

BIENNIAL AGENCY REPORT

INSTRUCTIONS

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

To complete the 2024 biennial agency report:

- Review Form 2s (APO Designation of Collection and Disclosures as “Routine”) made since the 2022 compliance cycle;
- Review Form 5s (Agency Privacy Officer Approval of Collections and Disclosures on a “Non-Routine” Basis) made since the 2022 compliance cycle;
- Use Forms 2 & 5 to complete Worksheet 1 for all new and existing **collections** between 2022-2024;
- Use Forms 2 & 5 to complete Worksheet 2 for all new and existing **disclosures** between 2022-2024.
- Complete the Biennial Agency Workbook;
- Submit the biennial agency report by **July 31, 2024**.

Submit the biennial agency report to:

- Mayor at MOReports@cityhall.nyc.gov
- City Council Speaker at reports@council.nyc.gov
- Chief Privacy Officer and the Citywide Privacy Protection Committee at oip@oti.nyc.gov
- Department of Records and Information Services (DORIS) online submission 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.

VERSION CONTROL

Version	Description of Change	Approver	Date
4.0	New design for ease of use and technological enhancements, and miscellaneous clarifying revisions.	Michael Fitzpatrick Chief Privacy Officer, City of New York	April 2024
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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**BIENNIAL AGENCY REPORT
(Due on or before July 31, 2024)**

1. Agency: Board of Correction

2. APO Contact Details
 - a. Name: Melissa Cintrón Hernández
 - b. Title: General Counsel
 - c. Email: mcintronhernandez@boc.nyc.gov
 - d. Telephone: 212-266-4369

COLLECTIONS

3. How many collections does the agency have to describe?
11

4. **COLLECTIONS.** Upload worksheet 1.



- Proceed to the next page -

5. For all **collections**, select the types of identifying information collected (check all that apply). See [Citywide Privacy Protection Policies and Protocols § 3.1](#).

<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)*	<u>Work-Related Information</u> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<u>Biometric Information</u> <input 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* <input checked="" type="checkbox"/> Height <input checked="" type="checkbox"/> Weight	<u>Government Program Information</u> <input checked="" type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input checked="" 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 checked="" type="checkbox"/> Motor vehicle information
<u>Contact Information</u> <input checked="" type="checkbox"/> Current and/or previous home address <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<u>Law Enforcement Information</u> <input checked="" type="checkbox"/> Arrest record or criminal conviction <input checked="" type="checkbox"/> Date and/or time of release from custody of ACS, DOCS, or NYPD <input type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD
<u>Demographic Information</u> <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 checked="" type="checkbox"/> Religion <input checked="" type="checkbox"/> Sexual orientation	<u>Technology-Related Information</u> <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
<u>Status information</u> <input checked="" type="checkbox"/> Citizenship or immigration status <input checked="" type="checkbox"/> Employment status <input checked="" type="checkbox"/> Status as a victim of domestic violence or sexual assault <input checked="" type="checkbox"/> Status as crime victim or witness	
<u>Other Types of Identifying Information</u> (list below): 	
*Type of identifying information designated by the CPO (see CPO Policies & Protocols, §3.1.1).	

DISCLOSURES

6. How many disclosures does the agency have to describe?

11

7. **DISCLOSURES.** Upload worksheet 2.



- Proceed to the next page -

8. For all **disclosures**, select the types of identifying information disclosed (check all that apply).
See [Citywide Privacy Protection Policies and Protocols § 3.1](#).

<input type="checkbox"/> Name <input type="checkbox"/> Social security number (full or last 4 digits)* <input type="checkbox"/> Taxpayer ID number (full or last 4 digits)*	<u>Work-Related Information</u> <input type="checkbox"/> Employer information <input type="checkbox"/> Employment address
<u>Biometric Information</u> <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* <input type="checkbox"/> Height <input type="checkbox"/> Weight	<u>Government Program Information</u> <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
<u>Contact Information</u> <input type="checkbox"/> Current and/or previous home address <input type="checkbox"/> Email address <input type="checkbox"/> Phone number	<u>Law Enforcement Information</u> <input type="checkbox"/> Arrest record or criminal conviction <input type="checkbox"/> Date and/or time of release from custody of ACS, DOCS, or NYPD <input type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD
<u>Demographic Information</u> <input type="checkbox"/> Country of origin <input type="checkbox"/> Date of birth* <input type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input type="checkbox"/> Marital or partnership status <input type="checkbox"/> Nationality <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Sexual orientation	<u>Technology-Related Information</u> <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
<u>Status information</u> <input type="checkbox"/> Citizenship or immigration status <input type="checkbox"/> Employment status <input type="checkbox"/> Status as a victim of domestic violence or sexual assault <input type="checkbox"/> Status as crime victim or witness	
<u>Other Types of Identifying Information</u> (list below): •Department of Correction video footage (stationary surveillance footage, handheld cameras, and body worn cameras)	
*Type of identifying information designated by the CPO (see CPO Policies & Protocols, §3.1.1).	

9. Separate from the Citywide Privacy Protection Policies and Protocols, what are the agency's policies regarding requests for disclosures from other City agencies, local public authorities or local public benefit corporations, and third parties? Please **summarize or upload a copy of the policy**. See *N.Y.C. Admin. Code § 23-1205(a)(1)(c)(1)*.



10. Which divisions of employees within the agency make disclosures of identifying information following the approval of the privacy officer? See *§ N.Y.C Admin. Code § 23-1205(a)(1)(c)(4)*.

11. Which categories of employees within the agency make disclosures of identifying information following the approval of the privacy officer? See *§ N.Y.C Admin. Code § 23-1205(a)(1)(c)(4)*.

12. Do any of the agency's policies address **access** to identifying information by employees, contractors, and subcontractors? See *§ N.Y.C. Admin Code § 23-1205(a)(4)*.

☐ Yes – **GO TO QUESTION 13**

☒ No – **GO TO QUESTION 16**

13. Do these policies state that **access** to identifying information must be necessary for the employees, contractors, and subcontractors to perform their duties? See *N.Y.C. Admin Code § 23-1205(a)(4)*.

☐ Yes – **GO TO QUESTION 14**

☒ No – **GO TO QUESTION 16**

14. Are these policies implemented so that **access** is limited to the greatest extent possible, but also furthers the purpose or mission of the agency?

☐ Yes – **GO TO QUESTION 15**

☒ No – **GO TO QUESTION 16**

15. Describe how **access** is limited to the greatest extent possible while furthering the purpose or mission of the agency.
16. **Summarize or upload** the agency's current policies for handling **proposals for disclosures to other** City agencies, local public authorities, or local public benefit corporations, and third parties. *See N.Y.C Admin Code § 23-1205(a)(1)(c)(2).*
17. **Summarize or upload** the agency's current policies regarding the classification of **disclosures** as necessitated by the existence of **exigent circumstances or as routine**. *See N.Y.C Admin Code § 23-1205(a)(1)(c)(3).*
18. Since 2022, has the agency **considered or implemented**, where applicable, policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of the agency? *See N.Y.C Admin Code § 23-1205(a)(3).*
- ☐ Yes – **GO TO QUESTION 19**
- ☒ No – **GO TO QUESTION 20**
19. Summarize the policies that the agency has **considered or implemented** regarding data minimization for the collection, retention, and disclosure of identifying information. *See N.Y.C Admin Code § 23-1205(a)(4).*

20. Summarize the agency's use of agreements for any use or disclosure of identifying information.
See N.Y.C Admin Code § 23-1205 (a)(1)(d).

21. Since 2022, describe the impact of the Identifying Information Law and any other local, state, or federal laws upon your agency's practices in relation to the collection, retention, and disclosure of identifying information (i.e., if such practices would differ in the absence of these laws). The impact can be positive or negative. *See N.Y.C Admin Code § 23-1205(a)(2).*

22. Describe how the current privacy policies and protocols issued by the Chief Privacy Officer, or the guidance issued by the Citywide Privacy Protection Committee affected your agency's practices in relation to the collection, retention, and disclosure of identifying information. The effects can be positive or negative. *See N.Y.C Admin Code § 23-1205(a)(2).*

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APPROVAL SIGNATURE FOR AGENCY REPORT

PREPARER OF AGENCY REPORT

Name: Melissa Cintrón Hernández
Title: General Counsel
Email: mcintronhernandez@boc.nyc.gov
Phone: 212-266-4369

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Name: Jasmine Georges-Yilla
Title: Executive Director
Email: jgeorges-yilla@boc.nyc.gov
Phone: (212) 266-4365

Signature: *Jasmine Georges-Yilla*
Jasmine Georges-Yilla (Jul 25, 2024 13:04 EDT)

Date: 07/25/2024

Describe the following types of collections. Note, you may have multiple collections of the same type.

COLLECTIONS				
	Type of Collection	Describe the Specific Activity	Classification	Describe the agency purpose or mission served by this Collection.
1	None of the above	Board of Correction (BOC) monitors routinely collect and retain information, including identifying information, concerning people in custody and Department of Correction (DOC) staff (primarily uniformed staff). This information includes, among other things, an individual's security classification, housing, and infraction/other incident history while incarcerated in the City's jail system as well as facility- or system-wide information concerning, e.g., uses of force, violent incidents, and lockdowns. Board staff can access DOC's jails video surveillance system, handheld camera footage, and body-worn camera footage through installed databases and portals.	Pre-approved as routine	The routine collection, retention, and review of identifying information is key to the ability of BOC monitors to carry out BOC's Charter-mandated duties to ensure compliance with BOC Minimum Standards, investigate serious incidents, and review grievances from people in custody and DOC staff. The monitors' work also helps to inform the Board's other Charter-mandated functions such as rulemaking, evaluation of DOC's performance, and recommendations on areas of key correctional planning. In conjunction with the work of other BOC divisions, the monitoring staff's functions serve BOC's mission to effect change toward and support safer, fairer, smaller, and more humane jails.
2	Research	Research staff routinely collect and retain information,	Pre-approved as routine	This information, in aggregate and anonymous (i.e., non-

		including identifying information, concerning people in custody and DOC staff (primarily uniformed staff).		individually identifying) form, is used to support Research staff's evidence-based findings and recommendations contained in its public reports on a broad array of topics and issues. These reports serve a critical purpose — to provide facts necessary to drive policy reforms and equip DOC, Health + Hospitals (H+H), BOC, stakeholders and the public with information needed to design appropriate change.
3	Technology	Information technology staff routinely collect and retain information, including identifying information, concerning people in custody and DOC staff (primarily uniformed staff).	Pre-approved as routine	This information, in aggregate and anonymous (i.e., non-individually identifying) form, is used to support Research staff's evidence-based findings and recommendations contained in its public reports on a broad array of topics and issues. These reports serve a critical purpose — to provide facts necessary to drive policy reforms and equip DOC, H+H, BOC, stakeholders and the public with information needed to design appropriate change.
4	Legal Matters or Proceeding	BOC is entitled to healthcare records of people who died in	Pre-approved as routine	One of BOC's Charter-mandated functions is to investigate serious

		DOC custody pursuant to state law as amended in 2019, including medical, mental health, and substance use records. BOC also receives healthcare records of people detained on Rikers Island through HIPAA consents. Legal staff manage the process for collecting healthcare records of people who have died in DOC custody.		incidents in the jails, such as deaths of people in custody. These healthcare records are essential for evaluating the clinical care and condition of a patient before their death in custody.
5	Human Resources and other Personnel Matters	BOC's Equal Employment Opportunity (EEO) Officer (and designated assistants) collects identifying personnel information while investigating EEO complaints and responding to requests for accommodations.	Pre-approved as routine	The routine collection and retention of identifying information is necessary to comply with applicable federal, state, and local EEO laws and regulations.
6	Office Administration	Administration staff's primary functions include human resources, budgeting, finance, accounting, and procurement. Some of these tasks, particularly the human resources function, include the routine collection and retention, of identifying information.	Pre-approved as routine	The collection of identifying information is essential to maintaining a working agency capable of carrying out the Board's Charter-mandated duties and addressing staff needs through procurement and human resource tools.

7	Legal Matters or Proceeding	As part of investigating and determining appeals, legal and monitoring staff collect relevant information, including identifying information. BOC may include identifying information in the transmittal of its appeal determination to DOC and the appellant.	Pre-approved as routine	Pursuant to Chapter 1 of the Board's Minimum Standards (re "Correctional Facilities"), people in custody may appeal to BOC restrictions imposed by DOC on their rights afforded under the Standards, such as an incarcerated person's right to: contact visits, make or receive telephone calls, attend law library or congregate religious services, receive and send correspondence and packages, and receive publications.
8	None of the above	In handling grievances from people in custody and DOC staff directly, BOC collects and retains identifying information.	Pre-approved as routine	BOC Charter-mandated functions include ensuring compliance with Minimum Standards and reviewing grievances from people in custody and staff.
9	None of the above	DOC provides BOC access to supporting documentation related to each person's placement and release in the Separation Status unit. This documentation includes images of each person's body scans.	Pre-approved as routine	BOC collects this information pursuant to its NYC Charter-mandated duty to ensure DOC's compliance with BOC's Minimum Standards for the care, custody, correction, treatment, supervision and discipline of all persons held or confined under DOC's jurisdiction.
10	Legal Matters or Proceeding	The legal team collects, retains and discloses identifying	Pre-approved as routine	The main purpose of the legal team is to advise BOC members

		information in rendering legal advice to BOC staff and members, including advice about people in custody, jail staff, and BOC personnel matters.		and staff on matters that affect BOC and its operations, as well as issues in DOC facilities and DOC and CHS's compliance with Minimum Standards.
11	Legal Matters or Proceeding	Legal staff collect, retain, and disclose identifying information to the Law Department to assist the Department in defending lawsuits against BOC and/or other city agencies. This may include identifying information about people in custody, staff who work in the jails, BOC staff, and Board members.	Pre-approved as routine	BOC must comply with all requests for information submitted by the Law Department (BOC's Charter-mandated attorney) as well as with any subpoena or order issued by a court.
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	<i>Type of Collection</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Collection.</i>
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	<i>Type of Collection</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Collection.</i>
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	<i>Type of Collection</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Collection.</i>
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Please add additional rows, if needed

Describe the following types of disclosures. *Note, you may have multiple disclosures of the same type.*

DISCLOSURES					
	Type of Disclosure	Describe the Specific Activity	Classification	Describe the agency purpose or mission served by this Disclosure.	Was this disclosure made pursuant to an external request?
1	None of the above	Board of Correction (BOC) legal staff serve as BOC's Record Access Officers. BOC receives Freedom of Information Law (FOIL) requests for disclosure of documents and information, which may include identifying information about people in custody, people who work in the jails, BOC staff, and Board members. BOC follow exemptions from disclosure under FOIL, exempting from disclosure identifying information (of individuals other than the person making the request), such as the first and last name, date of birth, book and case number, and NYSID	Pre-approved as routine	Compliance with applicable state law.	Yes

		number of people in custody; the first and last name of correction officers and other staff who work in the jails, identifying information with respect to complainants, personal addresses and telephone numbers, and medical information. When the legal team identifies responsive documents in BOC's possession that are Department of Correction (DOC) records, the legal staff occasionally consult with DOC's Records Access Officer and sometimes with the Law Department, about what information, if any, is exempt from disclosure under FOIL.			
2	Legal Matters or Proceeding	Legal staff collect, retain, and disclose identifying information to the Law Department to assist the Department in defending lawsuits against BOC	Pre-approved as routine	BOC must comply with all requests for information submitted by the Law Department (BOC's Charter-mandated attorney) as well as with	Yes

		and/or other city agencies. This may include identifying information about people in custody, staff who work in the jails, BOC staff, and Board members. Unless otherwise ordered by a court, identifying information contained in documents sought in discovery, such as personal information (e.g., home addresses, telephone numbers, and dates of birth), would be redacted prior to disclosure or filed under seal.		any subpoena or order issued by a court.	
3	Legal Matters or Proceeding	BOC — primarily monitoring staff — collects identifying information in the course of receiving complaints from incarcerated people, their family members, or other persons, alleging such misconduct.	Pre-approved as routine	Pursuant to Mayor's Executive Order No. 16 (July 26, 1978), BOC is obligated to report to the Department of Investigation (DOI) allegations of criminal or potentially criminal conduct perpetrated by a staff member, contractor or volunteer who works in	No

				the NYC jails or delivers services to people in custody.	
4	None of the above	BOC staff may handle complaints from people in custody and DOC staff directly or refer them to other City agencies. BOC's referral of such complaints to other City agencies will include identifying information relevant to other agencies' investigation of them.	Pre-approved as routine	BOC staff refer complaints to the proper authority so they can conduct investigations regarding the potential misconduct and take appropriate disciplinary or remedial action.	No
5	None of the above	BOC may collect and retain identifying information about people in custody or jail staff regarding issues that are brought to the attention of BOC staff through BOC's monitoring of DOC or Correctional Health Services (CHS) operations in the jails.	Pre-approved as routine	When such issues raise significant health or safety concerns, BOC, generally through its Executive Office, may disclose relevant identifying information to City Hall, DOC, Health + Hospitals (H+H), and/or the Law Department.	No
6	Legal Matters or Proceeding	Legal staff manage the process for collecting healthcare records. BOC	Pre-approved as routine	BOC's death investigations provide public oversight of serious	No

		<p>does not disclose healthcare records or information obtained pursuant to signed consents to third parties or healthcare records regarding people who died in DOC custody obtained pursuant to statutory authority. However, BOC does disclose some information gathered from healthcare records in public reporting on deaths in custody, which are posted on BOC's website and disseminated to a list of interested parties via e-mail. The information disclosed is limited to those facts that are related or could be related to a person's death in custody. Even if related to the person's death, BOC never discloses HIV history in public reporting.</p>		<p>incidents such as deaths in custody and to determine ways to prevent similar deaths/serious incidents in the future. These disclosures through public reporting are essential, as deaths are clinical events which cannot be investigated, analyzed, or reported on without referencing the quality and form of medical care received and the deceased's healthcare history.</p>	
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7	Research	Research staff routinely use identifying information concerning people in custody and DOC staff (primarily uniformed staff) in aggregate and anonymous (i.e., non-individually identifying) form, to support Research staff's evidence-based findings and recommendations contained in its public reports on a broad array of topics and issues. The Research staff's public reports disclose identifying information only in the aggregate and on an anonymous basis. To the extent that a public report addresses a population small enough that it might be possible to identify the individuals discussed (e.g., quotations in documents that could be traced back to individuals), research staff would seek the	Pre-approved as routine	These reports serve a critical purpose — to provide facts necessary to drive policy reforms and equip DOC, H+H, BOC, stakeholders and the public with information needed to design appropriate change.	No
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		individual's consent before disclosure.			
8	Legal Matters or Proceeding	The legal team collects, retains and discloses identifying information in rendering legal advice to BOC staff and members, including advice about people in custody, jail staff, and BOC personnel matters. In such situations, the information is generally protected from public disclosure under the attorney-client privilege and/or attorney work product privilege and may be disclosed only to other City agencies with whom the legal team must consult to resolve legal issues (e.g., the Law Department and in-house counsel for the Office of Labor Relations and Department of Citywide Administrative Services).	Pre-approved as routine	The main purpose of the legal team is to advise BOC members and staff on matters that affect BOC and its operations, as well as issues in DOC facilities and DOC and CHS's compliance with Minimum Standards.	No
9	Human Resources and other Personnel Matters	BOC's Equal Employment Opportunity (EEO) Officer (and designated	Pre-approved as routine	The disclosure of identifying information as described is necessary to	No

		assistants) collect identifying personnel information in investigating EEO complaints and responding to requests of for accommodations. Identifying information referenced in the EEO Officer's report of investigation of a complaint is disclosed only to the Board's Executive Director to whom the EEO Officer directly reports. The identify of employees who request accommodations are shared, on an as-needed basis, with a BOC staff person who must implement the accommodation.		address complaints and accommodation requests.	
10	Office Administration	BOC administrative staff's primary functions include human resources, budgeting, finance, accounting, and procurement. Some of these tasks, particularly	Pre-approved as routine	The disclosure of identifying information is essential to maintaining a working agency capable of carrying out the Board's Charter-mandated duties and addressing staff	No

		<p>the human resources function, include the collection, retention, and disclosure of identifying information to other City agencies for administrative purposes. For example, identifying information may be disclosed to DOI in its performance of background checks of newly hired employees. Identifying information relating to personnel, employee benefits, and payroll may be shared with other City agencies or agency divisions, such as DCAS, or the Office of Payroll Administration, for administrative purposes. For example, identifying information in support of a staff person's Workmen's Compensation claim, such as the employee's social security number, must be disclosed to the Worker's Compensation</p>		<p>needs through procurement and human resource tools.</p>	
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		<p>Division of the Law Department.</p> <p>Additionally, the Board's written policies concerning occupational exposure to bloodborne pathogens and workplace violence prevention in DOC facilities require the collection and retention of identifying information related to incidents of occupational exposure and workplace violence. These policies also require the sharing with DOC of identifying information, such as the nature and extent of injuries resulting from workplace violence or the nature of occupational exposure to bloodborne pathogens and whether the person sought medical attention for such exposure.</p>			
11	None of the above	Board staff can access DOC's jails video surveillance system and body-worn camera	Pre-approved as routine	Compliance with applicable state law.	Yes

		footage through installed databases and portals. BOC staff also receive individualized video files through flash drives and DOC's own shared drive. These video files are then saved onto the BOC's shared drive. The footage pertains to deaths in custody, Use of Force, serious injuries, among other incidents. In such situations, BOC will redact the faces of those featured in the video footage pursuant to FOIL, unless the identifying information pertains to the requestor or an authorized representative of the requestor, in which case it will be disclosed without those particular redactions. Other FOIL exemptions may still apply.			
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For each **disclosure**, select the type of entity **and** provide the name of the entity that received the identifying information.

	<i>Type of Entity</i>	<i>Name of Entity</i>
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OPTIONAL QUESTION: Using the table below, describe any proposals for disclosures of identifying information that your agency declined to approve.

	<i>Type of Entity that Requested the Identifying Information</i>	<i>Name of the Entity</i>	<i>Reason for the Request</i>	<i>Description of Agency's Rationale for Rejection</i>
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MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NEW YORK CITY DEPARTMENT OF CORRECTION
AND
THE NEW YORK CITY BOARD OF CORRECTION

This Memorandum of Understanding ("MOU") entered into on September 27, 2023 (the "Effective Date") by and between the New York City Department of Correction ("DOC" or "the Department"), having offices located at 75-20 Astoria Blvd., East Elmhurst, New York 11370, and the New York City Board of Correction ("BOC" or "Board"), having offices located at 2 Lafayette Street, Suite 1221, New York, New York 10007, and on Rikers Island (each individually referred to as a "Party" and collectively referred to as the "Parties").

WHEREAS, the Parties wish to establish an agreement, as described below, for access and usage of DOC Video Footage pursuant to Section 626 of the New York City Charter.

NOW, THEREFORE, the Parties mutually agree as follows:

ARTICLE 1. TERM

- 1.1 This MOU shall commence as of the Effective Date and shall remain in effect unless terminated by either Party in accordance with the provisions set forth in Article 6 below.

ARTICLE 2. DEFINITIONS

- 2.1 "Board Staff" shall mean authorized Board staff members listed in Appendix A whose duties include monitoring activities in DOC facilities and Board executives. The Board will ensure that Appendix A is kept up to date and will advise the Department in writing whenever a Board staff member is added to or deleted from Appendix A, within 5 days of the change.
- 2.2 "DOC Video Footage" shall mean DOC Genetec video, handheld video, body-worn camera video, and any other platform or technology that may be used by DOC to capture video surveillance footage.

ARTICLE 3. AGREED TERMS

- 3.1 Board Staff shall have access to DOC Video Footage at all times (24 hours a day, 7 days per week) in BOC offices; access to DOC Video Footage is not permitted from non-BOC office locations.
- 3.2 Board Staff shall have access credentials to at least 12 functional DOC computers that can access DOC Video Footage located in the Board offices. Board Staff shall not share access credentials with other individuals. The Department will immediately provide access

credentials for Board Staff listed in Appendix A who have completed both the Board's initial and supplemental confidentiality trainings and have signed the confidentiality agreement. Within 2 days of BOC notifying the Department of any additions to or deletions from Appendix A, the Department will remove or add access credentials for Board Staff accordingly.

- 3.3 Watermarks shall be placed on DOC Video Footage to the extent practicable. DOC shall work with BOC to obtain such watermarks, provided that access to and downloading of DOC Video Footage shall not be contingent upon DOC implementation of watermarking technology with respect to DOC Video Footage.
- 3.4 Board Staff may download DOC Video Footage only to perform their Charter oversight role pursuant to Sections 626(c)(3), 626(c)(4), 626(d), 626(e), 626(f), 626(g), and 626(h). Subject to any use of DOC Video Footage pursuant to Sections 626(c)(3), 626(c)(4), 626(d), 626(e), 626(f), 626(g), and 626(h), any downloaded DOC Video Footage shall be maintained in accordance with procedures and security measures that ensure confidentiality.
- 3.5 Board Staff may show DOC Video Footage to any Board Member who has signed the confidentiality statement as discussed herein.
- 3.6 Board Staff shall not be permitted to take photographs or recordings of DOC Video Footage with any electronic recording devices, including cellular telephones or cameras.
- 3.7 Prior to providing login credentials to any Board Staff to view DOC Video Footage, the Board shall ensure that the Board Staff:
 - 3.7.1 completes confidentiality training that supplements the confidentiality training BOC provided to the Law Department on May 1, 2023. The supplemental training will be reviewed by the Law Department, and will set forth the guidelines for review of DOC Video Footage, confidentiality of such records, and dissemination, if any, of such records; and
 - 3.7.2 signs a statement acknowledging that they understand and will comply with limitations on use, access and disclosure of DOC Video Footage.
- 3.8 Except for any use of DOC Video Footage pursuant to Sections 626(c)(3), 626(c)(4), 626(d), 626(e), 626(f), 626(g), and 626(h), DOC Video Footage obtained under this MOU shall not be disclosed, made available, or disseminated to any individual or organization without notifying the Department, except as required by applicable law, rule or regulation. In the event that the Board receives a lawful request under the Freedom of Information Law or a valid subpoena from a third party seeking DOC Video Footage, the Parties will act as follows:
 - 3.8.1 The Parties acknowledge that a lawful request for information may be subject to applicable privileges, including the Law Enforcement Privilege, and that such privileges serve an important purpose. The Board agrees to consider on a case by case basis whether any applicable privileges should be asserted and whether to withhold such records as authorized by the law;
 - 3.8.2 The Board will provide prompt written notice and a copy of the request to the Department, except where such notice is legally prohibited;

- 3.8.3 The Board will propose a written response to the request and promptly share the proposed response with the Department at least five business days prior to production;
- 3.8.4 The Department will respond to the Board within two business days of receiving the proposed response to indicate whether the Department agrees with the proposed response, and the Department's failure to respond within two business days will constitute a waiver of the Department's opportunity to respond to the Board;
- 3.8.5 The Parties will confer in good faith to resolve any dispute before the deadline for production;
- 3.8.6 In the event of a disagreement between the Board and the Department about whether records obtained under this agreement should be disclosed or withheld pursuant to FOIL or a subpoena, the parties agree to meet and confer in good faith, and seek and consider advice from the Law Department as to both the applicability of privileges and the reasons for asserting or not asserting them, to resolve any issues; and
- 3.8.7 The Law Department will make a determination as to whether the Law Enforcement Privilege or any other privileges apply to a FOIL request or a subpoena for DOC Video Footage provided under this MOU consistent with how the Law Enforcement Privilege or any other privileges are applied to all New York City agencies. The Board will respond to the FOIL request or subpoena consistent with the Law Department's determination.
- 3.9 No DOC Video Footage obtained under this MOU shall be disseminated by the Board without approval of the BOC Executive Director, Interim Executive Director, or General Counsel.
- 3.10 The Board shall take meaningful and appropriate discipline if a BOC staff member improperly discloses DOC Video Footage obtained under this MOU, in violation of this MOU and the Board's Code of Conduct 1.2(b), effective September 29, 2019, which prohibits "Disclosing to any unauthorized person any confidential information relating to the staff, operations, activities, records and/or information of the Agency, DOC, CHA or other City Agency or to people in DOC custody."

ARTICLE 4. AMENDMENTS

- 4.1 No amendment or waiver of any provision of this MOU shall be effective unless in writing and signed by the Parties.

ARTICLE 5. NOTICES

- 5.1 Any notice sent pursuant to this MOU shall be sent by email to the Parties as follows, unless a Party has notified the other Party of a change in the identity or address of a contact person.

If to DOC:

Allie Robertson
Executive Director of Intergovernmental Affairs
New York City Department of Correction
75-20 Astoria Blvd.
East Elmhurst, New York 11370
Allie.Robertson@doc.nyc.gov

If to BOC:

Jasmine Georges-Yilla
Executive Director
New York City Board of Correction
2 Lafayette, Suite 1221
New York, New York 10007
Jgeorges-villa@doc.nyc.gov

ARTICLE 6. TERMINATION

6.1 A Party shall have the right to terminate this MOU, for violation of any of the provisions of this MOU, upon thirty (30) days prior written notice to the other Party. The Parties agree to meet and confer in good faith, and consult the Law Department, to resolve any issues. The Parties retain all their rights to contest such termination.

ARTICLE 7. MISCELLANEOUS

7.1 This MOU may be executed in one or more counterparts, by original signature or e-signature, all of which shall be considered an original. An electronic copy of a signature received in PDF format or by fax machine shall be deemed to be of the same effect as an original signature on an original executed document.

ARTICLE 8. ENTIRE AGREEMENT

8.1 This MOU sets forth the entire agreement between DOC and BOC as it relates to the matters set forth herein.

[SIGNATURE PAGE FOLLOWS]

AGREED:

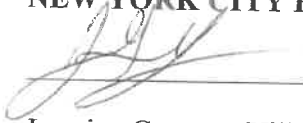
NEW YORK CITY DEPARTMENT OF CORRECTION



Louis Molina, Commissioner

Date: 9/28/23

NEW YORK CITY BOARD OF CORRECTION



Jasmine Georges-Yilla, Executive Director

Date: 9/27/23

APPENDIX A

Staff	Email address	Title
Monitoring and Research		
Chai Park Messina	cpark@boc.nyc.gov	Deputy Executive Director of Monitoring & Research
Katrina Blackman	kblackman@boc.nyc.gov	Assistant Executive Director of Monitoring & Research
Barbie Melendez	bmelendez@boc.nyc.gov	Director of Public Accountability
Bart Baily	bbaily@boc.nyc.gov	Director of Violence Prevention
Schency Augustin	saugustin@boc.nyc.gov	Director of Programming and Community Support
Shaquana Pearson	kblackman@boc.nyc.gov	Director of Physical and Mental Wellbeing
Dilcio Acosta	dilcioacosta@boc.nyc.gov	Correctional Standards Review Specialist II
Verna Ezeji	vezeji@boc.nyc.gov	Correctional Standards Review Specialist II
Jemarley McFarlane	jmcfarlane@boc.nyc.gov	Correctional Standards Review Specialist II
Adrienne Garcia	adrgarcia@boc.nyc.gov	Correctional Standards Review Specialist II
Elizabeth Castellar	ecastellar@boc.nyc.gov	Correctional Standards Review Specialist II
Katrina Reynolds	kreynolds@boc.nyc.gov	Correctional Standards Review Specialist II
Juan Ramon	jramon@boc.nyc.gov	Correctional Standards Review Specialist II
Heather Burgess	hburgess@boc.nyc.gov	Senior PREA Research Associate
Alexander Hoffman	alhoffman@boc.nyc.gov	Research & Compliance Associate
Legal		
Jasmine Georges-Yilla	jgeorges-yilla@boc.nyc.gov	Executive Director
Melissa Cintrón Hernández	mcintronhernandez@boc.nyc.gov	Deputy General Counsel
Rahzeem Gray	rgray@boc.nyc.gov	Director of Special Investigations
Imahnni Jeffries	ijeffries@boc.nyc.gov	Special Investigations Coordinator (CSRS II)
Joshua Acquaye	jacquaye@boc.nyc.gov	Senior Appeals Coordinator
Brian Gonzalez	bgonzalez@boc.nyc.gov	Legal Associate

NYC Board of Correction

Freedom of Information Law Internal Process and Standard Operating Procedures

Department of Correction records

1. Requirements of FOIL

- a. FOIL is a disclosure law that applies to records of any State or local government agency within New York State. FOIL requires disclosure of all government records upon request unless they fall within one of the law's exemptions. The law has a presumption in favor of disclosure, and thus the burden of demonstrating that the requested material is exempt from disclosure falls on the party asserting the exemption. See, e.g., *Gould v. New York City Police Dep't*, 89 N.Y.2d 267, 275 (1996) ("[T]he exemptions are to be narrowly construed with the burden resting on the agency to demonstrate that the requested material indeed qualifies for exemption."); *Hanig v. State Dep't of Motor Vehicles*, 79 N.Y.2d 106, 109 (1992).
- b. Some key exemptions from FOIL's disclosure requirement include the following:
 - i. FOIL exempts records that are protected by other Federal and State Laws. POL §87(2)(a) (e.g., agencies are not required to disclose documents subject to the attorney-client privilege, pursuant to Federal Rule of Evidence 501 and NY Civil Practice Law and Rules 4503);
 - ii. FOIL exempts records that constitute "inter-agency" or "intra-agency" communications. POL §87(2)(g). This exemption does not apply to (a) factual or statistical tabulations or data; (b) instructions to staff that affect the public; (c) final agency policy or determinations; or (d) external audit reports.
 - iii. FOIL exempts records whose disclosure would result in an unwarranted invasion of personal privacy. POL §89(2)(b). Records covered under this exemption include information on medical records and home addresses. But if such information can be redacted, the remaining parts of the record are disclosable;
 - iv. FOIL exempts documents that, if disclosed, could endanger the life or safety of any person. POL §87(2)(f).

2. Security concerns raised by DOC regarding video surveillance footage and images

- a. In consulting with DOC legal staff, DOC expressed security concerns regarding images and footage from within the jails that show locking mechanisms, camera angles, and facility names. In consideration of these concerns, the Board's legal staff blurs DOC staff's faces, faces of people in custody, and visible locking mechanisms.
- b. As public servants with a lessened expectation of privacy, the identities and faces of DOC civilian and uniformed staff are potentially disclosable. However, Board legal staff blur their faces to maintain their privacy and safety pursuant to POL §87(2)(f).

3. Steps to further safeguard DOC's security concerns

- a. Board staff will reach out to DOC's Records Access Officer for recommendations on redactions on FOIL-responsive records featuring:

- i. Still images from within the jails taken by Board staff or screenshots of Genetec, body worn camera, or handheld video footage in the Board's possession through electronic or physical means
- ii. Footage from within the jails taken by Board staff or Genetec, body worn camera, or handheld video footage in the Board's possession through electronic or physical means
- iii. DOC Directives, Operations Orders, Command Level Orders, Teletypes, or other similar records
- iv. Other materials the Board's Records Access Officer or Legal Associate determine require guidance or clarification from DOC