

AGENCY REPORT

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

Agency:	The Administration for Children's Services		
Agency Privacy Officer:	Jenelle Boyd, Esq.		
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Date of Report:	July 31, 2018		

1. Specify the types of identifying information collected, retained, and disclosed by the agency

Check all that apply.

<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 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 type="checkbox"/> Social media account information
<input type="checkbox"/> Motor vehicle information	<input type="checkbox"/> Income tax information
<input 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 type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor
<input 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 type="checkbox"/> Other:	

N.Y.C. Admin. Code §23-1205(1)(a)

2. Specify the reasons why collection and retention of identifying information specified above furthers the purposes or mission of your agency.

The Administration for Children's Services protects and promotes the safety and well-being of New York City's children, young people, families, and communities by providing excellent child welfare, juvenile justice, and early care and education services. The collection and retention of identifying information is necessary for the protective function of the agency when conducting child protective investigations. Identifying information is also used to apply for services and for assessing the need for services by the children and families to whom the agency has contact.

N.Y.C. Admin. Code §23-1205(1)(f)

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.

Add additional rows as needed.

Describe the Collection or Disclosure	Classification Type
Collection of identifying information related to investigation of SSL § 422 reports.	<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
Disclosure of HIPPA forms to service providers, hospitals, and schools to obtain information in furtherance of investigations conducted pursuant to SSL§422.	<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
Disclosure of identifying information related to proceedings in family court. This includes the disclosure petitions and court orders.	<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
Disclosure of identifying information on cases which may involve a criminal investigation.	<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
Disclosure of identifying information to apply for services for families involved in child protective investigations. Information is also disclosed to assist families with obtaining vital documentation.	<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
Collection of identifying information of children placed in the custody of ACS for foster care services or for supervision in a juvenile delinquency case.	<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
Disclosure of identifying information of children placed in the custody of ACS for foster care services or for supervision in a juvenile delinquency case. This includes to obtain vital documentation and for medical services.	<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
Collection of identifying information for persons interested in becoming a foster parent.	<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
Disclosure of child protective case investigation records to persons who make requests pursuant to SSL § 422.	<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

Disclosure of child protective case investigation records pursuant to litigation and discovery request on family court proceedings and in fair hearings. Child protective case records may also be released to the NYC Law Department related to pending litigation.	<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
Collection of identifying information of ACS staff related to HR, EEO and critical incident reporting.	<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
Collection of identifying information is used for families to apply for childcare and educational services. Identifying information is also used for monitoring of those services.	<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
N.Y.C. Admin. Code §23-1205(1)(b)	

4. If applicable, specify the types of collections and disclosures approved by the Chief Privacy Officer.

Add additional rows as needed.

Describe Type of Collection or Disclosure
N/A

N.Y.C. Admin. Code §23-1205(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.

Most requests for disclosures from other city agencies are covered by memorandum of understanding (MOUs) which address the exchange for information between ACS and those agencies. This includes the New York City Police Department, Department of Homeless Services, Department of Probation, Department of Youth and Community Development, Department of Education, and the Human Resources Administration. The disclosures to other city agencies which are not covered under a specific MOU, are not related to litigation, or are not governed by any applicable law are directed to the Office of the General Counsel for review and response.

Requests from local public authorities or local benefit corporations, if they are not governed by law, should be directed to the Office of the General Counsel. If they are not governed by law, they are treated as Freedom of Information (FOIL) requests.

Requests from third parties, if they are not pursuant to a valid subpoena or governed under any applicable law, they are directed to the Office of the General Counsel and are generally treated as FOIL requests.

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 such policies specify that access to such information must be necessary for the performance of their duties?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.	Yes, all polices implemented minimize access to personally identifying law to the greatest extent possible.
N.Y.C. Admin. Code §§23-1205(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.
<p>The agency has a committee in place which reviews requests and proposals from external researchers. The committee has research proposal submission guidelines and a form which must be submitted for these proposals. The Research Review Committee reviews all proposals for research involving children and families served by ACS, as well as research involving staff, foster parents and contract agencies. Proposal submissions must include a clear statement of the purpose of the study and demonstrate the promise of producing, confirming or otherwise advancing the knowledge base of child welfare. They must also include a description of procedures that will maintain anonymity of respondents, describe security procedures for both storing data and preventing unauthorized access, and include assurances that data will be presented only in aggregate form or in another manner that prevents the identification of any individual.</p>
N.Y.C. Admin. Code §23-1205(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.
<p>The agency has adopted the Instant Response Team Protocol which defines specific types of cases which are exigent circumstances and require the disclosure of information. The policy contains a checklist for the type of criteria which must be evaluated in each type of case to determine if the protocol should be followed. The policy designates that all cases must be reviewed by an IRT coordinator. It also lists all the involved parties who can receive information and what information can be disclosed.</p>
<p>Additionally, the Administration for Children's Services strictly adheres to federal, state, and local laws which govern disclosure of many of the categories under which ACS collects identifying information.</p>
N.Y.C. Admin. Code §23-1205(1)(c)(3)

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.
<p>All divisions and/or their employees can be responsible for the release of information requested once the disclosure is approved by the privacy officer. Employees are provided with specialized employee identification numbers for computer and electronic database access. The agency uses the identification numbers to limit and monitor access to all database and computer files containing identifying information. Employees are also trained on the importance maintaining confidentially and the disclosure of identifying information. They are also provided with written policies which discuss the confidentially of the identifying information collected, disclosed and retained by this agency. These polices are also</p>

available on our website for review by all employees. All disclosures of identifying information made by the divisions are pursuant to the appropriate federal, state or local law.

N.Y.C. Admin. Code §23-1205(1)(c)(4)

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.

Yes, the agency has considered alternative policies related to minimizing the release of identifying information. This includes the limitation of persons who have access to certain databases which contain identifying information. The agency periodically re-evaluates these policies.

N.Y.C. Admin. Code §23-1205(4)

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

The agency has instituted a non-disclosure (confidentiality) agreement which is provided to participants in meetings where identifying information is discussed and is used evaluate the performance of the agency and our contracted providers. Additionally, MOU's entered into by the agency contain sections which specifically addresses which types of identifying information needs to be collected and reported pursuant to the MOU agreement. Notification provisions are also included in MOUs in case of improper disclosure or breach of any identifying information. The confidentiality agreement and MOUs are consistent with local, state, and federal laws governing the disclosure, retention and collection of information.

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
City Agencies	In furtherance of investigating allegations of child abuse and neglect. Assist with the provision of services to families involved with the agency.	The co-operation between agencies allows for a more seamless process with child protective investigations and for providing services.
Contract Agency (Foster Care and Preventive Services)	Assist with placement and provision of services for children placed in the care of the Commissioner. Used to provide services for families involved in child protective investigations	Ensures proper placement and services for children and families involved with our agency.
Law Firms, Legal Defense Organizations	Entitled to the records pursuant to SSL § 422 in furtherance of representation of their clients in legal matters	The information is used to assist people with learning about their involvement with services, employment issues, and other legal matters.
State Agencies (OCFS, Unified Court System)	Used for monitoring the functioning of our agency and to assist when court intervention is deemed necessary in child protective investigations. Aids with protection of children and servicing families.	To ensure the adequate functioning of our agency.

N.Y.C. Admin. Code §23-1205(l)(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.

The implementation of the Identifying Information Law directly impacts this agency as much of our daily operations involves the collection, retention and disclosure of identifying information. The agency already ensures the strict compliance with all local, state, and federal laws which are applicable to the collection, retention and disclosure of identifying information of the families and children served by this agency. The information obtained by ACS during its confidential child protective investigations contain identifying information, under which the collection, retention and disclosure is governed by state law. The law requires strict adherence regarding disclosure of these records to entities and individuals entitled to these records. The agency already has many safeguards in place, and continually addresses the issues of confidentiality of identifying information with all employees. The agency will continue to implement policies and practices which safeguard the collection, retention and disclosure of identifying 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.

Given that the agency has in place many protocols in place regarding the collection, retention and disclosure of identifying information, the policies should not severely impact the agencies practices of collection, retention and disclosure of identifying information. The agency welcomes the opportunity to continue strengthen and improve its practices for the collection, retention and disclosure of identifying information. The information obtained by ACS during its confidential child protective investigations contains identifying information, under which the collection, retention and disclosure is governed by state law. The law requires strict adherence regarding disclosure of these records to entities and individuals entitled to these records.

N.Y.C. Admin. Code §23-1205(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:			
Name:	Jenelle Boyd		
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SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):			
Name:	YOLANDA HARRIS		
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Signature:	Yolanda Harris, Esq.	Date:	July 31, 2018

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