

# FORM 3 (AGENCY REPORT)

## (Due on or before July 31, 2022)

<b>Agency:</b>	New York City Department of Cultural Affairs		
<b>Agency Privacy Officer:</b>	Samantha Rauer		
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<b>Date of Report:</b>	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)*	<b><u>Work-Related Information</u></b> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<b><u>Biometric Information</u></b> <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*	<b><u>Government Program Information</u></b> <input checked="" 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 checked="" type="checkbox"/> Income tax information <input checked="" 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 checked="" 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 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
<b><u>Other Types of Identifying Information</u></b> (list below):  <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	
<small>*Type of identifying information designated by the CPO (see CPO Policies &amp; 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 New York City Department of Cultural Affairs (DCLA) is dedicated to supporting and strengthening New York City's vibrant cultural life, primarily through the administration of public funding and technical assistance to nonprofit arts and cultural organizations throughout the five boroughs. The collection, retention and disclosure of identifying information furthers the purposes and mission of the agency by allowing the promotion and advocacy of quality arts and cultural programming and ensuring the efficient and proper stewardship of public funding through DCLA's three primary funding divisions: the Capital Projects Unit, the Program Services Unit, and the Cultural Institutions Unit.

**N.Y.C. Admin. Code §23-1205(a)(1)(f)**

<p><b>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.</b></p> <p><b>Add additional rows as needed.</b></p>	
<b>Describe the Collection or Disclosure</b>	<b>Classification Type</b>
<p><b>Collection and Disclosure for Human Resources, Financial and/or Personnel Matters:</b> DCLA may collect and disclose identifying information in the course of conducting core human resources, financial, administrative and other personnel related matters and functions, including but not limited to recruitment, new hire processing, benefits processing, payroll processing, payment processing, equal employment opportunity matters, diversity, equity, and inclusion efforts, training, and professional development.</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>Disclosure in Litigation and Disciplinary Proceedings:</b> In cases or proceedings where the agency is a party or has an interest, relevant identifying information may be disclosed before an administrative body, a mediator or an arbitrator, to the NYC Law Department, Office of Labor Relations, or other counsel representing the agency or its employees, in accordance with agency counsel review and applicable law.</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>Disclosure to Local Oversight Agency and/or Auditors:</b> Subject to applicable law, DCLA may disclose identifying information to local oversight agencies or auditors to comply with applicable laws, regulations, rules, and guidelines.</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>Collections and Disclosures for Records Management:</b> DCLA may collect and disclose identifying information in accordance with its document retention policy and for purposes of records management, archiving and preservation.</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>Collections and Disclosures for External Affairs:</b> DCLA may collect and disclose identifying information to and from members of the public in response to concerns and requests for information, including but not limited to information regarding agency programs and initiatives, constituent services, accessibility accommodations, press inquiries, public outreach, public surveys, and press releases.</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>Disclosure in Response to Freedom of Information Law (FOIL) Requests:</b> Identifying information may be disclosed in order to seek advice regarding a request for information under FOIL, or as part of records released in response to a FOIL request, subject to review by agency counsel and a determination that disclosure is permissible under applicable law.</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>Collections and Disclosures Related to Procurement:</b> To comply with applicable federal, state, and local procurement rules, identifying information may be collected and disclosed, including but not limited to the names and contact information of bidders and contractors.</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>Collections and Disclosures Related to Agency Funding:</b> DCLA may collect and disclose identifying information in the course of routine agency business related to grants and other funding, oversight and management through the Capital, Program Services, and Cultural Institutions Units and other agency units, including but not limited to grants applications, funding agreements, final reports submitted by nonprofit arts and cultural organizations, and communications with constituents.</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>Collections and Disclosures Related to Public Art Commissions and Special Initiatives:</b> DCLA may collect and disclose identifying information related to special agency initiatives and the commissioning of works of public art on City property, including but not limited to the solicitation of feedback from members of the public, the Percent for Art Artist Directory,</p>	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies

open calls for artists and designers interested in creating permanent works of art, Monuments, the Public Artists in Residence (PAIR) program, Community Arts Development Project/Building Community Capacity, and the Affordable Real Estate for Artists (AREA) initiative.	<input type="checkbox"/> Approved by APO on a case-by-case basis
<b>Collections and Disclosures for Artist Certification:</b> In accordance with applicable state legislation and the City's Zoning Resolution, identifying information may be collected and disclosed regarding the certification of artists for joint living-working space in the MI-MA and MI-MB zoning districts.	<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(a)(1)(b)	

<b>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>  <b>Add additional rows as needed.</b>
<b>Describe Type of Collection or Disclosure</b>
Not Applicable.
N.Y.C. Admin. Code §23-1202(b)(2)(b); 23-1205(a)(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. Be as specific as possible.</b>  <b>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.</b>	
DCLA follows the Citywide Privacy Protection Policies and Protocols, issued by the Mayor's Office of Information Privacy on February 24, 2021 ("Citywide Policies and Protocols"), Model Protocols for Handling Third Party Requests for Information Held by City Agencies, issued by the First Deputy Mayor in April 2017 (the "Model Protocols"), the Advisory from First Deputy Mayor and Corporation Counsel, dated January 25, 2017 (the "Advisory").	
<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 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
<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>	The referenced policies followed by DCLA outline a thorough process by which the agency considers and evaluates third party requests for information. For routine requests for information concerning the normal course of agency business, the policies are implemented in a manner that requires DCLA to take into consideration whether the third-party requests for information could be satisfied without disclosing any personally identifiable information or minimizing the disclosure. Any non-routine requests that are outside the scope of regular agency business would be

	referred to DCLA ' s General Counsel and/or the Agency Privacy Officer for further review and guidance.
N.Y.C. Admin. Code §§23-1205(a)(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. Be as specific as possible.</b>
For proposals for disclosures of identifying information to other City agencies, local public authorities or local benefit corporations, and third parties, DCLA would respond to such requests in accordance with the policies referenced in Question 5.
N.Y.C. Admin. Code §23-1205(a)(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. Be as specific as possible.</b>
Pursuant to the Identifying Information Law, DCLA collected an inventory of the agency's collections and disclosures of identifying information. As outlined in Question 3, DCLA classified and pre-approved certain collections and disclosures of identifying information that are made during the normal course of agency business and further the purpose or mission of the agency as routine, including but not limited to necessary functions of the agency, including human resources and administration and funding units. In the event of exigent circumstances in which collection or disclosure of identifying information is urgently necessary, agency staff must notify the Agency Privacy Officer and/or DCLA ' s General Counsel, who would follow the policies and procedures outlined in the Identifying Information Law, as well as any policies and protocols that may be implemented by the Chief Privacy Officer.
N.Y.C. Admin. Code §23-1205(a)(1)(c)(3)

<b>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.</b>
DCLA has classified and pre-approved certain types of collections and disclosures of identifying information as routine, based upon the agency's regularly conducted transactions, customs and practices, in accordance with applicable law. These routine categories are designated among categories of employees according to job functions, including but not limited to human resources personnel and legal staff, who may make disclosures of identifying information in accordance with the review and approval of the Agency Privacy Officer and the Citywide Policies and Protocols and Model Protocols.
N.Y.C. Admin. Code §23-1205(a)(1)(c)(4)

<b>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.</b>
While DCLA has not considered any alternative policies, the agency follows the policies, practices and protocols cited in this Agency Report, as well as the Identifying Information Law. In the event the Chief Privacy Officer implements additional policies regarding the collection, retention and disclosure of identifying information, DCLA intends to consider and implement such policies in furtherance of the purpose and mission of the agency.
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.**

DCLA may enter into grant agreements, consultant agreements, and other agreements that may include or involve the identifying information. In such instances, the agreements will generally include contractual provisions use of that address confidentiality, ownership of identifying information, limitations on access to and retention of identifying information, as well as handling of third-party requests for identifying information. Further, the agreements may incorporate Appendix A, the General Provisions Governing Contracts for Consultants, Professional, Technical, Human and Client Services.

**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
Other City Agencies	Administration of Agency funding and management of special initiatives	Disclosure of identifying information ensures appropriate agency oversight and management of public funding across various units. For example, this includes but is not limited to funding for the Cultural Development Fund (CDF) and capital projects that are managed by the NYC Department of Design and Construction or the NYC Economic Development Corporation. An example of disclosure of identifying information for special initiatives is the PAIR program, which embeds artists in city government, and fosters collaboration between agencies and the proposal and implementation of creative solutions to pressing civic challenges.
Members of the Public	Disclosure in response to concerns, issues and questions raised by members of the public	Disclosure of identifying information allows DCLA to respond to concerns, requests for information and inquiries from members of the public, providing a transparent, open line of communication between the agency and the constituents it serves.
Oversight Agencies/Auditors	Disclosure in response to requests for information from oversight agencies or auditors	Subject to applicable law, disclosure of identifying information to local oversight agencies or auditors ensures that DCLA remains in compliance with applicable laws, regulations, rules, and guidelines.
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 required DCLA to review its collection and disclosure practices, conduct an inventory of the agency's collections and disclosures of identifying information, review and pre-approve certain types of collections and disclosures as routine, and ensure that DCLA is in compliance with existing policies including the Citywide Policies and Protocols and Model Protocols. DCLA will continue to review and evaluate its practices in light of any additional privacy policies and protocols that may be issued by the Chief Privacy Officer, the NYC Mayor's Office of Information Privacy, and Citywide Privacy Protection Committee.

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).**

DCLA reviewed and evaluated its policies and practices in light of additional information and privacy policies and protocols issued by the Chief Privacy Officer, the NYC Mayor's Office of Information Privacy, and Citywide Privacy Protection Committee.

N.Y.C. Admin. Code §23-1205(a)(3)


**APPROVAL SIGNATURE FOR AGENCY REPORT**

**Preparer of Agency Report:**

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<b>Title:</b>	Associate General Counsel		
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**ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW**

**Agency Head (or designee):**

<b>Name:</b>	Laurie Cumbo		
<b>Title:</b>	Commissioner		
<b>Email:</b>	<a href="mailto:lcumbo@culture.nyc.gov">lcumbo@culture.nyc.gov</a>	<b>Phone:</b>	212-573-9319
<b>Electronic Signature:</b>		<b>Date:</b>	July 28, 2022

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