in which such algorithmic tool began to be used, if known.

d. The [mayor's office of operations] office of algorithmic data integrity, or any other office or agency designated by the mayor, shall compile the information received pursuant to subdivisions b and c of this section and report it to the mayor and the speaker of the council, disaggregated by agency, no later than March 31 of every year.

e. No agency shall disclose any information pursuant to this section where such disclosure would violate local, state, or federal law, or endanger the safety of the public, or interfere with an active agency investigation.

§ 3. This local law takes effect 180 days after it becomes law.

Session 13

LS #4669 & 8811

1/25/2024

Session 12

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