

FORM 3 (AGENCY REPORT) (Due on or before July 31, 2022)

Agency:	NYC Racial Justice Commission		
Agency Privacy Officer:	Melanie Ash		
Email:	mash@charter.nyc.gov	Telephone:	917.828.3930
Date of Report:	July 27, 2022		

1. Specify the type of identifying information collected or disclosed (check all that apply):	
<input checked="" type="checkbox"/> Name <input checked="" type="checkbox"/> Social security number (full or last 4 digits)* <input checked="" type="checkbox"/> Taxpayer ID number (full or last 4 digits)*	<p><u>Work-Related Information</u></p> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<p><u>Biometric Information</u></p> <input type="checkbox"/> Fingerprints <input checked="" type="checkbox"/> Photographs / Images <input type="checkbox"/> Palm and handprints* <input type="checkbox"/> Retina and iris patterns* <input type="checkbox"/> Facial geometry* <input type="checkbox"/> Gait or movement patterns* <input type="checkbox"/> Voiceprints* <input type="checkbox"/> DNA sequences*	<p><u>Government Program Information</u></p> <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input type="checkbox"/> Any scheduled court appearances <input type="checkbox"/> Eligibility for or receipt of public assistance or City services <input type="checkbox"/> Income tax information <input type="checkbox"/> Motor vehicle information
<p><u>Contact Information</u></p> <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<p><u>Law Enforcement Information</u></p> <input type="checkbox"/> Arrest record or criminal conviction <input type="checkbox"/> Date and/or time of release from custody of ACS, DOC, or NYPD <input type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD
<p><u>Demographic Information</u></p> <input type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input checked="" type="checkbox"/> Languages spoken <input checked="" type="checkbox"/> Marital or partnership status <input type="checkbox"/> Nationality <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Religion <input checked="" type="checkbox"/> Sexual orientation	<p><u>Technology-Related Information</u></p> <input type="checkbox"/> Device identifier including media access control MAC address or Internet mobile equipment identity (IMEI)* <input type="checkbox"/> GPS-based location obtained or derived from a device that can be used to track or locate an individual* <input type="checkbox"/> Internet protocol (IP) address* <input checked="" type="checkbox"/> Social media account information
<p><u>Status Information</u></p> <input type="checkbox"/> Citizenship or immigration status <input type="checkbox"/> Employment status <input type="checkbox"/> Status as victim of domestic violence or sexual assault <input type="checkbox"/> Status as crime victim or witness	<p><u>Other Types of Identifying Information</u> (list below):</p> <input checked="" type="checkbox"/> Group/club/organization affiliation <input checked="" type="checkbox"/> Any video or image of members of the public collected through routine recording/documentation of interviews/meetings conducted by Hester Street <input checked="" type="checkbox"/> Any video or image of members of the public collected through routine recording/documentation of RJC public events <input checked="" type="checkbox"/> Videos/images of Commission members and/or staff disclosed in connection with public outreach <input checked="" type="checkbox"/> Any video or image submitted by a member of the public <input checked="" type="checkbox"/> Any other personally identifying information the member of the public chooses to submit <input checked="" type="checkbox"/> Employer Identification Numbers and/or vendor identification numbers, tax exemptions, any other account numbers
<p>*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).</p>	

Identifying Information Law

2. Explain why the collection and retention of identifying information described in Question 1 furthers the purpose or mission of your agency.

The Racial Justice Commission (“RJC”) was tasked with identifying the structural changes and significant policy reforms that will advance racial justice and equity and begin to dismantle structural racism for all New Yorkers. In furtherance of that mission, the RJC’s functions include and have included (1) examining the New York City Charter and City agencies to identify powers, structures, and processes of New York City government that underlie sources of inequity, (2) leveraging the Administration’s existing and ongoing work, including the Taskforce on Racial Inclusion and Equity, (3) producing a formal report, with recommendations, that includes proposed policy and programmatic changes to the powers, structures, and processes of New York City government, as reflected in proposed ballot measures to amend the Charter, or otherwise, (4) educating NYC voters on the ballot measures that will be on the ballot during the November 2022 general election, with special effort made to reach the language communities protected by the Voting Rights Act, (5) holding public hearings, meetings and forums, or other events, and taking other actions, as the Commission determines to be appropriate, in furtherance of its mission, and (6) collecting and disseminating the information and resources necessary to complete its mission. The APO has approved the collection and retention of information in Q1 to permit the RJC (on its own and through its City partners and contractors) to educate; engage with; outreach to; and solicit comment, suggestion, participation, information and data from the public in furtherance of the RJC’s mission.

N.Y.C. Admin. Code §23-1205(a)(1)(f)

3. Describe the following types of collections and disclosures: (1) pre-approved as routine, (2) pre-approved as routine by the APOs of two or more agencies, or (3) approved by the APO on a case-by-case basis. Appendix B of the Agency Guidance on the 2022 Biennial Compliance Process includes examples of routine and non-routine collections and disclosures.

Add additional rows as needed.

Describe the Collection or Disclosure	Classification Type
<p>The RJC is authorized to collect and disclose the names, email addresses, and the last 4 digits of the social security numbers of Commissioners to the Conflict of Interest Board for the limited purpose of necessary onboarding, including completing required COIB disclosure forms, thereby ensuring the candidates face no conflicts of interest that would prevent them from fulfilling the role as a Commissioner.</p>	<p><input type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>The RJC is authorized to collect the designated information from contractor(s) or subcontractor(s) and disclose to the Law Department, COIB, the Mayor’s Office of MWBE, the Mayor’s Office of Contract Services, and/or the Comptroller to facilitate the assessment, approval, negotiation, processing, registration, onboarding, and payment or reimbursement of contracts/subcontracts and/or contractors/subcontractors required to develop a website and other promotional materials; perform public relation functions; and provide public outreach, engagement and other required services throughout the duration of the RJC.</p> <p>The designated information is name, identification numbers, contact information, work-related information, and technology-related information of any individual or person who works for a 501(c)(3), corporation, partnership, sole proprietor, etc., that is submitting a proposal, engaging in the procurement process, entering into a contract for services with the RJC, or performing services under a contract with the RJC.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>The RJC is authorized to collect name, contact information, and work-related information for Commissioners to, and staff members of, the RJC to facilitate communication with Commissioners and staff members and to provide them with materials as necessary. The information may also be disclosed to the Law Department, OMB, staff members’ home agencies, and the Conflicts of Interest Board to facilitate onboarding, transition, and resolution of employment and/or human resources-related issues.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>The Racial Justice Commission is authorized to collect contact information from the public (name, contact information, social media account information, and demographic information) in connection with public submissions, recommendations, proposals, ideas and suggestions to and appearances before the Commission, and in order to maintain a contact list to ensure interested individuals can be apprised of the RJC’s work and made aware of future opportunities to engage with the RJC.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>The Racial Justice Commission, including through its contractors and subcontractors, is authorized to collect the names, contact information, social media information, demographic information, and group/club/organization affiliation from the public in connection with public submissions, recommendations, proposals, ideas and suggestions to and appearances before the Commission, and in order to maintain a contact list to ensure interested individuals can be apprised of the RJC’s work and made aware of future opportunities to engage with the RJC.</p> <p>The Racial Justice Commission may also, as part of its routine recording and documenting of RJC public events, collect and disclose videos/images of members of the public who attend and offer public comment at those events. In addition, the RJC may collect and disclose videos and/or images or other identifying information voluntarily submitted by members of the public through any of the RJC’s digital or other submission platforms or mechanisms.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>The Racial Justice Commission is authorized to collect name, contact information, work-related information, and photographs/images/videos, and social media account information of Commissioners to, and staff members of, the RJC, as well as any individual who engages with the RJC in a public forum.</p> <p>The information covered by this designation may be disclosed on the RCJ’s website, during public meetings, and on other material promoting the RJC’s work and public engagement, to</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>

Identifying Information Law

<p>raise awareness about, educate, and generate support for the work of the RJC, and to engage transparently with the community.</p>	
<p>As contractors of the RJC, Hester Street and House of Cakes Design, LLC are authorized to routinely collect the designated information (name, contact information, work information, demographic information, social media information, videos/images, group/club/organization affiliation (and contact information for that group/club/organization), and any other personal identifying information voluntarily submitted by members of the public) about members of the public in conjunction with soliciting public comments, recommendations, proposals, ideas, and suggestions relating to the work of the Commission; scheduling and hosting public and private meetings for and on behalf of the RJC; maintaining a contact list to ensure interested individuals are apprised of the RJC's work and are made aware of opportunities to engage with the RJC; and otherwise performing community outreach for and on behalf of the RJC.</p> <p>The contractors are authorized to routinely disclose the designated information about RJC Commissioners and/or staff in connection with public engagement, outreach, and education about the work of the Commission.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>The Racial Justice Commission is authorized to collect name, contact information, work-related information, social media, URL/website, addresses, and demographic information of experts, interagency liaisons, community members, racial equity scholars, civil rights leaders, stakeholders, and members of interest groups/community-based organizations that engage, collaborate, and work with the RJC in furtherance of the RJC's mission.</p> <p>The information covered by this designation may be collected and disclosed with interagency partners. The information may also be used to communicate with experts, ACT members, interagency liaisons, community members, racial equity scholars, civil rights leaders, stakeholders and members of interest/community groups to coordinate scheduling, solicit further engagement, and assist with scheduling/further collaboration.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>N.Y.C. Admin. Code §23-1205(a)(1)(b)</p>	

<p>4. If applicable, describe the types of collections and disclosures of identifying information involving your agency that have been approved by the Chief Privacy Officer as being in the best interests of the City.</p> <p>Add additional rows as needed.</p>
<p>Describe Type of Collection or Disclosure</p>
<p>N/A</p>
<p>N.Y.C. Admin. Code §23-1202(b)(2)(b); 23-1205(a)(1)(b)</p>

<p>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. Be as specific as possible.</p> <p>NOTE: For questions 5 – 11, refer as necessary to the Model Citywide Protocol for Handling Third Party Requests for Information Held by City Agencies (on file with the Office of Information Privacy) and the Identifying Information Rider.</p>
<p>The RJC's practice is that each requested disclosure or collection is carefully considered, and only the PII relevant and necessary to the purpose for which the disclosure or collection is requested is authorized to be collected and/or disclosed. Where appropriate, only one-off authorizations are granted, unless there is a need for repeated or ongoing collection or disclosure. These practices were established based on review and application of the Chief Privacy Officer's Citywide</p>

protocol. To date, RJC has received only one request from a Third Party to share its identifying information.	
6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. If YES, do those policies specify that access to identifying information must be necessary to perform their duties?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8. Describe whether the policies are implemented in a manner that minimizes access to the greatest extent possible while furthering the purpose or mission of the agency.	Yes. The RJC's practice is that each requested or proposed disclosure or collection, whether internal or external, is carefully considered by the APO, and only the PII relevant and necessary to the purpose for which the disclosure or collection is requested or proposed is authorized to be collected and/or disclosed.
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. Be as specific as possible.
The RJC's practice is that each proposed disclosure or collection is carefully considered by the APO, and only the PII relevant and necessary to the purpose for which the disclosure or collection is proposed are authorized to be collected and/or disclosed. Where appropriate, only one-off authorizations are granted, unless there is a need for repeated or ongoing collection or disclosure. To be considered, the proposal must be relevant to the mission of the RJC.
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. Be as specific as possible.
The RJC will refer to and follow the Chief Privacy Officer's Citywide Privacy Protection Policies and Protocols in determining whether exigent circumstances exist. No such circumstances have been identified to date. In the absence of exigent circumstances, routine and one-off requests for collection or disclosures will be considered based on the practices set out above.
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 have been approved by the agency privacy officer to disclose identifying information. Be as specific as possible.
RJC is very leanly staffed, with employees having primary functions, but assisting with others as needed. That said, both employees and contractors are only authorized to disclose identifying information where that disclosure is integral to their ability to perform their functions, and those functions are integral to the mission of the RJC. When the RJC was launched, an assessment was made of the each of the major functions of the Commission in order to authorize only relevant and integral disclosures.
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 since 2020 that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the agency's purpose or mission.
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RJC is a new/temporary Commission that was not in existence in 2020, so all the policies described above were put in place beginning with its creation in 2021.

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.

The RJC does not currently have any agreements that specifically govern the use or disclosure of identifying information, however, its contracts with vendors will contain terms relating to identifying information if the Law Department deems it to be appropriate.

N.Y.C. Admin. Code §23-1205(a)(1)(d)

15. Describe the impact of the Identifying Information Law and other local, state, or federal laws upon your agency's practices in relation to collecting, retaining, and disclosing identifying information (i.e., if such practices would differ in the absence of these laws).

As a new/temporary Commission, the RJC was starting from scratch in 2021, and as such has no basis to assess how it would operate in the absence of the Identifying Information Law. However, the existence of the Law has guided the Commission in establishing its practices and processes, and in ensuring that identifying information is collected and disclosed sparingly, only when necessary, and treated with the utmost care.

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 collecting, retaining, and disclosing identifying information (i.e., if they have affected such practices).

As a new/temporary Commission, the RJC was starting from scratch in 2021, and so relied on the Chief Privacy Officer's policies and protocols to assist it in determining how to approach and identify the necessary collection, retention, and disclosure, as well as to guide the completion of Forms 2 and 5, as appropriate.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Melanie Ash		
Title:	General Counsel and Agency Privacy Officer		
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ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Harold Miller		
Title:	Executive Director		
Email:	hcmiller@charter.nyc.gov	Phone:	917.576.5403
Electronic Signature:	Harold C Miller Jr	Date:	7 /29/ 22

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