

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

<b>Agency:</b>	NYC MAYOR'S OFFICE OF MANAGEMENT AND BUDGET		
<b>Agency Privacy Officer:</b>	DEBORAH COHEN		
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<b>Date of Report:</b>	7/31/22		

**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)*	<b><u>Work-Related Information</u></b> <input type="checkbox"/> Employer information <input type="checkbox"/> Employment address
<b><u>Biometric Information</u></b> <input checked="" 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*	<b><u>Government Program Information</u></b> <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
<b><u>Contact Information</u></b> <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	
<b><u>Demographic Information</u></b> <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 type="checkbox"/> Religion <input type="checkbox"/> Sexual orientation	<b><u>Law Enforcement Information</u></b> <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
<b><u>Status Information</u></b> <input checked="" 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	<b><u>Technology-Related Information</u></b> <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
<b><u>Other Types of Identifying Information</u></b> (list below):  	

\*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).

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

The New York City (the "City") Office of Management and Budget ("OMB") is the City's chief financial agency, which assembles and oversees the City's budget. The agency is charged with evaluating the efficiency and cost-effectiveness of City services and proposals. OMB's economists provide vital information to government officials on the local, federal and world economies. OMB also helps implement the City's borrowing and debt programs and conducts legal reviews of capital projects for financing with bond proceeds.

OMB's collections and retentions of identifying information are limited to those reasonably necessary to perform its functions. Many of these collections and retentions are common to all City agencies, such as (i) information about OMB's own employees as part of the standard personnel management and administration function, (ii) information collected from bidders/vendors as part of OMB's procurement functions, and (iii) information collected or retained due to law or a citywide policy (e.g., in furtherance of potential litigation or in compliance with City data retention policy). Other collections and retentions relate to OMB's duties overseeing the City budget, which sometimes require information about individual employees of other City agencies and, to an extent, as related to OMB's economic analysis function, beneficiaries of City services, City licensees, or members of the general public, as well as to OMB's role in ensuring federal reimbursement for various programs, which requires OMB collect information about beneficiaries of City programs eligible for such federal reimbursement.

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><b>Personnel Management and Administration</b>            This category includes personnel, employee benefits, payroll, and other related employee information. The PMA taskforce of OMB collects this identifying information for purposes of processing new hires, payroll, and employment benefits for personnel within OMB. This is a core function that PMA performs on behalf of OMB and its employees. This information is shared with interested agencies/entities, including the Financial Information Services Agency, the Office of Payroll Administration, and the New York City Employees' Retirement System. Limited categories of this information are shared with other City agencies where an employee is transferring to such agency.</p> <p>Most collections of this type are routine. The only exception to date has been collection of information related to employees who have tested positive for COVID-19 and been identified by the Test &amp; Trace (T2) program administered by NYC Health + Hospitals, who provides such information to OMB.</p>	<input checked="" 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><b>Citywide Savings Program</b>            The Citywide Savings Unit reviews limited information of City employees or prior City employees under several initiatives. This information is collected from agencies and shared only with the subject agencies and with oversight agencies (such as the Office of Labor Relations). These include, but are not limited to, an overtime spending analysis, requests for waiver of the overtime cap, and requests to redeploy retired former City employees. These initiatives are part of the Citywide Savings Program</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><b>Freedom of Information Law (FOIL)</b>            The FOIL Unit in OMB Counsel's Office responds to requests for records from members of the public pursuant to the New York State Freedom of Information Law. The FOIL Unit does so with the assistance of OMB employees in the unit(s) relevant to the FOIL request.</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><b>Litigation</b>            OMB Counsel's Office assists the New York City Law Department in collecting documentation and liaising with OMB employees in the conduction of litigation involving the City.</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><b>Procurement</b>            In order to comply with applicable federal, state, and local procurement rules, certain identifying information may be collected and disclosed, such as bidders' and contractors' names and contact information. Vendors are required to complete and submit a Doing Business Data (DBD) Form in order to comply with LL34, a campaign finance reform law. Accurate, up-to-date information about organizations is collected in the DBD Form, which is shared with the Mayor's Office of Contract Services.</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><b>Investigations</b>            From time to time, investigative and/or law enforcement agencies such as the Department of Investigation, the Conflict of Interest Board, the Attorney General, or the District Attorney, request information from OMB as part of its investigation or enforcement functions. Alternatively, OMB may come across information that it determines should be shared with such an entity. This may involve identifying information.</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><b>Economic Analysis</b>            OMB monitors the effectiveness and interaction of City, State, and federal policies. In order to support its analysis, OMB must sometimes access information about individual licensees of the City, recipients/clients of social services offered by or on behalf of the City, students in</p>	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies

<p>the Department of Education system, or members of the general public. The information is manipulated and aggregated so that it can be used to make forecasts and/or recommendations. Most collections of this type are routine. The only exception to date has been largescale anonymous data used to study the spread of COVID-19 and compliance with and effectiveness of COVID-19 related policies, which are approved on case-by-case basis based on discussions with City Hall and the Chief Privacy Officer.</p>	<input checked="" type="checkbox"/> Approved by APO on a case-by-case basis
<p><b>City Agency Personnel</b> As the City government's chief financial agency, OMB collects, reviews, and in some cases discloses personnel information of City employees, including employees of agencies other than OMB. Examples include Personnel Action Requests (PARs) for individual hiring decisions made by City agencies, monthly reports from the City Human Resource Management System (CHRMS), and information collected to aid the collective bargaining process.</p>	<input checked="" type="checkbox"/> Pre-approved as routine <input checked="" type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
<p><b>Community Development Block Grant – Reimbursement from Federal Government</b> In administering the City's Community Development Block Grant (CDBG) program, the CDBG Unit requires certain identifying information to determine eligibility for funding for individual recipients. Eligibility can directly tie to individual beneficiaries based on income, age, location of residence, citizenship status, etc., verified and confirmed by agencies or City subrecipients. The collection of information on the individual level to determine for such quality factors are not collected by the OMB CD Unit itself and is typically shared by the agency with the CD Unit in aggregate. However, there are two programs where such information is collected by the agencies and transmitted to OMB as part of a multi-party grant agreement. The two agencies are the Landmarks Preservation Commission and the Mayor's Office for People with Disabilities.</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><b>CDBG-DR - Reimbursement from Federal Government</b> The Program and Policy Division of OMB's Community Development Block Grant Disaster Recovery (CDBG-DR) Task Force requires certain identifying information to determine and apply for reimbursement from FEMA for City spending. The CDBG-DR Task Force limits the identifying information collected and disclosed wherever possible. Generally, the information is collected from other City agencies, such as the Fire and Police Departments, and from related City entities such as NYC Health + Hospitals. The CDBG-DR Task Force then analyzes the information, redacts any identifying information which is not required for submission, and discloses the limited identifying information to FEMA.</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><b>FEMA Disaster Recovery – Reimbursement from Federal Government</b> OMB's FEMA Disaster Recovery (FEMA-DR) Task Force is responsible for the collection and analysis of certain City expenses which may be eligible for federal FEMA reimbursement, and for the submission of required information to FEMA to secure such reimbursements. The FEMA-DR Task Force limits the identifying information collected and disclosed wherever possible. Generally, the information is collected from other City agencies, such as the Fire and Police Departments, and from related City entities such as NYC Health + Hospitals. The FEMA-DR Task Force then analyzes the information, redacts any identifying information which is not required for submission, and discloses the limited identifying information to FEMA.</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><b>City Capital Funding Review – Applications</b> As part of the City's review process for non-profit organizations applying for receipt of City capital funding, OMB Counsel's Office reviews applications for such non-profit entities. The applications include names and addresses of employees of such organizations, as well as other identifying information (such as physical or mailing addresses) in legal documents such as leases and tax documents.</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>N.Y.C. Admin. Code §23-1205(a)(1)(b)</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.**

<b>Add additional rows as needed.</b>
<b>Describe Type of Collection or Disclosure</b>
Not Applicable 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. 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.**

With respect to requests made under the Freedom of Information Law, attorneys within OMB Counsel’s Office disclose records as required by the statute. Where FOIL permits but does not require that certain identifying information be withheld, OMB Counsel weighs the interest in maintaining privacy with the interest of government transparency sought by FOIL.

When there is imminent or ongoing litigation involving the City and OMB is or may be relevant to the litigation, the NYC Law Department works with OMB’s Counsel’s Office to determine what documents should be preserved or collected. OMB Counsel then instructs OMB’s employees to collect or retain responsive documents, which, when requested (generally due to a subpoena) are provided to the Law Department. The Law Department’s attorneys, who are most well-versed in the rules of discovery, ultimately determine what must be disclosed in litigation and what may be withheld.

All other requests for non-routine disclosures, absent exigent circumstances, are to be discussed with OMB’s Agency Privacy Officer who will discuss with the applicable units the purpose of the request, the scope of identifying information involved, and the best way to respond in order to further OMB’s mission while minimizing disclosure of identifying information to the extent possible. Potential responses include but are not limited to declining to disclose the requested information, approving on a case-by-case basis part of all of the requested information (with redactions as appropriate), or approving the disclosure of part or all of the requested information (with redactions as appropriate) as covered by a newly created routine designation.

<b>6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<b>7. If YES, do those policies specify that access to identifying information must be necessary to perform their duties?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<b>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.</b>	Yes. OMB takes seriously the privacy interest of City employees and private individuals. Access to identifying information is generally limited to the taskforces whose duties require such access. Aside from the information collected and disclosed in the Litigation, FOIL, and PMA categories (the comparative breadth of which is due to law, Citywide policy, and/or functional necessity), OMB’s collections and disclosures are very limited, in terms of the types of individual information involved, the types of individuals whose information is involved, and the types of entities we share the information with (generally interested City agencies and/or investigative/enforcement entities).
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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.**

Before requesting disclosures from other entities, the OMB unit considering making the request considers whether the collection furthers the purposes of OMB. They further consider whether the request can be narrowed so that OMB could acquire the core information while limiting the sharing of private information. Once they have determined the request they would like to make, they consider whether the request fits under a routine designation or other exception under the statute. If they conclude it does not (or that the question is unclear), they discuss with the OMB Agency Privacy Officer how to proceed.

Each unit or taskforce has its own shared drive on the OMB network, so OMB employees are able to save electronic documents such that other units and taskforces cannot access them without permission

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.**

In the years since the Identifying Information Law went into effect, OMB has not made any disclosures under exigent circumstances. Due to the nature of OMB's work, exigent circumstances are unlikely to occur. That said, where exigent circumstances do require collection or disclosure of private information without first obtaining APO approval, to the extent reasonably practicable the employee seeking to collect or disclose private information shall request approval from OMB's General Counsel or Deputy General Counsel. If the General Counsel or Deputy General Counsel approves such collection or disclosure or it is not practicable to obtain their preliminary approval, the employee may then collect or disclose the private information. As soon as practicable after the collection or disclosure is made, the collecting or disclosing employee shall discuss the collection or disclosure with the APO, who will prepare and submit the required report to the Chief Privacy Officer.

OMB has designated 12 categories of collections and/or disclosures as routine. When an employee seeks to collect or disclose information that requires specific APO approval (i.e., the collection or disclosure is not clearly permitted under existing routine designations or the statute's other provisions), if the APO determines that the collection or disclosure should be approved, the APO discusses with the employee (and, if applicable, other interested employees) the frequency of similar collections or disclosures, the ways in which the collections or disclosures serve OMB's mission, and the nature of the private information being revealed. Taking into account these factors, the APO then determines whether it is more prudent to review collections or disclosures of this type on a case-by-case basis or to approve them by way of a routine designation.

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.**

The manager overseeing each taskforce or unit may decide who, of those employees who have access to the identifying information, may make a disclosure of identifying information following APO approval.

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.**

OMB considers whether it is feasible to limit identifying information collected, retained, or disclosed without negatively impacting OMB's mission. However, the majority of OMB's collections and disclosures are dictated by law (e.g., FOIL, litigation, and investigations) and/or city-wide policy (e.g., procurement and personnel).

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.**

OMB has entered into several data-sharing agreements related to OMB's collection and use of identifying information corresponding to OMB's Economic Analysis function. These agreements are with other government or government-related entities, with the exception of COVID-19 related agreements which are approved on a case-by-case basis and can involve private entities. Under these economic analysis data-sharing agreements, OMB does not disclose any identifying information. These agreements typically limit OMB's access to the identifying information to those employees whose positions require such access. Additionally, OMB has entered into data sharing agreements related to information collected by other City agencies which are provided to OMB for use in obtaining federal COVID-19 reimbursement. OMB does not disclose such identifying information to third parties; these data sharing agreements relate to OMB's receipt of such identifying information.

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
New York City Law Department	In case of litigation potentially involving OMB or its duties, the Law Departments requests responsive documents from OMB Counsel.	As a City agency, OMB must cooperate with and assist the Law Department in its litigation on behalf of the City.
Investigative Bodies (e.g., District Attorney, DOI)	Investigative bodies will from time to time request information from OMB relating to an ongoing investigation.	Helping to eliminate crime, corruption, conflict of interest, and similar behavior serves to maintain faith in OMB and the City as a whole.
Public at Large	Freedom of Information Law requires (subject to exceptions) that OMB disclose certain types of information upon request.	Pursuant to the State's Public Officers Law, OMB is bound to comply with FOIL. Government transparency enhances the credibility of OMB and the City as a whole.
Mayor's Office of Contracting Services	Local Law 34 of 2007 requires the creation of a Doing Business Database, which contains Doing Business Data Forms from organizations that have business dealings with the City. OMB collects these forms from bidders and shares them with MOCS.	As a City agency, OMB is obligated to assist MOCS in carrying out the mandates of Local Law 34, which serves the campaign finance reform law.
State and Federal agencies	When required by State or Federal agencies, such as HUD or FEMA, to ensure the City receives reimbursement funding, OMB employees will supply limited identifying information.	OMB will only provide identifying information when absolutely required for the City to receive federal funding. The timely receipt of such federal reimbursement dollars is essential to the function of OMB as the budgeting and fiscal agency of the City.

N.Y.C. Admin. Code §23-1205(a)(1)(e)

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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).**

The Identifying Information Law has caused OMB to scrutinize its collection, retention, and disclosure of identifying information even more than it did prior to the Law going into effect. The Law has led OMB to develop clear policies regarding proposed collections and disclosures that fall outside OMB's existing routine designations, and has helped ensure that all collections and disclosures are conducted only after careful consideration of the privacy interest at stake, balanced with the interest in functional City governance.

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 policies and protocols issued by the Chief Privacy Officer have largely mandated procedures that OMB had already put in place. One example of this is the Citywide Privacy Protection Policies and Protocols' requirement of data-sharing agreements. Before the Policies and Protocols were published, OMB had already been employing data-sharing agreements in some of the contexts in which they would later be required.

The CPO's guidance is helpful in clarifying the requirements and best practices of IIL compliance, whether in the context of novel circumstances (e.g., the Guidance on Privacy Considerations Related to the City's Efforts to Combat COVID-19) or in more fully understanding the IIL's intersection with other laws and City policies. This guidance often results in discussions between the APO and other OMB personnel clarifying the responsibilities of each OMB employee.

N.Y.C. Admin. Code §23-1205(a)(3)

**APPROVAL SIGNATURE FOR AGENCY REPORT**


**Preparer of Agency Report:**

<b>Name:</b>	Deborah Cohen		
<b>Title:</b>	Agency Privacy Officer/Counsel		
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**ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW**

**Agency Head (or designee):**

<b>Name:</b>	Jacques Jiha
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<b>Title:</b>	<b>Director, NYC Office of Management and Budget</b>		
<b>Email:</b>	<u>Jihaj@omb.nyc.gov</u>	<b>Phone:</b>	212-788-5816
<b>Electronic Signature:</b>		<b>Date:</b>	July 20, 2022

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