

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

Agency:	Special Commissioner of Investigation for the NYC School District (SCI)		
Agency Privacy Officer:	Ann Ryan		
Email:	annryan@nycsci.org	Telephone:	212-510-1493
Date of Report:	July 28, 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)*	<u>Work-Related Information</u> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<u>Biometric Information</u> <input type="checkbox"/> Fingerprints <input checked="" type="checkbox"/> Photographs <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*	<u>Government Program Information</u> <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input checked="" type="checkbox"/> Any scheduled court appearances <input checked="" type="checkbox"/> Eligibility for or receipt of public assistance or City services <input checked="" type="checkbox"/> Income tax information <input checked="" type="checkbox"/> Motor vehicle information
<u>Contact Information</u> <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<u>Law Enforcement Information</u> <input checked="" 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
<u>Demographic Information</u> <input checked="" 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 checked="" type="checkbox"/> Nationality <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Religion <input checked="" type="checkbox"/> Sexual orientation	<u>Technology-Related Information</u> <input checked="" type="checkbox"/> Device identifier including media access control MAC address or Internet mobile equipment identity (IMEI)* <input checked="" type="checkbox"/> GPS-based location obtained or derived from a device that can be used to track or locate an individual* <input checked="" type="checkbox"/> Internet protocol (IP) address* <input checked="" type="checkbox"/> Social media account information
<u>Status Information</u> <input checked="" type="checkbox"/> Citizenship or immigration status <input checked="" type="checkbox"/> Employment status <input checked="" type="checkbox"/> Status as victim of domestic violence or sexual assault <input checked="" type="checkbox"/> Status as crime victim or witness	
<u>Other Types of Identifying Information</u> (list below): 	
<small>*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).</small>	

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

The Special Commissioner of Investigation for the New York City School District (“SCI”) is charged with investigating allegations of corruption, fraud, and conflicts of interest as well as those of sexual misconduct within the New York City public school system. In addition, SCI reviews, investigates, and makes determinations on all alleged violations of Whistleblower protection effecting Department of Education (“DOE”) employees and vendors under both the NYC Charter and the corresponding BOE Whistleblower resolution, and serves as the Inspector General for both the Teachers Retirement System (“TRS”) and the Board of Education Retirement System (“BERS”). SCI routinely collects information from both public and private sources and may disclose it. SCI investigations result in referral to the DOE, TRS or BERS for appropriate disciplinary action and notification to the appropriate licensing authority, such as, for pedagogues, the New York State Department of Education. Investigations also result in the arrest and prosecution of individuals and entities found to have engaged in criminal activity, as well as recommendations to agencies to improve City operations. For issues with potential criminality, SCI may investigate in coordination with, or make referrals to, the appropriate county, state or federal prosecutor’s office. SCI can also conduct joint investigations with the Department of Investigation (“DOI”). Investigations can also result in referrals to the Conflicts of Interest Board (“COIB”). On occasion, the referral letters are publicly released.

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 Investigations units/investigators may collect and disclose information related to and received in the course of investigations. Collection of identifying information is necessary to the successful investigation of cases because investigators must identify the relevant subjects and witnesses, follow investigative leads, and collect relevant evidence.</p> <p>Disclosure of investigatory records, including a referral letter, generally occurs when a matter is jointly investigated with a prosecutorial agency; is referred to prosecutors or other law enforcement agencies; or to the DOE, TRS or BERS for possible disciplinary or other action; to licensing authorities, or other authorities for administrative action. Referral letters are also disclosed to DOI. On occasion, the referral letter is publicly released.</p> <p>Additionally, the Intake Unit (which falls under Investigations) receives and processes the complaints to SCI. Intake collects the information that is reported to it, or found on database reviews. Information may be disclosed to an oversight entity or agency a part of referring a complaint to a more appropriate entity or agency for appropriate action.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>The Administration Unit, which includes Human Resources, routinely collects and discloses personnel information related to the performance of its administrative functions. Fleet Management routinely collects and may disclose information related to the performance of its core functions.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Counsel review the investigatory files and draft referral letters, provide legal analysis and guidance regarding legal matters, conduct investigations, and review records requests. Counsel may disclose information where required when referring matters to other agencies, pursuant to lawful order, where the law requires disclosure, or where it is determined that the disclosure is permissible by law and in the best interest of the agency. The EEO Office, which reports directly to the agency head, may collect information and disclose information related to the performance of its core functions. The FOIL Unit collects information from within SCI and may disclose information.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>

N.Y.C. Admin. Code §23-1205(a)(1)(b)

N.Y.C. Admin. Code §23-1205(a)(1)(f)

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.

Add additional rows as needed.

Describe Type of Collection or Disclosure

At the time of this submission, no collections or disclosures have been approved by the Chief Privacy Officer.

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. Be as specific as possible.

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.

During investigations, investigators obtain disclosures from a variety of witnesses or agencies which are relevant to the allegations being investigated. Those disclosures on occasion might require a subpoena. If a subpoena is issued to obtain the disclosure, a Deputy Commissioner reviews the request for sufficiency and necessity before the subpoena is issued.

The SCI Employee Handbook requires confidentiality. Additionally, the Code of Conduct prohibits the disclosure to an unauthorized person any information contained within or related to government records, operations or confidential investigatory material and the removal of official records from officially designated areas without prior authorization.

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.	SCI, as part of its investigative function, routinely accesses a variety of law enforcement databases. Certain databases, specifically those which contain sensitive information, may only be accessed by specific employees and only for the purpose of furthering the investigation. All sensitive information collected from a law enforcement database is to be treated confidentially.

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.

Disclosures already designated as routine and necessary to the agency's function by the Agency Privacy Officer will continue. Any non-routine disclosures will be reviewed on a case-by-case basis by the Agency Privacy Officer.

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.

Designation of routine collections and disclosures are reviewed and approved by the Agency Privacy Officer. Any non-routine disclosure will require authorization of the Agency Privacy Officer.

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.

SCI is a small agency that conducts investigations. During investigations, information may be disclosed by investigative staff to obtain evidence and further the investigation. An attorney is assigned to every matter that results in a referral and is responsible for reviewing the matter and any non-routine requests for information. FOIL officers and the EEO Officer may disclose pertinent information related to their specific functions in the best interests of the agency and the City. Administrative personnel, including Human Resources and Fleet Management, may disclose pertinent information related to its specific function in the best interests of the agency and the City.

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.

SCI endeavors to minimize the collection and disclosure of information unrelated to its core mission of investigating allegations including corruption, fraud, misconduct, conflicts of interest and allegations of sexual misconduct involving students in the NYC public school system.

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.

SCI has agreements with some government agencies and database providers in order to fulfill SCI's mission.

N.Y.C. Admin. Code §23-1205(a)(1)(d)

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

Add additional rows as needed.

Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the agency's purpose or mission
Prosecutor's Offices and Law Enforcement Agencies	Investigatory records may be disclosed in connection with joint investigations or referral of a criminal matter for prosecution.	Pursuant to Executive Order 11, SCI investigates corruption, criminal activity, conflicts of interest, unethical conduct and other misconduct within the NYC School District. SCI is also designated as the Inspector General of two pension funds: TRS and BERS. Where appropriate SCI works jointly with, or refers the results of its investigations to prosecutor's offices for prosecution of criminal misconduct.
City Agencies	At the conclusion of an investigation into a city employee or theft from a city agency or pension fund, investigatory records may be disclosed to the relevant city agency or pension fund, including, but not limited to, the DOE for disciplinary or other action which might be appropriate. Copies of all referral letters are provided to DOJ pursuant to Executive Order 11. When SCI has an interest in litigation or other legal proceeding, relevant identifying information may be disclosed to an adjudicative or administrative body, an arbitrator, to the New York City Law Department or other counsel representing the agency or its employees. Records may also be disclosed to the Law Department in order to represent the City. Identifying information may be disclosed to the city agencies to process payroll, reporting and other administrative functions.	SCI refers the results of investigations to the DOE and the pension funds for any disciplinary or other appropriate action. SCI responds to requests for information from other agencies for information necessary to determine eligibility for employment. The Law Department also might request records to represent the City and/or SCI.
Conflicts of Interest Board ("COIB")	Investigatory records may be disclosed along with a referral of potential violations of Chapter 68 of the New York City Charter.	SCI refers investigations to COIB where an employee might have violated Chapter 68 of the City Charter. In addition, SCI may investigate an allegation at the request of COIB.
State Agencies	At the conclusion of an investigation, some investigatory records and identifying information may be disclosed to the licensing authority. SCI may also share personal information to access government databases.	At the conclusion of the investigations, if the subject(s) are licensed, SCI will refer the results of the investigation to the licensing authority for whatever action it might deem appropriate. The licensing authority might require additional identifying information to locate the correct licensee. During an investigation, SCI may provide some personal information in order to assist in querying a law enforcement database pursuant to an investigation.
Private companies	When requesting records pursuant to a subpoena, SCI may disclose personal information in order for the recipient to locate the responsive records. SCI may also share personal	Pursuant to authorized investigations, SCI may provide identifying information to locate responsive records or the query a database.

The Public and Federal Agencies	information with companies which maintain software programs that are used during investigations. SCI responds to requests for information, which are usually made pursuant to the Freedom of Information Law, by complying with the statute. SCI can also respond to lawful orders or requests for records.	SCI may provide limited identifying information to comply with FOIL. For example, the identity of a public employee who has been found to commit misconduct is publicly available information. Some results may be made available on our website. SCI may provide identifying information to comply with lawful orders or requests.
		N.Y.C. Admin. Code §23-1205(a)(1)(c)

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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 law enforcement agency, SCI has always taken confidentiality seriously. The Identifying Information Law has reinforced SCI's long-standing commitment to providing effective oversight while being respectful of personal privacy and limiting disclosure of identifying information. Notably, SCI has always taken steps to keep confidential the names and other identifying information of students.

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).

The privacy policies and protocols have reinforced the confidentiality requirements and have informed ongoing consideration of our routine practices.

N.Y.C. Admin. Code §23-1205(a)(3)


APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Ann Ryan		
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ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Anastasia Coleman		
Title:	Special Commissioner of Investigation		
Email:	acoleman@nycsci.org	Phone:	212-510-1400
Electronic Signature:		Date:	7/28/2022

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