

McKinney's Consolidated Laws of New York Annotated

State Technology Law ([Refs & Annos](#))

Chapter 57-a. Of the Consolidated Laws

Article IV. Automated Decision-Making in State Government [eff. Dec. 21, 2025. See, Also, Article 4 eff. Until Dec. 21, 2025.] ([Refs & Annos](#))

McKinney's State Technology Law § 402

§ 402. Use of automated decision-making systems by agencies

[Currentness](#)

<[Eff. Dec. 21, 2025. See, also, [§ 402](#), eff. until Dec. 21, 2025.]>

1. No state agency, or any entity acting on behalf of such agency, which utilizes or applies any automated decision-making system, directly or indirectly, in performing any function that: (a) is related to the delivery of any public assistance benefit; (b) will have a material impact on the rights, civil liberties, safety or welfare of any individual within the state; or (c) affects any statutorily or constitutionally provided right of an individual, shall utilize such automated decision-making system, unless such automated decision-making system is subject to continued and operational meaningful human review.

2. No state agency shall authorize any procurement, purchase or acquisition of any service or system utilizing, or relying on, automated decision-making systems in performing any function that is: (a) related to the delivery of any public assistance benefit; (b) will have a material impact on the rights, civil liberties, safety or welfare of any individual within the state; or (c) affects any statutorily or constitutionally provided right of an individual unless such automated decision-making system is subject to continued and operational meaningful human review.

3. The use of an automated decision-making system shall not affect (a) the existing rights of employees pursuant to an existing collective bargaining agreement, or (b) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. The use of an automated decision-making system shall not result in the: (1) discharge, displacement or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions currently performed by employees of the state or any agency or public authority thereof to an automated decision-making system; or (3) transfer of future duties and functions ordinarily performed by employees of the state or any agency or public authority. The use of an automated decision-making system shall not alter the rights or benefits, and privileges, including but not limited to terms and conditions of employment, civil service status, and collective bargaining unit membership status of all existing employees of the state or any agency or public authority thereof shall be preserved and protected.

Credits

(Added [L.2024, c. 674, § 2](#), eff. Dec. 21, 2025.)

McKinney's State Technology Law § 402, NY STATE TECH § 402

Current through L.2024, chapters 1 to 679. Some statute sections may be more current, see credits for details.

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