

BIENNIAL AGENCY REPORT

INSTRUCTIONS

The Identifying Information Law requires City agencies to submit comprehensive biennial agency reports related to their collection, retention, and disclosure of identifying information and their privacy protection practices.

To complete the 2024 biennial agency report:

- Review Form 2s ([APO Designation of Collection and Disclosures as “Routine”](#)) made since the 2022 compliance cycle;
- Review Form 5s ([Agency Privacy Officer Approval of Collections and Disclosures on a “NonRoutine” Basis](#)) made since the 2022 compliance cycle;
- Use Forms 2 & 5 to complete [Worksheet 1](#) for all new and existing **collections** between 2022-2024;
- Use Forms 2 & 5 to complete [Worksheet 2](#) for all new and existing **disclosures** between 2022-2024.
- Complete the Biennial Agency Workbook;
- Submit the biennial agency report by **July 31, 2024**.

Submit the biennial agency report to:

- Mayor at MOReports@cityhall.nyc.gov
- City Council Speaker at reports@council.nyc.gov
- Chief Privacy Officer and the Citywide Privacy Protection Committee at oip@oti.nyc.gov
- Department of Records and Information Services (DORIS) online submission portal at <https://a860-gpp.nyc.gov>

THIS REPORT IS PUBLIC. PREPARERS SHOULD CONSULT AGENCY COUNSEL OR THE CHIEF PRIVACY OFFICER TO ENSURE THE RESPONSES ARE PROVIDED ACCORDING TO APPLICABLE LAW AND CITY POLICY.

VERSION CONTROL

Version	Description of Change	Approver	Date
4.0	New design for ease of use and technological enhancements, and miscellaneous clarifying revisions.	Michael Fitzpatrick Chief Privacy Officer, City of New York	April 2024
3.0	Updated completion date; miscellaneous clarifying revisions.	Aaron Friedman Principal Senior Counsel Office of Information Privacy	April 2022

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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**BIENNIAL AGENCY REPORT
(Due on or before July 31, 2024)**

1. Agency: Landmarks Preservation Commission

2. APO Contact Details

- a. Name: Mark Silberman
- b. Title: General Counsel
- c. Email: msilberman@lpc.nyc.gov
- d. Telephone: 212.602.6395

COLLECTIONS

3. How many collections does the agency have to describe?

8

4. **COLLECTIONS.** Upload worksheet 1.



- Proceed to the next page -

5. For all **collections**, select the types of identifying information collected (check all that apply). See [Citywide Privacy Protection Policies and Protocols § 3.1](#).

<input type="checkbox"/> Name <input type="checkbox"/> Social security number (full or last 4 digits)* <input type="checkbox"/> Taxpayer ID number (full or last 4 digits)*	<p>Work-Related Information</p> <input type="checkbox"/> Employer information <input type="checkbox"/> Employment address
<p>Biometric Information</p> <input type="checkbox"/> Fingerprints <input 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* <input type="checkbox"/> Height <input type="checkbox"/> Weight	<p>Government Program Information <input type="checkbox"/></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>Contact Information</p> <p><input type="checkbox"/> Current and/or previous home address</p> <p><input type="checkbox"/> Email address</p> <p><input type="checkbox"/> Phone number</p>	<p>Law Enforcement Information</p> <p><input type="checkbox"/> Arrest record or criminal conviction</p> <p><input type="checkbox"/> Date and/or time of release from custody of ACS, DOCS, or NYPD</p> <p><input type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD</p>
<p>Demographic Information</p> <p><input type="checkbox"/> Country of origin</p> <p><input type="checkbox"/> Date of birth*</p> <p><input type="checkbox"/> Gender identity</p> <p><input type="checkbox"/> Languages spoken</p> <p><input type="checkbox"/> Marital or partnership status</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Sexual orientation</p>	<p>Technology-Related Information</p> <p><input type="checkbox"/> Device identifier including media access control (MAC) address or Internet mobile equipment identity (IMEI)*</p> <p><input type="checkbox"/> GPS-based location obtained or derived from a device that can be used to track or locate an individual*</p> <p><input type="checkbox"/> Internet protocol (IP) address*</p> <p><input type="checkbox"/> Social media account information</p>
<p>Status information</p> <p><input type="checkbox"/> Citizenship or immigration status</p> <p><input type="checkbox"/> Employment status</p> <p><input type="checkbox"/> Status as a victim of domestic violence or sexual assault</p> <p><input type="checkbox"/> Status as crime victim or witness</p>	
<p>Other Types of Identifying Information (list below):</p>	
<p>*Type of identifying information designated by the CPO (see CPO Policies & Protocols, §3.1.1).</p>	

DISCLOSURES

6. How many disclosures does the agency have to describe?

9

7. **DISCLOSURES.** Upload worksheet 2.



- Proceed to the next page -

8. For all **disclosures**, select the types of identifying information disclosed (check all that apply). See [Citywide Privacy Protection Policies and Protocols § 3.1](#).

<input type="checkbox"/> Name <input type="checkbox"/> Social security number (full or last 4 digits)* <input type="checkbox"/> Taxpayer ID number (full or last 4 digits)*	<p><u>Work-Related Information</u></p> <input type="checkbox"/> Employer information <input type="checkbox"/> Employment address
<p><u>Biometric Information</u></p> <input type="checkbox"/> Fingerprints <input 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* <input type="checkbox"/> Height <input type="checkbox"/> Weight	<p><u>Government Program Information</u> <input type="checkbox"/></p> <p>Any scheduled appointments with any employee, contractor, or subcontractor</p> <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 type="checkbox"/> Current and/or previous home address <input type="checkbox"/> Email address <input 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, DOCS, 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 type="checkbox"/> Date of birth* <input type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input type="checkbox"/> Marital or partnership status <input type="checkbox"/> Nationality <input type="checkbox"/> Race	<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 type="checkbox"/> Social media account information

<input type="checkbox"/> Religion <input type="checkbox"/> Sexual orientation	
<p>Status information</p> <input type="checkbox"/> Citizenship or immigration status <input type="checkbox"/> Employment status <input type="checkbox"/> Status as a victim of domestic violence or sexual assault <input type="checkbox"/> Status as crime victim or witness	
<p>Other Types of Identifying Information (list below):</p>	
<p>*Type of identifying information designated by the CPO (see CPO Policies & Protocols, §3.1.1).</p>	

9. Separate from the Citywide Privacy Protection Policies and Protocols, what are the agency’s policies regarding requests for disclosures from other City agencies, local public authorities or local public benefit corporations, and third parties? Please **summarize or upload a copy of the policy**. See *N.Y.C. Admin. Code § 23-1205(a)(1)(c)(1)*.

10. Which divisions of employees within the agency make disclosures of identifying information following the approval of the privacy officer? See *§ N.Y.C Admin. Code § 23-1205(a)(1)(c)(4)*.

11. Which categories of employees within the agency make disclosures of identifying information following the approval of the privacy officer? See *§ N.Y.C Admin. Code § 23-1205(a)(1)(c)(4)*.

12. Do any of the agency's policies address **access** to identifying information by employees, contractors, and subcontractors? See § N.Y.C. Admin Code § 23-1205(a)(4).

- Yes – **GO TO QUESTION 13**
- No – **GO TO QUESTION 16**

13. Do these policies state that **access** to identifying information must be necessary for the employees, contractors, and subcontractors to perform their duties? See N.Y.C. Admin Code § 23-1205(a)(4).

- Yes – **GO TO QUESTION 14**
- No – **GO TO QUESTION 16**

14. Are these policies implemented so that **access** is limited to the greatest extent possible, but also furthers the purpose or mission of the agency?

- Yes – **GO TO QUESTION 15**
- No – **GO TO QUESTION 16**

15. Describe how **access** is limited to the greatest extent possible while furthering the purpose or mission of the agency.

16. **Summarize or upload** the agency's current policies for handling **proposals for disclosures to other** City agencies, local public authorities, or local public benefit corporations, and third parties. See N.Y.C Admin Code § 23-1205(a)(1)(c)(2).

17. **Summarize or upload** the agency’s current policies regarding the classification of **disclosures** as necessitated by the existence of **exigent circumstances or as routine**. *See N.Y.C Admin Code § 23-1205(a)(1)(c)(3).*

18. Since 2022, has the agency **considered or implemented**, where applicable, policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of the agency? *See N.Y.C Admin Code § 23-1205(a)(3).*

Yes – **GO TO QUESTION 19**

No – **GO TO QUESTION 20**

19. Summarize the policies that the agency has **considered or implemented** regarding data minimization for the collection, retention, and disclosure of identifying information. *See N.Y.C Admin Code § 23-1205(a)(4).*

20. Summarize the agency’s use of agreements for any use or disclosure of identifying information. *See N.Y.C Admin Code § 23-1205 (a)(1)(d).*

21. Since 2022, describe the impact of the Identifying Information Law and any other local, state, or federal laws upon your agency’s practices in relation to the collection, retention, and disclosure of identifying information (i.e., if such practices would differ in the absence of these laws). The impact can be positive or negative. *See N.Y.C Admin Code § 23-1205(a)(2).*

22. Describe how the current privacy policies and protocols issued by the Chief Privacy Officer, or the guidance issued by the Citywide Privacy Protection Committee affected your agency's practices in relation to the collection, retention, and disclosure of identifying information. The effects can be positive or negative. *See N.Y.C Admin Code § 23-1205(a)(2).*

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APPROVAL SIGNATURE FOR AGENCY REPORT

PREPARER OF AGENCY REPORT

Name: Mark Silberman

Title: General Counsel

Email: msilberman@lpc.nyc.gov

Phone: 212.602.6395

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Name: Sarah Carroll

Title: Chair

Email: scarroll@lpc.nyc.gov

Phone: 347-277-7273

Signature: 
Date: 7/23/2024

Describe the following types of collections. Note, you may have multiple collections of the same type.

COLLECTIONS				
	<i>Type of Collection</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Collection.</i>
1	Legal Matters or Proceeding	Litigation	Pre-approved as routine	Prosecuting enforcement actions or defending lawsuits.
2	Human Resources and other Personnel Matters	Hiring	Pre-approved as routine	Hiring and promotion
3	Human Resources and other Personnel Matters	Personnel (wages, pension, evaluations, EEOC)	Pre-approved as routine	Routine collection of information in connection with basic personnel functioning
4	Records Management	Response to records requests	Pre-approved as routine	Compliance with Freedom of Information Law
5	Compliance	Processing permit applications	Pre-approved as routine	Preservation Department core functioning: Processing of permit applications
6	Research	Responding to Requests for Evaluation and researching property ownership information	Pre-approved as routine	Research Department core functioning: Researching history and significance of buildings or areas to determine eligibility and priority
7	Compliance	Responding to complaints of illegal work; researching property ownership; issuing warning letters, summons and stop work orders	Pre-approved as routine	Enforcement Department core functioning: investigating complaints and initiating enforcement activity

8	None of the above	Reviewing applications for grants from the Historic Preservation Grant Program	Pre-approved as routine	Reviewing applications seeking grants from the agency's small federally-funding grant program.
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	<i>Type of Collection</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Collection.</i>
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Please add additional rows, if needed

Describe the following types of disclosures. Note, you may have multiple disclosures of the same type.

DISCLOSURES					
	<i>Type of Disclosure</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Disclosure.</i>	<i>Was this disclosure made pursuant to an external request?</i>
1	Legal Matters or Proceeding	Researching property ownership for legal papers	Pre-approved as routine	Prosecuting enforcement actions or defending lawsuits	No
2	Human Resources and other Personnel Matters	Review and disclosure related to bringing on new hires	Pre-approved as routine	Review of resumes and background checks for new hires	No
3	Human Resources and other Personnel Matters	All manner of personnel management, including wages, pension, evaluations, EEOC.	Pre-approved as routine	Personnel management	No
4	Human Resources and other Personnel Matters	Post-employment verification	Pre-approved as routine	Post-employment verification	Yes
5	Response to a Request or Demand	Response to records requests, such as FOIL	Pre-approved as routine	Compliance with Freedom of Information Law	Yes
6	Client or Customer Service	Processing permit applications	Pre-approved as routine	Preservation Department core function to ensure proposed work complies with Landmarks Law	Yes

7	Research	Research into property ownership	Pre-approved as routine	Research Department core function to identify property ownership of properties designated and eligible for designation so that	Yes
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				outreach to ownership can occur.	
8	Client or Customer Service	Investigating ownership in connection with complaints of illegal work	Pre-approved as routine	Enforcement Department core function to identify property ownership and issuing warning letters and summons in connection with illegal work	Yes
9	Compliance	Reviewing applications for grants from Historic Preservation Grant Program	Pre-approved as routine	Compliance with federal rules for administering grant program	Yes
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	<i>Type of Disclosure</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Disclosure.</i>	<i>Was this disclosure made pursuant to an external request?</i>
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Please add additional rows, if needed

For each **disclosure**, select the type of entity **and** provide the name of the entity that received the identifying information.

	<i>Type of Entity</i>	<i>Name of Entity</i>
1	City Agency	Law Department
2	City Agency	OMB, DCAS, Comptroller
3	City Agency	OMB, DCAS, Comptroller
4	Other Private Sector Company	Companies seeking to hire former employees
5	City Agency	OATH
6	City Agency	OMB (for compliance with federal CGBG funds)
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	<i>Type of Entity</i>	<i>Name of Entity</i>
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	<i>Type of Entity</i>	<i>Name of Entity</i>
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Please add additional rows, if needed

OPTIONAL QUESTION: Using the table below, describe any proposals for disclosures of identifying information that your agency declined to approve.

	<i>Type of Entity that Requested the Identifying Information</i>	<i>Name of the Entity</i>	<i>Reason for the Request</i>	<i>Description of Agency's Rationale for Rejection</i>
1	Choose an item.	[free text]	[free text]	[free text]
2	Choose an item.			
3	Choose an item.			
4	Choose an item.			
5	Choose an item.			
6	Choose an item.			
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	<i>Type of Entity that Requested the Identifying Information</i>	<i>Name of the Entity</i>	<i>Reason for the Request</i>	<i>Description of Agency's Rationale for Rejection</i>
26	Choose an item.	[free text]	[free text]	[free text]
27	Choose an item.			
28	Choose an item.			
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	<i>Type of Entity that Requested the Identifying Information</i>	<i>Name of the Entity</i>	<i>Reason for the Request</i>	<i>Description of Agency's Rationale for Rejection</i>
54	Choose an item.	[free text]	[free text]	[free text]

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	<i>Type of Entity that Requested the Identifying Information</i>	<i>Name of the Entity</i>	<i>Reason for the Request</i>	<i>Description of Agency's Rationale for Rejection</i>
82	Choose an item.	[free text]	[free text]	[free text]
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100	Choose an item.			

Please add additional rows, if needed