



Legislation Text

File #: Int 0199-2024, **Version:** A

Int. No. 199-A

By Council Members Gutiérrez, Hanif, Hudson, Restler, Williams, Ossé, Nurse, Louis, Cabán, De La Rosa, Sanchez, Fariás and Mealy (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 accountability

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-u to read as follows:

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

Affected person. The term “affected person” means an individual whose rights, liberties, benefits, or safety may be impacted by the city’s use of an algorithmic tool.

Algorithmic tool. The term “algorithmic tool” has the same meaning as set forth in section 3-119.5 of the administrative code.

Director. The term “director” means the director of algorithmic accountability.

Identifying information. The term “identifying information” has the same meaning as set forth in section 23-1201 of the administrative code.

Office. The term “office” means the office of algorithmic accountability.

b. Office established. The commissioner of the department of information technology and telecommunications shall establish an office of algorithmic accountability. Such office shall be headed by a director of algorithmic accountability who shall be appointed by the mayor. Such office shall also include other

employees as may be designated by the commissioner of the department of information technology and telecommunications to assist in the performance of the duties of such 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 algorithmic tools submitted to the office by an agency to determine whether the office identifies a risk that the proposed use of such tool could result in discriminatory decision-making as a result of actual or potential biases and, where applicable, whether the proposed use of such tool would satisfy the basic compliance standards promulgated pursuant to subdivision e of this section, and report the findings of such analysis to such agency, and repeat such analysis no less than once every 4 years or when a modification is made to the design or functionality of the tool that may affect such tool's outcomes;

(b) Assist agencies with compliance with laws and regulations pertaining to the use of algorithmic tools;
and

(c) Conduct pre-deployment assessments of the risks associated with the intended use of algorithmic tools;

2. Create and maintain a public-facing platform that provides a mechanism for the submission of comments and questions by members of the public about a specific algorithmic tool used by an agency and make such comments and questions publicly available in chronological order to the extent possible without disclosing identifying information;

3. Establish a protocol in consultation with the commissioner of investigation for receiving complaints from members of the public about the city's use of algorithmic tools and referring such complaints to the appropriate agency or office, and for making such complaints publicly available in chronological order to the extent possible without disclosing identifying information;

4. Plan and implement a public engagement and education strategy related to the city's use of

algorithmic tools;

5. Establish a protocol for receiving information, inquiries, and requests for assistance from agencies, and conduct regular outreach, no less than annually, to each agency informing them of the assistance that the office of algorithmic accountability can provide to them, and requesting any information that the office of algorithmic accountability may require in order to meet its legal requirements;

6. Conduct corrective action related to the city’s use of an algorithmic tool that the director deems appropriate, including providing training for an agency’s personnel regarding the use of such a tool and suspending the use of a tool:

(a) if the director determines that the use of such tool does not satisfy the basic compliance standards promulgated pursuant to subdivision e of this section, where applicable; or

(b) if the director determines that there is a risk that the proposed use of such tool could result in discriminatory decision-making as a result of actual or potential biases;

7. Promulgate rules consistent with the purpose of this section; and

8. Perform other relevant duties as the mayor may assign.

d. Agency cooperation. All city agencies shall cooperate with the office to facilitate the timely and efficient performance of such office’s duties.

§ 2. Section 3-119.5 of the administrative code of the city of New York, as added by local law number 35 for the year 2022, 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 [mayor's] office of [operations, or any other office or agency designated by the mayor] algorithmic accountability, 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 will 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;
7. Whether, since the prior report, any modifications were made to the design or functionality of the tool that may affect the tool's outcomes; and
8. Whether such algorithmic tool has been assessed by the office of algorithmic accountability pursuant to subparagraph (a) of paragraph 1 of subdivision c of section 20-u of the charter, a summary of the result of such an assessment, and whether any corrective actions were conducted.

d. The [mayor's] office of [operations] algorithmic accountability, 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 a summary of the result of assessments conducted pursuant to subparagraph (a) and subparagraph (c) of paragraph 1 of subdivision c of section 20-u of the charter 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

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LS #4669 & 8811

10/21/25 11:10 pm

Session 12

IB/TSW

LS #4669 & 8811

9/28/2023 3:30pm