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

Agency:	Office of Administrative Trials and Hearings
Agency Privacy Officer:	Olga Statz, General Counsel
Email: ostatz@oath.nyc.gov	**Telephone:** 212-933-3003
Date of Report:	July 28, 2020

1. Specify the type of identifying information collected or disclosed (check all that apply):

☒Name
☒Social security number (full or last 4 digits)*****

Biometric Information
☐Fingerprints
☒Photographs

Contact Information
☒Current and/or previous home addresses
☒Email address
☒Phone number

Demographic Information
☒Country of origin
☒Date of birth*****
☒Gender identity
☒Languages spoken
☒Marital or partnership status
☒Nationality
☒Race
☒Religion
☒Sexual orientation

Status Information
☒Citizenship or immigration status
☒Employment status
☒Status as victim of domestic violence or sexual assault
☒Status as crime victim or witness

Work-Related Information
☒Employer information
☒Employment address

Government Program Information
☒Any scheduled appointments with any employee, contractor, or subcontractor
☒Any scheduled court appearances
☒Eligibility for or receipt of public assistance or City services
☒Income tax information
☒Motor vehicle information

Law Enforcement Information
☒Arrest record or criminal conviction
☒ Date and/or time of release from custody of ACS, DOC, or NYPD
☒Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD

Technology-Related Information
☐Device identifier including media access control MAC address or Internet mobile equipment identity (IMEI)*****
☒GPS-based location obtained or derived from a device that can be used to track or locate an individual*****
☒Internet protocol (IP) address*****
☒Social media account information

Other Types of Identifying Information (list below):
Other types of identifying information may be collected through trial and hearing testimony.

*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.

OATH is the City of New York's central tribunal created by Executive Order 32 in 1979 and made a mayoral agency under Charter §§ 1048 and 1049. OATH's primary mission is to conduct fair and impartial trials and hearings that are open to the public. To facilitate its public adjudications, OATH collects and retains a wide array of public information, the majority of which contains identifying information as reflected in Section (1). Such identifying information comes from the parties that appear at OATH, which include city and other enforcement agencies, respondents, and witnesses. The additional identifying information collected and retained by OATH is for administration purposes (e.g. human resources, procurement, IT, etc.).

Identifying Information Law

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
The Human Resources division collects and discloses personnel-related information and records in the performance of core administrative and human resources functions.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The Procurement Unit collects and discloses identifying information required in procurement contracts, disclosing that information to the Law Dept., Mayor's Office of Contracts (MOCS), and the Comptroller where the contract is registered. Task orders and direct orders are disclosed to DCAS and DOITT. As part of the bid process, the procurement unit also collects and discloses identifying information of the vendors' principals and officers to SBS, DOF and MOCS, and to the Law Dept and DOI for review and vetting.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The Budget/Revenue Analyst collects documents with identifying information from checks, money orders and agency reimbursement forms for the purpose of lost job ID card replacement, reimbursement payments to OATH employees and personal telephone calls payment made by OATH employees via Agency phones. Information from checks and money orders is retained on file and disclosed to the bank for agency bank deposit processing. Information from the forms is disclosed to the Comptroller's Office through the Financial Management System (FMS). The Budget/Revenue Analyst uses information from OATH judges' and clerical staff's Time Records for MTA invoicing. The information is retained on file and disclosed to the MTA for its processing of payments to OATH.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The Accounts Payable Unit collects agency payment request forms for the purpose of processing miscellaneous payments to mediators, panelists and OATH employees. The information is retained in FMS and disclosed to the Comptroller's Office through FMS.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The Administrative Judicial Institute (AJI) collects and retains identifying information obtained through program registrations and sign-in (attendance) sheets. It discloses this information to the CLE board and to security for the landlord, SL Green. Program registration is conducted via the web and is collected by AJI via DOITT and WebEx.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis

<div align="right">

N.Y.C. Admin. Code §23-1205(a)(1)(f)

</div>

The Appeals Unit of OATH's Hearing Division collects and retains from petitioners and respondents appeals requests and supporting documentation, which can be disclosed to either party in the case. However, sensitive information such as tax returns, personal bank records, proof of being on Public Assistance, Social Security number or medical records, are not disclosed.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
To facilitate its conflict resolution services, the Center for Creative Conflict Resolution (CCCR) collects and retains general employee contact information, and relevant information about the matters being referred related to the history of the conflict. The information is used to assess the conflict or training needs, to design conflict interventions, workshops, and training materials. After services are rendered, all information is retained as part of CCCR's case management protocols. Employee identifying information is disclosed back to the referring city agency. All other information is kept confidential.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
For purposes of data and research, CCCR collects and retains identifying information of participants who complete surveys online, via email, and in-person satisfaction evaluations. Survey data is used to gauge participant satisfaction and enhance areas of service. Names are collected when volunteered, though not required; they are not disclosed.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
CCCR collects and retains identifying information of participants in its training and workshops who complete participant surveys.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The Clerk's Office collects and retains identifying information from petitioners, and respondents and their representatives, in the course of processing summonses and preparing cases for hearings, including reschedule requests. It discloses information only pursuant to requests from parties or their representatives.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The Clerk's Office creates and retains spreadsheets of outstanding payments and penalty amounts for respondents; they are disclosed to the NYC Law Dept., contracted collection firms and the parties themselves.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The EEO Division collects, discloses, and retains information when an EEO complaint	☒Pre-approved as

is filed. Respondents named in complaints are disclosed to DCAS through its complaint database. All identifying information contained in EEO complaints except for names is disclosed solely for the purposes of audit to EEPC. The EEO Division collects and retains documentation pursuant to all Reasonable Accommodation Requests. The EEO Division collects and retains all training records, including sign in sheets and certifications. These records are disclosed to EEPC for purposes of audit.	routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
The Hearings Division collects and retains the adjudicatory records submitted by the parties. The Hearings Division discloses the names and addresses of parties in its decisions, which are sent to the parties, and may disclose other identifying information during the hearing as necessary.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Incoming paper summonses are collected by IT from issuing agencies and disclosed to OATH's vendor, FEDCAP, which scans the summonses for image and data collection purposes. Names and addresses needed for mail service of the summonses are collected electronically from the issuing agencies and retained in a shared database maintained by OATH IT. IT generates automated notices and default decisions based on status changes inputted into AIMS, which are then disclosed to FEDCAP for printing and mailed by FEDCAP to the parties to a case. Identifying information is collected and disclosed by IT by way of data fields. Data fields from the scanned summonses are collected from FEDCAP. Data fields from OATH hearings (including identifying information collected for purposes of mailing) are collected from the parties to the case and are disclosed to the public through the online Summons finder, published on the Open Data Portal by submission to DOITT. They are also disclosed to various city agencies via an inter-agency DataShare feed. IT collects respondents' cell phone numbers that are provided by issuing agencies on summons forms, and discloses cell phone numbers to a contractor for purposes of sending text messages. IT, in collaboration with other units of OATH, collects email addresses from parties for purposes of correspondence regarding hearings and trials.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Legislative Affairs responds to inquiries from legislative or other agency officials or staff regarding the status of a summons, and may provide copies of said summons and payment records therefor, where available.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
The Pro Se Clerk Division collects and retains information learned during the course of the oral interviews with respondents for the purpose of improving services at Help Centers, tracking performance metrics of Help Centers generally and tracking the performance of employees at the Help Centers.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO

	on a case-by-case basis
The Ombudsperson collects information from the receipt of inquiries from the public.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The Public Affairs/Communications division collects press inquiries and discloses various statistical or case-specific records in response to media inquiries. The Public Affairs/Communications division also collects requests for information related to OATH cases and processes, such as written decisions and dates of hearings, from 311 and from liaisons to elected officials on behalf of constituents. This division discloses various case-specific records in the course of constituent assistance; including name and date on summonses issued, hearing date, etc. Video and transcripts of Environmental Control Board public hearings are posted to OATH's website and to YouTube.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The Trials Division collects and retains in Law Manager intake sheets, pleadings, trial exhibits, pre- and post-trial motions, memorandum decisions, Reports and Recommendations, a digital audio file of the proceeding, an electronic file of a written transcript, and abstracts of the licensee's or employee's disciplinary record. The public calendar discloses party names and court appearance dates. OATH decisions are posted on OATH's website, and are sent to New York Law School's Center for New York City Law for posting on its CityAdmin library and to LEXIS/NEXIS for online publication.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The Facilities unit collects and retains quotes and service records from vendors, collects personnel information for its emergency plan and shares this information via a citywide database with NYCEM, collects personnel information for recycling purposes, which is disclosed to DSNY, and collects and retains correspondence with the landlords of OATH facilities. This unit also collects timesheets and incident reports from security staff, collects and discloses driver information to DCAS, and discloses employee names to DOITT for telecom services.	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis
The Office of the General Counsel (OGC) collects and discloses: · allegations of corruption, conflicts, and ALJ ethics violations in the performance of its anti-corruption, conflicts, and ALJ ethics processing and reporting duties, and advice provided under 48 RCNY Appendix A and Chapter 68; · Bankruptcy Court pleading and notices, proof of claim, and supporting documents, in the performance of its bankruptcy processing; · vendor quotes and records in the performance of its contracts and MOU processing; · ECB Board Meeting minutes and correspondence in the performance of its ECB Board meetings support; · Incident Reports and records related to allegations of malfeasance by representatives and attorneys in the performance of its duties to discipline representatives and attorneys; · records related to grievances, personnel records, and external complaints, in the performance of its duties to handle labor matters;	☒Pre-approved as routine ☐Approve as routine by two or more agencies ☐Approved by APO on a case-by-case basis

· pleadings, motions, stipulations, affidavits, and case files, in the performance of its litigation defense duties.
GC attorneys disclose to Law Department:
· public hearing records in the performance of its Rulemaking duties;
· outside-employment requests made by OATH employees in the performance of its review and approval processing;
· records related to FOIL requests in the performance of the agency's obligation under the Public Officers Law.
GC attorneys disclose to the Conflict of Interest Board:
· records required for COIB approvals such as approvals of the acceptance of gifts in the interest of the city.
OGC discloses the name of its Commissioner and would disclose the names of any lobbyists who meet with the Commissioner to the public through the Mayor's website if such meetings occurred.

N.Y.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
To date, the Chief Privacy Officer has not approved particular types of collections and disclosures for OATH.

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.

OATH handles requests for disclosure from third parties in accordance with the Public Officers Law. OATH has also adopted a policy of redacting all identifying information contained on Criminal Justice Reform Act summonses and other adjudicatory records upon final disposition of the case.

Any contracts or memoranda of understanding that include disclosure of information by OATH contain disclosure provisions in accordance with Section 5-08 of Appendix A of all city procurement contracts.

6.	**Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?**	☒ Yes ☐ No
7.	**If YES, do such policies specify that access to such information must be necessary for the performance of their duties?**	☒ Yes ☐ No
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.**	The purpose and mission of the agency as a centralized city tribunal is public in nature. While adjudicatory records are generally considered public, the agency balances the need for transparency with the need to protect sensitive information disclosed during adjudications. Administrative records are not

	accorded the same level of transparency and access is minimized as needed for the agency to carry out its mission.
	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 agency handles proposals for disclosures of identifying information by review of the Office of General Counsel (OGC) in accordance with the Public Officers Law and Mayoral Executive Orders and Directives, such as Mayoral Executive Order 16. In reviewing proposals, OGC recommends minimizing disclosure of identifying information if a particular disclosure is not relevant to the proposal.

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

The agency classifies disclosures as routine in accordance with the definition of routine under the Identifying Information Law. The agency classifies disclosures as necessitated by exigent circumstances when they are non-routine, disclosed under exigent circumstances, and written approval is not obtained in advance from the agency privacy officer. If identifying information is disclosed under exigent circumstances, the agency will report this disclosure to the chief privacy officer in accordance with the Identifying Information Law.

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.

Agency employees disclose identifying information as appropriate to their specific job functions. Access to sensitive information is limited in accordance with an employee's job function. For example, only Human Resources employees have direct access to employee personnel files.

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.

Pursuant to the Identifying Information Law, the agency has reviewed its practices and considered alternative policies to minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of the agency. For example, unless otherwise required, the agency has considered not accepting proof of identification that indicates immigration status when an alternative proof of identification can be provided. The agency will continue to develop policies based upon future protocols issued by the Chief Privacy Officer.

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

In any contract that involves the use or disclosure of identifying information, OATH includes the disclosure prohibitions in accordance with Section 5-08 of Appendix A. In circumstances where OATH uses an agreement for the use or disclosure of identifying information, the agreement includes confidentiality provisions that limit access of the data to specific individuals and prohibiting disclosure of the data, including the addition where appropriate of a version of the Privacy Protection Rider as promulgated by the CPO.

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
Administrative Justice Coordinator	Information is disclosed in accordance with 48 RCNY Appendix A.	Ensure the integrity of the agency's ALJs and hearing officers.
Department of Investigation and Conflicts of Interest Board	Information is disclosed in accordance with Mayoral Executive Order 16 of 1978.	Ensure the compliance with the city's ethical obligations and laws.
Members of Public	Information is disclosed in accordance with Public Officers Law.	Compliance with the law.
Courts and Law Department	Information is disclosed in defense of litigation.	Ensure proper interpretation of law.
Office of Labor Relations	Information is disclosed to address agency employee labor issues	Ensure the functioning of agency employees.
Disciplinary authorities (Grievance Committee)	Information is disclosed to address attorney malfeasance	Obviate misconduct by attorneys in their interaction with agency.
City Agencies	Information is disclosed for debt collection and facilities vendor services (OGC); facilitate employee transfers (Admin); scheduling and attendance (CCCR); share case-level data with issuing agencies, OMB, and City Hall (IT)	Provide agency with needed facility services, staff; facilitate DOF's collection of monies owed to the City; facilitate referrals to CCCR; inform issuing agencies of the status of adjudications at OATH.
City and non-city employers	Information is disclosed for employment verification purposes	Facilitate agency staff with employment verification as requested by staff.
Comptroller	Information is disclosed for procurement and audits.	Facilitate the approval of agency contracts and audit review.
MOCS	Information is disclosed for procurement.	Facilitate the approval of agency contracts.
Vendors	Information is disclosed for procurement.	Facilitate the approval of agency contracts.
CLE Board	Information is disclosed to verify compliance with Continuing Legal Education Board rules.	Provide agency with ability to CLE accredit its courses.
SL Green/ G4S (landlord)	Information is disclosed to facilitate entry into building	Provide entry to guests in the course of agency business.
Petitioner or Respondent	Information is disclosed for review of the hearing record or appeal submissions.	Facilitate review of agency decisions; parties ability to prosecute or defend charges; fair and impartial adjudication.
ECB Members	Information is disclosed for review of the hearing record or appeal submissions.	Facilitate review of agency decisions.

Citylaw	Information is disclosed for publication to New York Law School's Administrative Law Library.	Provide transparency of agency decisions and procedures for purposes of guidance to the public.
Geneva Worldwide Inc.	Information is disclosed for transcriptions.	Facilitate review of the hearing.
Collection companies	Information is disclosed to facilitate collections.	Facilitate collection of monies owed to the City
Blenderbox	Information is disclosed to administer community service.	Facilitate the provision of community service in accordance with CJRA
DCAS	Information is disclosed in accordance with EEO reporting requirements and citywide fleet requirements.	Compliance with EEO reporting requirements and citywide fleet requirements.
Equal Employment Practices Commission (EEPC)	Information is disclosed in accordance with EEPC audit requirements.	Compliance with EEPC mandated audit.
Legislators and staff	Information is disclosed to assist legislators to respond to inquiries from their (OATH respondent) constituents	Provide information to respondents about their own hearings and facilitate respondents ability to defend charges
DSNY	Information is disclosed in accordance with DSNY's Local Law 36 reporting requirement	Compliance with DSNY Local Law 36
DOITT	Information is disclosed to facilitate DOITT's assignment of telephones.	Facilitate the provision of telephones for agency staff
NYCEM	Information is disclosed to comply with citywide emergency plan requirements.	Compliance with citywide emergency plan requirements
Media Outlets	Information is released in accordance with the Public Officers Law.	Ensures that agency's mission and role is known to the public

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.

The Identifying Information Law has consolidated the function relating to collection, retention, and disclosure of identifying information under the OGC and APO. The OGC has conducted an agency-wide inventory and update of all collections, retentions, and disclosures of identifying information. The OGC approved as routine collections and disclosures made in the ordinary course of the agency's business that further the purpose or mission of the agency.

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 privacy policies and protocols issued by the Chief Privacy Officer have increased agency oversight of records containing identifying information. When non-routine requests for disclosures are routed through the Office of General Counsel, the Agency Privacy Officer is consulted before a disclosure is made.
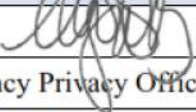
N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL FOR AGENCY REPORT

Preparer of Agency Report:			
Name:	Frank Ng		
Title:	Senior Counsel		
Email:	fng@oath.nyc.gov	Phone:	(212) 933-3004

Agency Head (or designee):			
Name:	Olga Statz		
Title:	General Counsel/Agency Privacy Officer		
Email:	ostatz@oath.nyc.gov	Phone:	(212) 933-3003

— *End of Document* —