

**FORM 3 (AGENCY REPORT)**  
**(Due on or before July 31, 2022)**

<b>Agency:</b>	NYC Department of Small Business Services		
<b>Agency Privacy Officer:</b>	Anthony Dell'Olio		
<b>Email:</b>	adellolio@sbs.nyc.gov	<b>Telephone:</b>	212-513-9259
<b>Date of Report:</b>	7/29/2022		

<b>1. Specify the type of identifying information collected or disclosed (check all that apply):</b>	
<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 type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input type="checkbox"/> Any scheduled court appearances <input checked="" type="checkbox"/> Eligibility for or receipt of public assistance or City services <input checked="" type="checkbox"/> Income tax information <input type="checkbox"/> Motor vehicle information
<b><u>Contact Information</u></b> <input 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 type="checkbox"/> Languages spoken <input 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 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
<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 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
<b><u>Other Types of Identifying Information</u></b> (list below):  	
<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 Small Business Services (SBS) helps unlock economic potential and create economic security for all New Yorkers by connecting New Yorkers to good jobs, creating stronger businesses, and building thriving neighborhoods across the five boroughs.

The Workforce Development Division of SBS provides opportunities for skills building, training and job placement. Services are funded by and provided through the federal Workforce Investment & Opportunity Act (WIOA). The system includes a network of 21 Workforce1 Centers throughout the City of New York, including some that specialize in different areas – immigrant needs, industrial and manufacturing, out of work youth, etc. The agency also offers training through CUNY and other providers and contracts with community based organizations.

WIOA mandates that services be made available to all individuals regardless of income or current employment. Individuals register with SBS by completing a Customer Information Form (CIF), which includes requests for personal information required by WIOA.

As indicated in its mission statement, SBS assists small businesses, and in particular, minority and women-owned businesses. Businesses seeking M/WBE certification must complete an application for certification that includes requests for information about the business and includes some requests for personal information about the owner(s) of the business. These are necessary for a determination of M/WBE status in accordance with the City Charter and 66 RCNY Section 11 et seq. Additionally, small businesses participating in SBS programs such as grant or loan programs provide various information in connection with those services as applicable, including addresses, tax info, etc.

Another unit of SBS, the Division of Labor Services, works to ensure that contractors with the City of New York are equal opportunity employers. Among documents collected by the Division, are payroll records submitted by contractors and subcontractors. These records contain certain personal identifying information and are required pursuant to the City Charter and 66 RCNY Section 10 et seq.

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
<ul style="list-style-type: none"> <li>a. Collection of information in connection with registering jobseekers and providing employment services at WF1 Career Centers in accordance with the federal Workforce Innovation and Opportunity Act (WIOA) and related federal and state rules and regulations.</li> <li>b. Collection of information in connection with certifying applicants to the City's Minority and Woman-Owned Business Enterprise program subject to NYC Admin. Code 6-129 and 66 RCNY Section 11 et seq.</li> <li>c. Collection of information in connection with enforcing the City's Equal Employment Opportunity laws and rules with respect to City contracting subject to 66 RCNY Section 10 et seq.</li> <li>d. Collection of information in connection with routine Human Resources function.</li> </ul>	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
	<input 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)	

**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/A
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.**

<ul style="list-style-type: none"> <li>a) Agency's Workforce1 (WF1) contractors are subject to the confidentiality provisions set forth in the City's General Provisions Governing Contracts for Consultants, Professional, Technical, Human and Client Services (Appendix A) and the procedures set forth in the WF1 Center Operating Guide. Additionally, WF1 is subject to applicable federal and state laws, rules and regulations.</li> <li>b) The Division of Labor Services is subject to 66 RCNY Section 10-10 with respect to confidentiality.</li> </ul>
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**Identifying Information Law**

<p>c) The Division of Economic and Financial Opportunity is subject to Admin. Code 6-129 and 66 RCNY §11 et seq.</p> <p>The Agency does not have separate written policies for other divisions.</p>	
<p><b>6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>7. If YES, do those policies specify that access to identifying information must be necessary to perform their duties?</b></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><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></p>	<p>Except for information provided to USDOL and NYSDOL, access is determined by General Counsel.</p>
<p>N.Y.C. Admin. Code §§23-1205(a)(1)(c)(1), and (4)</p>	

<p><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></p>
<p>To the extent applicable, all requests for Agency identifying information by others are referred to General Counsel. WF1 information is provided routinely through a secure electronic system known as Worksource1 to federal and New York State Departments of Labor in accordance with the Workforce Innovation and Opportunity Act and related rules and regulations.</p>
<p>N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)</p>

<p><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></p>
<p>Matters related to disclosure are handled by General Counsel.</p>
<p>N.Y.C. Admin. Code §23-1205(a)(1)(c)(3)</p>

<p><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></p>
<p>Agency staff refer requests to General Counsel.</p>
<p>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.**

N/A

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.**

SBS contractors are subject to the City's general contract provisions (Appendix A) and Identifying Information Law Rider, as applicable.

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
US Department of Labor	Compliance with WIOA	Eligibility for federal funding.
NY State Department of Labor	Compliance with WIOA	Eligibility for federal funding.
NYC Department of Investigation	Compliance with Mayoral Executive Orders 16, 78 and 105.	Compliance with City requirement
N.Y.C. Admin. Code §23-1205(a)(1)(e)		

*- Proceed to Next Question on Following Page-*

**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).**

N/A

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).**

N/A

N.Y.C. Admin. Code §23-1205(a)(3)

### APPROVAL SIGNATURE FOR AGENCY REPORT

**Preparer of Agency Report:**

**Name:** Anthony Dell'Olio

**Title:** Deputy General Counsel

**Email:** adellolio@sbs.nyc.gov

**Phone:** 212-513-9259

### ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

**Agency Head (or designee):**

**Name:** Anthony Dell'Olio

**Title:** Deputy General Counsel

**Email:** adellolio@sbs.nyc.gov

**Phone:** 212-513-9259

**Electronic Signature:** *Anthony Dellolio*

**Date:** 7/25/2022

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