

FORM # 3 Agency Report Template

(Revised April 2020)

INSTRUCTIONS

The Identifying Information Law requires City agencies to submit comprehensive biennial reports related to their collection, disclosure, and retention of identifying information and their privacy protection practices. Agencies should review their 2018 reports, and begin collecting any updated information as soon as possible. The agency's updated and completed Inventory Form (Form #1), together with the Routine Designation Forms (Form #2) and Forms for the Agency Privacy Officer Approval of Collections and Disclosures on a Case-by-Case Basis (Form #5), should contain a significant amount of the information necessary to complete the report. While the Law does not specify who must complete the report, the APO is best positioned to do so, with final review and approval before submission by either the agency's General Counsel, or other counsel to the agency.

Agencies should review their 2018 versions of Form #3: Agency Report Template, and using this information and any updates to this report since 2018, complete a new Form #3 for 2020. This Form must be submitted to the CPO at <u>PrivacyOfficer@cityhall.nyc.gov</u>. The report must also be submitted to the Mayor, at <u>MOReports@cityhall.nyc.gov</u>, City Council Speaker, at <u>reports@council.nyc.gov</u> and the Citywide Privacy Protection Committee, at <u>MYCPrivacyCommittee@cityhall.nyc.gov</u>. Additionally, per N.Y.C. Charter §1133(a), agencies must submit their report to the City's Department of Records and Information Services online submissions portal at <u>https://a860-gpp.nyc.gov</u> within ten days of submission to the CPO, the Mayor, the City Council Speaker, and the Citywide Privacy Protection Committee. **Agency reports <u>must</u> be signed by the agency head or designee prior to submission.**

NOTE: For questions requesting information about existing agency policies relating to the disclosure of identifying information, agencies should describe their specific agency policies, and may also reference the Model Citywide Protocol for Handling Third Party Requests for Information Held by City Agencies, issued as City policy in April 2017, and the Identifying Information Law Rider.

IMPORTANT NOTE

THE INFORMATION CONTAINED IN THE AGENCY REPORT <u>WILL BE PUBLIC</u> <u>INFORMATION.</u> PREPARERS OF THIS REPORT SHOULD CONSULT WITH THEIR AGENCY'S GENERAL COUNSEL OR THE CHIEF PRIVACY OFFICER REGARDING ANY QUESTIONS AS TO WHETHER THE AGENCY'S RESPONSES TO QUESTIONS IN THE REPORT ARE PROVIDED IN ACCORDANCE WITH APPLICABLE LAW AND CITY POLICY.

THESE INSTRUCTIONS AND VERSION CONTROL INFORMATION ON THE FOLLOWING PAGE SHOULD BE DETACHED FROM THE REPORT BEFORE SUBMISSION

VERSION CONTROL

Version	Description of Change	Approver	Date
2.0	Updated completion date; miscellaneous clarifying revisions.	Laura Negrón Chief Privacy Officer, City of New York	April 2020
1.0	First Version	Laura Negrón Chief Privacy Officer, City of New York	April 2018

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AGENCY REPORT (due on or before July 31, 2020)

Agency:	FISA	FISA-OPA			
Agency Privacy Officer:		ficer:	Maureen Murphy		
Email: mmurphy@fisa-opa.nyc.gov		Telephone:	212-857-1120		
Date of Report: July 3		July 31, 2	.020		

1. Specify the type of identifying information colle ⊠Name	Work-Related Information			
Social security number (full or last 4 digits)*	Employer information			
isocial security number (num of last 4 digits)	Employment address			
Biometric Information	Government Program Information			
⊠Fingerprints	□Any scheduled appointments with any employee, contractor, or			
⊠Photographs	subcontractor			
Contact Information	Any scheduled court appearances			
Current and/or previous home addresses	Eligibility for or receipt of public assistance or City services			
⊠Email address	⊠Income tax information			
⊠Phone number	⊠Motor vehicle information			
Demographic Information	Law Enforcement Information			
□Country of origin	Arrest record or criminal conviction			
⊠Date of birth*	☑ Date and/or time of release from custody of ACS, DOC, or NYPD			
Gender identity	\Box Information obtained from any surveillance system operated by, for the			
⊠Languages spoken	benefit of, or at the direction of the NYPD			
⊠Marital or partnership status				
⊠Nationality				
⊠Race				
Sexual orientation				
Status Information	Technology-Related Information			
Citizenship or immigration status	Device identifier including media access control MAC address or			
⊠Employment status	Internet mobile equipment identity (IMEI)*			
Status as victim of domestic violence or sexual assault	\boxtimes GPS-based location obtained or derived from a device that can be used			
Status as crime victim or witness	to track or locate an individual*			
	⊠Internet protocol (IP) address*			
	Social media account information			
Other Types of Identifying Information (list below):				
Bank Account Information				
*Type of identifying information designated by the CPO (see	CPO Policies & Protocols § 3.1.1).			

2. Specify the reasons why collection and retention of identifying information specified above furthers the purpose or mission of your agency.

FISA-OPA's collection and retention of identifying information takes place within three different contexts:

A. FISA-OPA's principal mission to administer, host, and maintain the primary enterprise systems used by most City agencies (and, in some cases, certain third parties).

Users at agencies across the City perform everyday transactions on these systems without any active involvement by FISA-OPA. These routine transactions account for the vast majority of the identifying information that flows into and out of FISA-OPA.

These systems include the Financial Management System (FMS), New York City Automated Personnel System (NYCAPS), Workers' Compensation System (WCS), and the CityTime timekeeping system, among others. FISA-OPA makes these systems and supporting services available to City agencies and officers, and vendors, as applicable.

While these systems reside at FISA-OPA, our role is limited to the technical activities necessary to implement their business functions and to provide reliable and secure access and support to users. Those business functions, as well as the policies governing system access and use, are determined by other agencies (for example, OMB and Comptroller's Office for FMS, DCAS for NYCAPS, and so on).

B. FISA-OPA's specific role as the agency that manages payment of the City's employees and retirees.

FISA-OPA operates the City's Payroll Management System (PMS) and Pension Payroll Management System (PPMS), which also reside at FISA-OPA. In conjunction with other relevant City agencies (primarily OLR and DCAS), FISA-OPA uses identifying information to process the City's payroll for over 300,000 active employees (most on a biweekly basis) and over 300,000 pensioners (most on a monthly basis), and manages the corresponding payments and related transactions that occur via the City's third-party banks and to process deceased employee beneficiary claims.

C. FISA-OPA's own internal agency operations.

Like most City agencies, FISA-OPA uses identifying information (including by means of the Citywide systems described above) to conduct its own internal human resources, procurement, and other business functions.

N.Y.C. Admin. Code §23-1205(a)(1)(f)

3. Describe the types of collections and disclosures classified as: (1) pre-approved as "routine," (2) pre-approved as routine by APOs of two or more agencies, or (3) approved by the APO on a case-by-case basis. Appendix B of the 2020 Agency Guidance includes detailed examples of routine and non-routine collections and disclosures, with descriptions.

Add additional rows as needed.			
Describe the Collection or Disclosure	Classification Type		
Citywide: personnel functions. NYCAPS users across the City store and retrieve personnel- related information and records (e.g., manpower planning, performance appraisals, salary modifications, timekeeping) as part of their agencies' routine processing and reporting of human resources (HR) information.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis 		
Internal users across the City submit job application information for vacant City positions. Citywide: benefits processing. NYCAPS users across the City store and retrieve benefit- related information and records as part of their agencies' routine processing and reporting of HR information. City health plans and unions also exchange relevant benefits-related information with NYCAPS. Citywide: workers' compensation claims. WCS users across the City store and retrieve workers' compensation-related information and records as part of the routine processing and reporting of workers' compensation matters.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a 		
Citywide: budgeting, accounting, and procurement capabilities. FMS users across the City, and City vendors (who, in some cases, are individuals) that have been granted access to FMS, store and retrieve financial-related information and records as part of the routine processing and reporting of financial data. FMS also exchanges relevant information with the City's bank to manage payments to City vendors.	case-by-case basis ⊠ Pre-approved as routine □ Approve as routine by two or more agencies □ Approved by APO on a case-by-case basis		
Citywide: user access processing for FISA-OPA-administered systems. Personnel at agencies that use the Citywide applications maintained by FISA-OPA provide FISA-OPA support personnel limited information regarding their actual and prospective individual users to add, deletes, and modify access to those systems. This information is disclosed to the applicable user agencies as part of the routine process of maintaining accurate access records. Individual users provide limited personal information to FISA-OPA support personnel to	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis 		
resolve issues with their system access. City debt underwriters, financial advisors, and bond counsel must provide the name, address, email, and related information for a responsible individual as part of the process of being granted access to the Debt Management System (DMS). This information is not disclosed.			
Citywide: E-hire (online job listing and application portal). External users submit job application information (for vacant City positions) through a portal into NYCAPS. NYCAPS users at relevant City agencies retrieve and store this and related information to process job applications and undertake other employment-related tasks.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis 		
FISA-OPA payroll: active NYC staff. NYCAPS and PMS system users across the City store and retrieve payroll-related information and records as part of their agencies' routine processing and reporting of payroll data. The City's payroll banks, and federal and state tax and other authorities, also exchange payroll information with PMS.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis 		
FISA-OPA payroll: retired NYC staff. NYCAPS and PPMS system users across the City store and retrieve pension payroll-related information and records as part of their routine processing and reporting of pension data. The City's pension plans, the City's pension payroll	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies 		

bank, and federal and state tax and other authorities also exchange pension payroll-related information with PPMS.	Approved by APO on a case-by-case basis
FISA-OPA Internal: HR. The HR division collects, discloses, and retains personnel, employee benefits, payroll, and other related agency employee information and records in the performance of core administrative and human resource functions.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
FISA-OPA Internal Legal. The legal division collects and discloses information (or coordinates its collection and disclosure): in response to FOIL requests; requests from other agencies; and judicial/administrative requirements; and as required in disciplinary procedures. Most cases are approved by the APO on a case-by-case basis, but some requests (such as for disclosure of information that is already made public) are pre-approved as routine.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
FISA-OPA Internal: Procurement. The procurement division collects VENDEX and other required information from vendors and contractors who, in some cases, are individuals. The division also occasionally receives extracts from criminal background checks on proposed individual consultants.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
FISA-OPA Internal: Operations. The Operations division collects technology-related information necessary to manage the distribution, maintenance, and ultimate return of City-owned work-related electronic equipment used by agency personnel in their assigned duties	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
N.Y.C	C. Admin. Code §23-1205(a)(1)(b)

4. If applicable, specify the types of collections and disclosures that have been approved by the Chief Privacy Officer as being "in the best interests of the City" which involve any collections and disclosures of identifying information relating to your agency.

Add additional rows as needed.

Describe Type of Collection or Disclosure

N/A

N.Y.C. Admin. Code §23-1202(b)(2)(b); 23-1205(a)(1)(b)

5. Describe the agency's current policies regarding requests for disclosures from other City agencies, local public authorities or local public benefit corporations, and third parties.

FISA-OPA follows all Citywide information and security policies applicable to data security, including secure file exchange processes.

	6.	Do the above policies address access to or use of identifying information by employees,	\boxtimes Yes \Box No
		contractors, and subcontractors?	
ĺ	7.	If YES, do such policies specify that access to such information must be necessary for the	\boxtimes Yes \Box No
		performance of their duties?	

8. Describe whether the policies are implemented in a manner that minimizes such access to the greatest extent possible while furthering the purpose or mission of the agency.	FISA-OPA users are granted access to systems using a role-based approach that limits access to only those functions needed to perform their job responsibilities. The process assigns user access rights corresponding to the specified role, such that users have only those system privileges needed to perform their job responsibilities. These rights are authorized by the user's manager, and are reviewed on a periodic basis. All modifications are tracked, providing a record of a user's access rights from onboarding until termination.
	Access policy for the Citywide systems we operate is determined by the respective business owners of those systems. N.Y.C. Admin. Code §§23-1205(a)(1)(c)(1), and (4)

9. Describe the agency's current policies for handling proposals for disclosures of identifying information to other City agencies, local public authorities or local public benefit corporations, and third parties.

The vast majority of FISA-OPA's "disclosures" of identifying information occur as part of routine transactions conducted by agencies across the City without FISA-OPA's active involvement. Further, the policies governing access to, and use of, the systems involved are set by agencies other than FISA-OPA (which only administers the technical aspects of the systems), and any proposals for additional disclosure via those systems is addressed at that level. Where appropriate, proposals for disclosures of identifying information via the payroll systems are addressed by FISA-OPA and the other agencies that set payroll policy (OLR and DCAS). In addition, like most proposed disclosures made as part of FISA-OPA's internal business, these are considered on a case-by case basis with reference to any applicable contract(s) and/or governing law(s).

N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)

10. Describe the agency's current policies regarding the classification of disclosures as necessitated by the existence of exigent circumstances or as routine.

Citywide disclosures that are part of the regular functioning of the systems that FISA-OPA operates are designated as routine by the respective division mangers. The Agency Privacy Officer evaluates other disclosures on a case-by-case basis, typically in conjunction with relevant business and/or technical personnel, and with reference to any applicable contract(s) and/or governing law(s).

N.Y.C. Admin. Code §23-1205(a)(1)(c)(3)

11. Describe the agency's current policies regarding which divisions and categories of employees within an agency make disclosures of identifying information following the approval of the privacy officer.

In the routine operation of the Citywide systems that FISA-OPA administers, it is the users at other agencies who initiate transactions resulting in the disclosure of identifying information; FISA-OPA employees play no active role in these disclosures. Access policy for those systems is determined by the respective business owners of those systems.

Disclosures that are a regular part of FISA-OPA's payroll operations are "made" by the payroll systems as administered by authorized FISA-OPA personnel. FISA-OPA employees make routine disclosures in connection with internal agency business when authorized by their job function. For both payroll operations and internal agency business, FISA-OPA system users are granted system access using a role-based approach that limits access to only those functions needed to perform their job

responsibilities. The process assigns user access rights corresponding to the specified role, such that users have only those system privileges needed to perform their job responsibilities. These rights are authorized by the user's manager, and are reviewed on a periodic basis.

Approval by the Agency Privacy Officer for any other disclosures includes specification of what employee(s) or functional group(s) are authorized to make the disclosure.

N.Y.C. Admin. Code §23-1205(a)(1)(c)(4)

12. Describe whether the agency has considered or implemented, where applicable, any alternative policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of such agency.

The vast majority of the flow of identifying information occurs programmatically via the Citywide systems that FISA-OPA administers, and those systems have been designed to collect, retain, and disclose only the identifying information relevant to the particular transactions performed. In addition, FISA-OPA already follows all Citywide information and security policies applicable to data security, including secure file exchange processes. Beyond our programmatic operations, as appropriate circumstances arise, FISA-OPA will implement alternative policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the mission of our agency.

N.Y.C. Admin. Code §23-1205(a)(4)

13. Describe the agency's use of agreements for any use or disclosure of identifying information.

With regard to FISA-OPA's operation of the City's enterprise systems, it is the Citywide users of those systems who use and disclose the vast majority of the identifying information resident at FISA-OPA. Since the City is a single entity, there is no need for FISA-OPA to enter into agreements with those other agencies.

In the conduct of FISA-OPA's payroll operations and internal agency business, FISA-OPA enters into external partner agreements with external entities for the use and/or disclosure of identifying information only as necessary for the furtherance of FISA-OPA's mission. For example, FISA-OPA has entered into agreements with the banks that process payroll and pension payments, which provide for FISA-OPA's disclosure of payment-related information to those banks and for the banks' use of that information to administer the payments. All such agreements include confidentiality provisions prohibiting the further disclosure or use of information, except under very limited circumstances (such as with FISA-OPA's express consent, or as required by law).

N.Y.C. Admin. Code §23-1205(a)(1)(d)

14. Using the table below, specify the types of entities requesting the disclosure of identifying information or proposals for disclosures of identifying information, and for each entity, describe (1) the reasons why an agency discloses identifying information to such entity, and (2) why any such disclosures furthers the purpose or mission of such agency.

Add additional rows as needed.

Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the purpose or mission of the agency
NYC agencies and elected officials	To permit agencies and elected officials to perform HR and financial processing or reporting as required for management of their agency or oversight of their respective Citywide function	FISA-OPA's purpose includes hosting and operating the systems that permit agencies and elected officials to accomplish these tasks.
Benefits providers	To permit benefits providers to update personal information of NYC staff and reflect changes to benefit programs	FISA-OPA's purpose includes hosting and operating the systems that permit benefits agencies to accomplish these tasks.
Pension systems	To permit pension systems to manage processing for NYC retiree pension checks and various other benefits	FISA-OPA's purpose includes hosting and operating the systems that permit the pension systems to accomplish these tasks.
Banks	FISA-OPA sends disbursement-related information (ACHs, checks) to banks for issuing payments to active NYC employees, retirees, beneficiaries and vendors	FISA-OPA's purpose includes payment of the City of New York's employees, retirees, and vendors. Disclosure is necessary to accomplish these purposes.
Federal, state, & local governments	Exchange of tax and SSN related information, as well as deduction information in support of normal payroll functions	FISA-OPA's purpose includes payment of the City of New York's employees, retirees, and vendors. Disclosure is necessary to meet the City's legal obligations that arise in connection with these payments.
Judicial/legal and investigative bodies	Responses to FOIL requests and subpoenas. This includes disclosure of any data that is legally mandated. The specific information requested varies for each situation.	FISA-OPA's purpose includes hosting and operating Citywide systems that maintain City financial, payroll, timekeeping and human resource information. Disclosure is necessary to meet the City's administrative and legal obligations.
City unions	Data pertaining to membership and benefits	FISA-OPA's purpose includes hosting and operating Citywide systems that maintain City financial, payroll, timekeeping and human resource information. Disclosure is necessary to meet the City's obligations under its collective bargaining agreements.
Employee and Retiree Investment Managers	Exchange information with money managers for active employees and retirees (e.g., Met Life, Prudential, TIAA-CREF) to support payroll deductions processes for Tax-Deferred Annuities and investments	FISA-OPA's purpose includes hosting and operating Citywide systems that maintain City financial, payroll, and related information. Disclosure is necessary to support the operation of these benefits.

	N.Y.C. Admin. Code §23-1205(a)(1)(e)

- Proceed to Next Question on Following Page-



15. Describe the impact of the Identifying Information Law and other applicable laws upon your agency's practices in relation to collection, retention, and disclosure of identifying information.

FISA-OPA manages multiple critical City information technology applications and assets, including the business applications that provide the tools and information that agency employees Citywide require to perform their financial, payroll, pension, and HR functions. Among the key functions that these systems perform are:

- processing salary payments for more than 300,000 active employees (most on a biweekly basis);
- processing pension payments for more than 300,000 retirees (most on a monthly basis);
- processing more than 400,000 workers' compensation-related payments annually;
- intake of weekly timesheets from almost 200,000 City workers;
- processing more than 700,000 payments per year to more than 50,000 unique City payees/vendors; and
- printing and distributing more than one million pieces of tax documentation at the end of each calendar year.

As these numbers demonstrate, these business systems support core functions of City government and are fundamental to the City's operations.

FISA-OPA's mission and purpose is to ensure the continuing ability of agencies, elected officials, and certain third parties to perform their payroll, human resources, financial, and timekeeping functions. If, under the Identifying Information Law, the ongoing storage and retrieval of the vast quantities of identifying information needed to perform these functions is not designated as routine, the Citywide impact would be immense. The need to obtain advance approvals from dozens of other Agency Privacy Officers and/or the City Chief Privacy Officer would stall the City's operations and effectively prevent FISA-OPA from fulfilling its mission.

N.Y.C. Admin. Code §23-1205(a)(2)

16. Describe the impact of the privacy policies and protocols issued by the Chief Privacy Officer, or by the Citywide Privacy Protection Committee, as applicable, upon your agency's practices in relation to the collection, retention, and disclosure of identifying information.

The Agency has issued procedures for reporting suspected or known violations of the identifying information law based on the CPO's model protocol.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL FOR AGENCY REPORT

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Signature:	Me Marchen	Date:	Jul 30, 2020	

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