

FORM 3

Agency Report Template

(Revised April 2022)

INSTRUCTIONS

The Identifying Information Law requires City agencies to submit comprehensive biennial agency reports (Form 3) related to their collection, disclosure, and retention of identifying information and their privacy protection practices.

To complete a 2022 Form 3:

- Update the agency's 2020 Form 1 (Inventory Form) with new information (including from any new or updated Forms 2 and 5 completed by the agency since 2020);
- Update or complete new Form 2s (APO Designation of Collections and Disclosures as "Routine") based on new information in the updated 2022 Form 1;
- Update or complete new Form 5s (Agency Privacy Officer Approval of Collections and Disclosures on a "Non-Routine" Basis) based on new information in the updated 2022 Form 1;
- Make sure all updated or new Forms 2 and 5 are consistent with the updated 2022 Form 1;
- Use the updated or new Forms 1, 2, and 5 to complete a new Form 3.

Before submission, Form 3 must be signed by the agency head or their designee. It is strongly recommended that agency counsel conduct a final review and approval before submission.

Submit Form 3 to:

- CPO at PrivacyOfficer@cityhall.nyc.gov
- Mayor at MOReports@cityhall.nyc.gov
- City Council Speaker at reports@council.nyc.gov
- Citywide Privacy Protection Committee at NYCPrivacyCommittee@cityhall.nyc.gov
- Department of Records and Information Services's (DORIS) online submissions 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.

DO NOT SUBMIT PAGES 1-3

VERSION CONTROL

Version	Description of Change	Approver	Date
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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FORM 3 (AGENCY REPORT)

(Due on or before July 31, 2022)

Agency:	Independent Budget Office		
Agency Privacy Officer:	Jacqueline Sherman		
Email:	jacquelines@ibo.nyc.ny.us	Telephone:	646-939-0645
Date of Report:	July 22, 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 type="checkbox"/> Taxpayer ID number (full or last 4 digits)*	<p><u>Work-Related Information</u></p> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<p><u>Biometric Information</u></p> <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*	<p><u>Government Program Information</u></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 checked="" type="checkbox"/> Income tax information <input checked="" type="checkbox"/> Motor vehicle information
<p><u>Contact Information</u></p> <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<p><u>Law Enforcement Information</u></p> <input checked="" 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
<p><u>Demographic Information</u></p> <input 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 type="checkbox"/> Nationality <input checked="" type="checkbox"/> Race <input type="checkbox"/> Religion <input checked="" type="checkbox"/> Sexual orientation	<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
<p><u>Status Information</u></p> <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	<p><u>Other Types of Identifying Information</u> (list below):</p> <p>The City Charter requires IBO to provide analysis and information as requested by elected officials and members of the public and provides authority to IBO to collect identifying information (in the form of data initially collected by other city agencies and transferred to IBO) in connection with these requests. While IBO collects identifying information from other city agencies to perform its charter-mandated mission, this data is almost always made anonymous before it is delivered to IBO. In addition, IBO has confidentiality agreements with a number of state and city agencies governing the use and disclosure of data. IBO staff who work with identifying information receive training with respect to maintaining the information in a secure fashion. The only identifying information that IBO collects itself is information related to IBO employees. This information is shared with the appropriate city agencies (such as DOI and OPA) for human resource and administrative purposes.</p>

Identifying Information Law

*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 Independent Budget Office is required by the City Charter to provide elected officials and members of the public with non-partisan, objective analysis of the City’s budget and fiscal condition. Specifically, the charter provides that it is the duty of IBO to provide to elected officials “(1) information with respect to the budget, appropriations bills and proposed local laws with fiscal implications; (2) information with respect to estimated revenues and receipts and changing revenue conditions; and (3) to the extent practicable, such other information or analyses as may be requested by such officials and bodies.” (Charter Section 260). To fulfill this mission, the Charter also grants IBO broad authority to access information regarding city agency operations. The IBO Director is authorized to “secure such information, data, estimates and statistics from the agencies of the city as the director determines to be necessary for the performance of the functions and duties of the office and such agencies shall provide such information to the extent that it is available, in a timely fashion.” (Charter Section 259),

In addition to responding to requests, the City Charter mandates that IBO produce three budget related reports annually.

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
	<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
	<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(a)(1)(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.

Add additional rows as needed.

Describe Type of Collection or Disclosure
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.

Data containing identifying information are never disclosed in raw form. Data used for the agency’s reports are published, described and disclosed in summarized and/or aggregate form.

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 those policies specify that access to identifying information must be necessary to perform their duties?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<p>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.</p>	<p>See above</p>
<p style="text-align: right;">N.Y.C. Admin. Code §§23-1205(a)(1)(c)(1), and (4)</p>	

<p>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.</p>
<p>IBO analyzes some identifying data in performing its mission of providing information regarding the city budget and programs. This data is only described in summarized form in the agency’s reports.</p>
<p style="text-align: right;">N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)</p>

<p>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.</p>
<p>Disclosures made in the context of reports and analyses IBO publishes as a part of the agency’s mission are routine. FOIL requests are referred to the agency’s APO/General Counsel. Press requests are referred to the agency’s Communications Director. Any requests for information from law enforcement agencies are referred to the APO/General Counsel. Data that IBO collects from other city agencies is made anonymous before it is transferred.</p>
<p style="text-align: right;">N.Y.C. Admin. Code §23-1205(a)(1)(c)(3)</p>

<p>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.</p>
<p>IBO budget analysts and economists make disclosures of identifying information in aggregate form when reports are published. The data we collect and use for these reports are usually made anonymous by the agency disclosing the data to IBO. In addition, IBO analysts receive training and are required to sign non-disclosure and confidentiality agreements when their work requires the use of confidential information protected by privacy laws.</p> <p>The agency’s administrative director makes disclosures of information regarding IBO employees to the appropriate city agencies for administrative and human resource related reasons in the normal course of business. These disclosures are designated as routine.</p>
<p style="text-align: right;">N.Y.C. Admin. Code §23-1205(a)(1)(c)(4)</p>

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.

IBO is not responsible for the initial collection of any identifying information, other than data related to the agency’s employees. IBO collects data that other city agencies have compiled on an as needed basis to perform IBO’s Charter mandated activities.

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.

IBO has data sharing agreements with a number of city/state agencies that protect the confidentiality of data that IBO collects and uses for analyses. In addition, IBO has a model data sharing MOU for use when IBO requests information from other city agencies that requires the disclosure of “sensitive identifying information” and puts privacy interests at risk. IBO negotiated the form of this MOU with the law department and the CPO, and both the law department and the city’s CPO have accepted this form for use when required by APOs.

N.Y.C. Admin. Code §23-1205(a)(1)(d)

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).

When it was initially implemented, the IIL created substantial uncertainty for city agencies with respect to sharing information with IBO. IBO invested a significant amount of time negotiating an acceptable form for a data sharing agreement to be used by agencies when we ask them to share information related to IBO's work. This form of agreement, as well as city agencies' growing familiarity with the law, have greatly reduced the adverse impact of the law on data sharing with IBO.

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).

As mentioned above, IBO spent a significant amount of time negotiating a model MOU to be used when IBO asks city agencies to share information that is deemed a non-routine request for "sensitive identifying information". This – as well as growing familiarity with the law – has reduced burdens created by the law.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:			
Name:	Jacqueline Sherman		
Title:	General Counsel & APO		
Email:	jacquelines@ibo.nyc.ny.us	Phone:	646-939-0645

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):			
Name:	George V. Sweeting		
Title:	Acting Director		
Email:	georges@ibo.nyc.ny.us	Phone:	917-284-0090
Electronic Signature:		Date:	7/21/2022

— *End of Document* —
