

**S 4817** KRUEGER Same as [A 1141](#) Paulin  
ON FILE: 02/12/21 Executive Law  
TITLE....Prohibits the disclosure of the names, addresses  
and telephone numbers of contributors and the amounts  
contributed that are reported on financial disclosure  
reports of certain not-for-profit organizations  
**Currently on Senate Committee Agenda**  
Senate Standing Committee on Finance  
Senator Liz Krueger, Chair  
10:30 AM, Tuesday, May 11, 2021  
Virtual  
02/12/21 REFERRED TO FINANCE

**A1141** Paulin Same as [S 4817](#) KRUEGER  
Executive Law  
TITLE....Prohibits the disclosure of the names, addresses  
and telephone numbers of contributors and the amounts  
contributed that are reported on financial disclosure  
reports of certain not-for-profit organizations  
01/07/21 referred to governmental operations

## STATE OF NEW YORK

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4817

2021-2022 Regular Sessions

### IN SENATE

February 12, 2021

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Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to prohibiting the disclosure of certain information required on financial disclosure reports of certain not-for-profit organizations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 8 of section 172 of the executive law, as  
2 amended by chapter 43 of the laws of 2002, is amended to read as  
3 follows:

4 8. Forms, financial reports, professional fund raisers' contracts, and  
5 other documents required to be filed pursuant to this article become  
6 public records of the attorney general, except that where such records  
7 include the names, addresses or telephone numbers of contributors and  
8 amounts contributed by them, such information shall not be a public  
9 record and shall not be subject to disclosure pursuant to article six of  
10 the public officers law, and the attorney general shall keep such infor-  
11 mation confidential and use it solely for the purpose of enforcing the  
12 not-for-profit corporation and religious corporation laws, the  
13 provisions of this article, article eight of the estates, powers and  
14 trusts law, and the attorney general's other charitable trust oversight  
15 responsibilities.

16 § 2. Subdivision 9 of section 172-b of the executive law, as added by  
17 section 1 of part UU of chapter 55 of the laws of 2020, is amended to  
18 read as follows:

19 9. Any registered charitable organization [~~that is required to file an~~  
20 ~~annual financial report pursuant to subdivision one or two of this~~  
21 ~~section, or~~] that is required to file a funding disclosure report pursu-  
22 ant to section one hundred seventy-two-e of this article, and/or a  
23 financial disclosure report pursuant to section one hundred  
24 seventy-two-f of this article for a reporting period during the applica-

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 ble fiscal year shall also be required to file such annual financial  
2 report, including all required forms and attachments, with the depart-  
3 ment of state. Where such records include the names, addresses or tele-  
4 phone numbers of contributors and amounts contributed by them, such  
5 information shall not be a public record and shall not be subject to  
6 disclosure pursuant to article six of the public officers law, and the  
7 department of state shall use such information solely for the purposes  
8 of enforcing sections one hundred seventy-two-e and one hundred seven-  
9 ty-two-f of this article and shall keep the information confidential  
10 except as provided in sections one hundred seventy-two-e and one hundred  
11 seventy-two-f of this article.

12 § 3. This act shall take effect immediately.

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S4817

**SPONSOR:** KRUEGER

**TITLE OF BILL:**

An act to amend the executive law, in relation to prohibiting the disclosure of certain information required on financial disclosure reports of certain not-for-profit organizations

**PURPOSE OR GENERAL IDEA OF BILL:**

To ensure that constitutionally protected personal and private data such as names, addresses and telephone numbers of those who choose to contribute to 501(c)3 Not For Profits are protected from unnecessary disclosure.

**SUMMARY OF PROVISIONS:**

This legislation ensures that when certain sensitive data concerning 501(c)3 Not For Profits is reported to the Office of the Attorney General and the Department of State it shall be used solely for the purpose of enforcing existing laws-but constitutionally protected personal and private data such as names, addresses, and telephone numbers of individual contributors shall not be part of the public record and shall remain private and not be subject to disclosure.

**JUSTIFICATION:**

Most 501(c)(3) not-for-profit organizations are required to file their federal tax filing with the New York Attorney General's Charities Bureau, annually. However, as of January 1, 2021, those organizations will have to file identical documents with the Department of State in addition to the Charities Bureau.

This new filing requirement will make New York the only state that requires 501(c)(3) organizations to file IRS Form 990 Schedule B information with a state agency without also requiring that agency keep the information confidential. If identifiable information is not redacted from public record, it is likely that potential donors who want to contribute to nonpolitical 501(c)(3) organizations but prefer to maintain their anonymity will be discouraged from donating altogether.

The additional requirement for 501(c)(3) organizations to file with the Department of State in addition to the Charities Bureau is both redundant and burdensome for not-for-profits. Therefore, this bill would remove the added filing requirement with the Department of State. Lastly, this bill would protect the privacy of donors by prohibiting the publication of financial disclosure records that include the names, addresses, or telephone numbers of donors and the amounts donated by them.

**PRIOR LEGISLATIVE HISTORY:**

2021-22 New Bill/A.1411 Paulin  
2019-20 A.11154 Paulin

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.