



Proposed law on sousveillance

RESOLUTION: 000001 (MANN-WASSELL LAW)

RE: POLICY, PRACTICE, AND ENFORCEMENT OF PERSONAL SOUSVEILLANCE

Legislators: _____, _____, _____, and _____, offer the following and move for its adoption:

LEGISLATIVE INTENT: The New York State Senate / Assembly finds that personal protection via recording has not kept pace with current laws and technologies (i.e. small wearable or portable personal technologies). This law will serve to establish that protection and deter offenders who encroach on these rights.

WHEREAS, the use of eyeglasses and similar seeing aids, whether in traditional glass, or electrical equivalent (e.g. "Digital Eye Glass" (D.E.G.), also known as "EyeTap", or "Glass Eye" or "Glass") is a personal choice made by an individual, possibly in consultation with their doctor or other person appointed by their free choice.

WHEREAS, the widespread use of D.E.G., as a consumer product, will help create a new and useful industry, and will help bring the cost of such devices down, thus benefitting everyone, including those who need it to see, and those with visual or memory impairment, autism, and the like.

WHEREAS, the most vulnerable members of society who use D.E.G. may benefit from visual memory or record of their experience, either in medical diagnosis (e.g. determination of environmental stress factors), or in solving crimes (e.g. crimes against the most vulnerable members of society).

WHEREAS, everyone, regardless of their ability, has a basic right to the data generated by their own senses.

WHEREAS, an apparatus that collects “Point-of-Eye” (PoE) data is less privacy-intrusive than surveillance cameras and other cameras that collect data from another point-of-view.

WHEREAS, surveillance cameras, i.e. cameras that are not PoE, give sight to previously inanimate objects, as well as sight from unusual viewing angles, such as looking from high vantage points, onto people’s private balconies, into their windows, and the like.

WHEREAS, sousveillance cameras like D.E.G. merely give sight to vantage points where sight already exists (i.e. the human eye).

WHEREAS, surveillance cameras, by their nature of not being attached to people, do not follow the social norms of people (e.g. its not polite to stare, and if you’re alone and nobody else is there, you can still be spied upon by a surveillance camera)

WHEREAS, sousveillance cameras, by the very fact that they are attached to people, do follow these social norms.

WHEREAS, sousveillance is therefore much less privacy-invasive than surveillance, and by an analogy: as with single-party versus multi-party recording of telephone conversations.

WHEREAS, people are at least as valuable as merchandise in a department store, or the like.

WHEREAS, people deserve, or at least should be able to assert, at least the same level of protection of their own person, as does a department store of its merchandise.

WHEREAS, the rights of people, in their person, should be at least as great as the rights of buildings and other inanimate objects that can and do record their own spaces and environs.

WHEREAS, video recording devices have long been acceptable for personal use.

WHEREAS, people should be able to capture video recording of their personal space for self protection and accurate records in any public place (including restaurants); even establishments that ban such practice.

WHEREAS, a person, when being placed under surveillance, has a right to also make their own recording in order to ensure the integrity of the surveillance recording (e.g. that it not be falsified, edited, taken out-of-context, or the like).

WHEREAS, laws have not kept pace with new technologies like D.E.G., nor ubiquitous mobile computers and cellphones that contain recording capabilities.

WHEREAS, numerous vision-based medical conditions can now be improved through the use of digital video eyewear.

WHEREAS, people need and desire to use automatic recognition programs such as OCR (Optical Character Recognition) of signage whether to assist the visually impaired, or to translate said signage to other languages.

WHEREAS, employees of some establishments, such as McDonalds, have physically assaulted patrons for photographing their menu, or the like.

WHEREAS, these very establishments use extensive surveillance cameras.

WHEREAS, these very establishments sometimes conveniently misplace or delete these surveillance recordings when they show that their employees are at fault.

WHEREAS, the courts have a right to see both sides of a story, and a person has a right to collect evidence of such physical assaults.

PENALTIES: a violation of this law shall be punishable as follows.

1) First Offence: any person or establishment that violates this law shall be guilty of a violation punishable of a fine of not less than two hundred and fifty (\$250) dollars.

2) Second Offense: any person or establishment that violates this law shall be guilty of a violation punishable of a fine of not less than five hundred (\$500) dollars.

3) Third Offence: any person or establishment that violates this law shall be guilty of a violation punishable of a fine of not less than one thousand (\$1000) dollars.

RESOLVED, that this Senate / Assembly in the state of New York adopt Mann-Wassell law

DEFINITIONS: Sousveillance refers to the recording of an activity by a participant in the activity typically by way of small wearable or portable personal technologies.

EFFECT ON OTHER LAWS: none. This law shall not in any way affect one's right to privacy. This law shall not affect any laws on waivers and releases for recording people on video.

APPLICABILITY: this law shall apply to all actions on or after the effective date of this law.

EFFECTIVE DATE: This Law shall take effect upon filing in the Office of the Secretary of State.

FISCAL IMPACT: see attachment, no impact.

ATTACHMENTS: <http://en.wikipedia.org/wiki/Sousveillance>

STATE OF NEW YORK

IN WITNESS WHEREOF

Clerk of Senate / Assembly, Signature, Date

Posted on November 20, 2012

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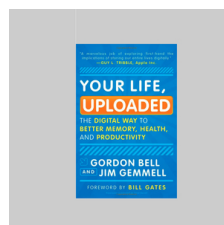
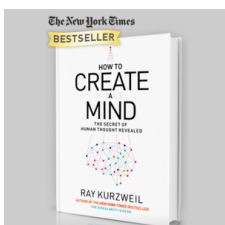
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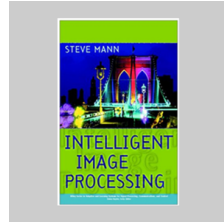
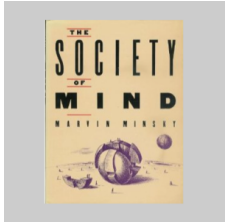
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