

## AGENCY REPORT

(due on or before July 31, 2018, and by July 31 every two years thereafter)

<b>Agency:</b>	Office of Chief Medical Examiner		
<b>Agency Privacy Officer:</b>	Florence Hutner, General Counsel		
<b>Email:</b>	fhutner@ocme.nyc.gov	<b>Telephone:</b>	212-323-1901
<b>Date of Report:</b>	July 31, 2018		

<b>1. Specify the types of identifying information collected, retained, and disclosed by the agency</b>	
<i>Check all that apply.</i>	
<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/> Date of Birth
<input checked="" type="checkbox"/> Current and/or previous home addresses	<input checked="" type="checkbox"/> Place of Birth
<input checked="" type="checkbox"/> Gender identity	<input checked="" type="checkbox"/> Race
<input checked="" type="checkbox"/> Sexual orientation	<input checked="" type="checkbox"/> Marital or partnership status
<input checked="" type="checkbox"/> Contact information (e.g., phone or email)	<input checked="" type="checkbox"/> Citizenship/immigration status
<input checked="" type="checkbox"/> Religion	<input checked="" type="checkbox"/> Nationality
<input checked="" type="checkbox"/> Employment status	<input checked="" type="checkbox"/> Country of origin
<input checked="" type="checkbox"/> Employer information	<input checked="" type="checkbox"/> Languages spoken
<input checked="" type="checkbox"/> Employment address	<input checked="" type="checkbox"/> Social media account information
<input checked="" type="checkbox"/> Motor vehicle information	<input type="checkbox"/> Income tax information
<input checked="" type="checkbox"/> Biometric information	<input checked="" type="checkbox"/> Any scheduled court appearances
<input checked="" type="checkbox"/> Eligibility for/receipt of public assistance or city services	<input checked="" type="checkbox"/> Arrest record or criminal conviction
<input checked="" type="checkbox"/> Status as victim of domestic violence or sexual assault	<input checked="" type="checkbox"/> Status as crime victim or witness
<input checked="" type="checkbox"/> Date and/or time of release from custody of ACS, DOC, or NYPD	<input checked="" type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor
<input checked="" type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD	<input checked="" type="checkbox"/> Social Security Number
<input checked="" type="checkbox"/> Other: <ul style="list-style-type: none"> <li>• Any scheduled court appearance</li> <li>• Arrest record or criminal conviction</li> <li>• NYPD complaint number and Property Clerk number</li> <li>• Medical Examiner case number</li> </ul>	
<small>N.Y.C. Admin. Code §23-1205(1)(a)</small>	

<b>2. Specify the reasons why collection and retention of identifying information specified above furthers the purposes or mission of your agency.</b>
<p>The New York City Office of Chief Medical Examiner (OCME) serves public health and the criminal justice system through forensic science. Our independent investigations of deaths and analysis of evidence provide answers to families and communities during the most challenging of times.</p> <p>OCME collects and retains identifying information in the regular course of such mission-based sensitive and wide-ranging activities as conducting death scene investigations in public and private locations, performing autopsies and external examinations to determine the cause and manner of death of individual decedents within OCME's Charter-specified jurisdiction (see City Charter § 557), working closely with families and other representatives of decedents, interacting with stakeholders in law enforcement and the criminal justice system, testing DNA for criminal proceedings and to identify</p>

missing persons (including victims of the September 11, 2001 attacks on the World Trade Center), and emergency response preparations.

Internally, OCME engages in standard necessary personnel functions and implements continuity of operations plans, which also require the collection and retention of identifying information.

N.Y.C. Admin. Code §23-1205(1)(f)



<b>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.</b> <b>Add additional rows as needed.</b>	
Describe the Collection or Disclosure	Classification Type
Identifying information relating to decedents for use in death investigations, autopsies, external examinations, outreach to decedents' next of kin, identification of unidentified human remains or missing persons, and legal matters.	<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
DNA and other forensic scientific data and analysis relating to criminal matters (suspect and evidence samples, including victim samples), identification of unidentified human remains or missing persons, quality control.	<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
Employee identifying information for personnel purposes, including compensation, time & leave, benefits, employee discipline, training, and recruitment, and for continuity of operations and legal matters.	<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
	<input 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
N.Y.C. Admin. Code §23-1205(1)(b)	

<b>4. If applicable, specify the types of collections and disclosures approved by the Chief Privacy Officer.</b> <b>Add additional rows as needed.</b>	
Describe Type of Collection or Disclosure	
n/a	
N.Y.C. Admin. Code §23-1205(1)(b)	

<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.</b>	
<p>Agency confidentiality policies and laboratory protocols protect identifying information.</p> <p>Disclosure of known decedent information is made only to next of kin or authorized representatives, to law enforcement, pursuant to court order or statute, or pursuant to litigation with appropriate protections. Additionally, disclosure of decedent information is made to the NYC Department of Health and Mental Hygiene as a routine matter for both agencies, in connection with OCME's determination of cause and manner of death and both agencies' completion of death certificates.</p> <p>Disclosure of DNA testing and analysis is made only in accordance with New York State Executive Law Article 49-B and other applicable statutes, pursuant to court order, or in other legal proceedings as properly authorized. Additionally, results of DNA testing and analysis may be provided pursuant to appropriate request to the individual whose DNA was tested and analyzed.</p> <p>Employee information is disclosed to other government agencies as required in the normal course of agency business for such purposes as those identified in section 3 above.</p>	
<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



<b>7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties?</b>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>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.</b>	<p>Access to identifying information is generally limited to employees who require access to such information to perform their job duties.</p> <p>Contractor and subcontractor access is similarly limited, and those individuals are required to execute non-disclosure agreements.</p>	
N.Y.C. Admin. Code §§23-1205(1)(c)(1), and (4)		

<b>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.</b>
<p>Most such disclosures are made only as described above; any non-routine requests for disclosure are reviewed by General Counsel's office to determine if they may properly be fulfilled.</p>
N.Y.C. Admin. Code §23-1205(1)(c)(2)

<b>10. Describe the agency's current policies regarding the classification of disclosures as necessitated by the existence of exigent circumstances or as routine.</b>
<p>Guided by the Identifying Information Law and legal advice from the NYC Law Department, OCME has classified as routine only those disclosures that are made in the normal course of agency business and that further the mission and purpose of the agency. A finding of exigent circumstances would be made on a case by case basis, taking into consideration not only the asserted need for the identifying information but also all applicable legal constraints on its disclosure.</p>
N.Y.C. Admin. Code §23-1205(1)(c)(3)

<b>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.</b>
<p>Disclosures of identifying information are made only by those employees whose job functions require them to make such disclosures in the normal course of their duties and responsibilities, and in keeping with the mission and purpose of the agency. Because so much of the agency's work necessarily involves the collection, review, retention, or disclosure of identifying information in a variety of contexts, many of the agency's employees participate in one or more of those activities as a routine matter.</p>
N.Y.C. Admin. Code §23-1205(1)(c)(4)

<b>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.</b>
<p>OCME believes that it is maximally sensitive to the confidentiality of identifying information and highly respects the need for the protection of such information; accordingly, current agency policies already minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while permitting OCME to continue to perform its core functions in keeping with its purpose and mission.</p>
N.Y.C. Admin. Code §23-1205(4)

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

OCME includes mandatory non-disclosure agreements in all memoranda of understanding and contracts that do or may involve access to identifying information. Agreements are not used or necessary in circumstances in which both agencies share the same goal, for example, OCME's interaction with DOHMH's Bureau of Vital Statistics in connection with the creation of death certificates.

N.Y.C. Admin. Code §23-1205(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
Decedents' next of kin or other authorized representatives	Disposition of remains of decedent, medical information of potential value to survivors	One of OCME's core missions is to ascertain cause and manner of death in cases within OCME jurisdiction, and to provide answers and information to families and communities in times of need.
Prosecutors and other stakeholders within the criminal justice system, including law enforcement and other City agencies	Identifying information relating to cause and manner of death and to DNA and other forensic scientific testing and analysis are critical to criminal matters, and the disclosure of certain forms of such information is specifically contemplated in the NYS Executive Law, Article 49-B, and in City Charter § 557.	Among OCME's responsibilities and authorized functions under City Charter § 557 are the determination of cause and manner of death in specified categories of cases within the City of New York, performing the functions of the city mortuary, providing forensic and related testing and analysis, and approving requests for cremation of remains. OCME is also required to keep full and complete records of its activities.
Other City agencies relating to employee matters, including compensation and discipline	Sharing information with the necessary City agencies is critical to maintaining prompt and smooth processing of human resources functions for the agency's workforce.	OCME's Human Resources Department supports the agency's operating units in meeting the Agency's objectives by providing a full range of human resource services such as recruitment/onboarding, payroll and Citytime management, labor relations, performance management, professional development and employee discipline.
Outside or other City agency scientific researchers	Research and surveillance of disease, substance overdose patterns, and other medical trends contributes significant value to the public health of the community.	Furthering the public health of the community is squarely within the purpose and mission of the OCME.

N.Y.C. Admin. Code §23-1205(1)(e)

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**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.**

In part because identifying information is such an integral part of OCME's core purpose and mission, this agency has always held the highest respect for the privacy of decedents, crime victims, and others whose remains or tissues the agency investigates and analyzes. When the Identifying Information Law was enacted, OCME was already enforcing the protection of confidential information by its employees, contractors, and other partners. Accordingly, the Identifying Information Law has not effected any change in OCME's policies, other than to formalize the routine nature of the collection, retention, and disclosure of such information.

N.Y.C. Admin. Code §23-1205(2)

**16. Describe the impact of any privacy policies and protocols issued by the Chief Privacy Officer or the Identifying Information Committee, as applicable, upon your agency's practices in relation to the collection, retention, and disclosure of identifying information.**

n/a

N.Y.C. Admin. Code §23-1205(3)


**APPROVAL SIGNATURE FOR AGENCY REPORT**

**Preparer of Agency Report:**

<b>Name:</b>	Florence Hutner		
<b>Title:</b>	General Counsel		
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**SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW**

**Agency Head (or designee):**

<b>Name:</b>	Florence Hutner		
<b>Title:</b>	General Counsel		
<b>Email:</b>	fhutner@ocme.nyc.gov	<b>Phone:</b>	212-323-1901
<b>Signature:</b>		<b>Date:</b>	July 31, 2018

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