

June 11, 2025
New York Artificial Intelligence Act (S1169A)
Memo of Support

The Electronic Privacy Information Center (EPIC) supports the New York Artificial Intelligence Act and urges the Legislature to pass—and the Governor to sign—this bill. The New York AI Act provides a strong framework for ensuring accountability and transparency in the development and deployment of automated decision systems that are used to make life-altering decisions about New Yorkers.

EPIC is a public interest research center in Washington, D.C., established in 1994 to protect privacy, freedom of expression, and democratic values in the information age.¹ EPIC has a long history of promoting transparency and accountability for information technology, including AI systems.² Over the last decade, EPIC has consistently advocated for the adoption of clear, commonsense, and actionable AI regulations, especially for automated decisionmaking systems like those covered by the NY AI Act.³ EPIC has also published extensive research on emerging AI technologies like generative AI,⁴ as well as on the ways that government agencies develop, procure, and use AI systems around the

¹ *About Us*, EPIC, <https://epic.org/about/> (2023).

² See, e.g., *AI and Human Rights*, EPIC, <https://epic.org/issues/ai/> (2023); *AI and Human Rights: Criminal Legal System*, EPIC, <https://epic.org/issues/ai/ai-in-the-criminal-justice-system/> (2023); EPIC, *Outsourced & Automated: How AI Companies Have Taken Over Government Decision-Making* (2023), <https://epic.org/outsources-automated/> [hereinafter “Outsourced & Automated Report”]; Letter from EPIC to President Biden and Vice President Harris on Ensuring Adequate Federal Workforce and Resources for Effective AI Oversight (Oct. 24, 2023), <https://epic.org/wp-content/uploads/2023/10/EPIC-letter-to-White-House-re-AI-workforce-and-resources-Oct-2023.pdf>; EPIC, Comments on the NIST Artificial Intelligence Risk Management Framework: Second Draft (Sept. 28, 2022), <https://epic.org/wp-content/uploads/2022/09/EPIC-Comments-NIST-RMF-09-28-22.pdf>.

³ See, e.g., *EPIC Testifies in Support of Maryland Bill on High-Risk AI*, EPIC (Feb. 27, 2025), <https://epic.org/epic-testifies-in-support-of-maryland-bill-on-high-risk-ai/>; *EPIC Testifies in Support of Connecticut Bill on Algorithmic Discrimination*, EPIC (Feb. 27, 2025); Press Release, EPIC, *EPIC Urges DC Council to Pass Algorithmic Discrimination Bill* (Sept. 23, 2022), <https://epic.org/epic-urges-dc-council-to-pass-algorithmic-discrimination-bill/>.

⁴ *Generating Harms: Generative AI’s Impact & Paths Forward*, EPIC (2023), <https://epic.org/gai> [hereinafter “EPIC Generative AI Report”]; *Generating Harms II: Generative AI’s New & Continued Impacts*, EPIC (May 2024), <https://epic.org/documents/generating-harms-ii/> [hereinafter EPIC Generative AI Report II].

country.⁵ Finally, EPIC has developed an AI Legislation Scorecard that identifies provisions that are essential to a strong comprehensive AI law;⁶ many of those important elements are found in this bill.

The New York AI Act addresses a set of critical problems stemming from the widespread and unregulated use of AI: inaccuracy, bias, privacy risks, security vulnerabilities, opacity, unfairness, and more. These harms all exist within the constellation of automated decisionmaking systems increasingly used by companies in New York and across the country, and, unfortunately, these risks remain largely unaddressed. Passing the New York AI Act would be a key step toward mitigating these harms and would position New York as one of the leaders in incentivizing safe, responsible AI development and use. Critically, this bill places commonsense guardrails on the use of automated decisionmaking systems in the most high-stakes circumstances, such as whether a New Yorker receives a loan, gets a job, or is able access to essential health care. Requiring companies that are developing and using AI for use in these consequential settings to test their systems for accuracy and fairness and to give New Yorkers basic rights and information about these systems is a measured first step that will make AI use fairer and more transparent.

It is urgent that the Legislature pass this legislation now. The types of automated decisionmaking systems that will be regulated by this bill have been used by private and public entities for years, and their unregulated use has produced a well-documented history of bias, discrimination, inaccuracy, and other harms.⁷ Despite this, only one other state has passed legislation addressing this

⁵ Outsourced & Automated Report; EPIC, Screened & Scored in the District of Columbia (2022), <https://epic.org/wp-content/uploads/2022/11/EPIC-Screened-in-DC-Report.pdf> [hereinafter “Screened & Scored Report”].

⁶ Kara Williams, *AI Legislation Scorecard*, EPIC (June 2024), <https://epic.org/aিসcorecard/>.

⁷ See, e.g., Olga Akselrod & Cody Venzke, *How Artificial Intelligence Might Prevent You from Getting Hired*, ACLU (Aug. 23, 2023), <https://www.aclu.org/news/racial-justice/how-artificial-intelligence-might-prevent-you-from-getting-hired>; Emmanuel Martinez & Lauren Kirchner, *The Secret Bias Hidden in Mortgage-Approval Algorithms*, The Markup & AP (Aug. 25, 2021), <https://themarkup.org/denied/2021/08/25/the-secret-bias-hidden-in-mortgage-approval-algorithms>; Lauren Kirchner & Matthew Goldstein, *Access Denied: Faulty Automated Background Checks Freeze out Renters*, The Markup & The N.Y. Times (May 28, 2020),

problem.⁸ New York took a step in the right direction last year by passing the LOADinG Act, also sponsored by Sen. Gonzalez, which addresses the same harms in terms of public sector use of automated decisionmaking systems. The Legislature should continue building on this important work by passing the New York AI Act to reduce the harms of biased and unproven automated decisionmaking systems in the private sector as well.

EPIC supports the New York AI Act, which would enable New York to be a leader in addressing algorithmic discrimination and protecting consumers and workers. If any legislators would like to discuss this or similar legislation, please don't hesitate to reach out to Kara Williams at williams@epic.org.

<https://themarkup.org/locked-out/2020/05/28/access-denied-faulty-automated-background-checks-freeze-out-renters>; Kevin De Liban, *Inescapable AI: The Ways AI Decides How Low-Income People Work, Live, Learn, and Survive*, TechTonic Justice (Nov. 2024), <https://www.techtonicjustice.org/reports/inescapable-ai>; T. Christian Miller, Patrick Rucker & David Armstrong, “*Not Medically Necessary*”: *Inside the Company Helping America’s Biggest Health Insurers Deny Coverage for Care*, ProPublica & The Capitol Forum (Oct. 23, 2024), <https://www.propublica.org/article/evicore-health-insurance-denials-cigna-unitedhealthcare-aetna-prior-authorizations>; Ziad Obermeyer et al., *Dissecting Racial Bias in an Algorithm Used to Manage the Health of Populations*, SCIENCE, vol. 366, ed. 6464 (Oct. 25, 2019), <https://www.science.org/doi/10.1126/science.aax2342>.

⁸ Colo. Rev. Stat. § 6-1-1701 (regulating the development and deployment of automated decision systems in consequential decision settings, similar to this bill).