

# FORM 3 (AGENCY REPORT)

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

<b>Agency:</b>	Department of Sanitation		
<b>Agency Privacy Officer:</b>	Ellen Cooper		
<b>Email:</b>	<a href="mailto:ecooper@dsny.nyc.gov">ecooper@dsny.nyc.gov</a>	<b>Telephone:</b>	646-885-4989
<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 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*	<b><u>Government Program Information</u></b> <input 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
<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>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>Demographic Information</u></b> <input type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input 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 type="checkbox"/> Sexual orientation	<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 checked="" 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>Status Information</u></b> <input 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>Other Types of Identifying Information</u></b> (list below):  	

\*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.**

DSNY collects identifying information from both its employees and the general public.

From the general public, for the limited purpose of commencing collection services, DSNY collects names and current home addresses. This allows DSNY to provide collection services to residential homes in New York City and provide those homes with information about DSNY collection and recycling. DSNY may collect contact information from members of the general public who are submitting complaints to DSNY so that DSNY may follow up on such complaints. DSNY also collects names and current home addresses for purposes of enforcement. DSNY enforces City laws and regulations in order to ensure residents maintain their properties. For enforcement of illegal dumping or derelict vehicle operations, DSNY may collect information on motor vehicles, such as the Vehicle Identification Number or license plate number.

For personnel purposes, DSNY collects name, current home address, contact information, birthdate, employment status, employer information and employment address from prospective employees. DSNY asks applicants to voluntarily respond to questions regarding gender identity and race. Depending on the position a prospective employee is applying for, DSNY may ask the prospective employee to identify languages spoken. Once a prospective employee is hired by DSNY, DSNY further collects that person's date of birth and marital or partnership status information for purposes of providing its employees and their families with medical insurance. DSNY collects tax information for payroll purposes and biometric information (handprints) for timekeeping purposes. DSNY also takes photographs for employee identification cards.

DSNY's enforcement division employs certain employees as Sanitation Police Officers. Such employees are deemed Peace Officers under New York State Law and, as such, must complete an application to the New York City Police Department in order to receive a permit to carry a firearm. In addition to information such as name, current address, current employment information and birthdate, this application asks an applicant to identify if the applicant is a crime victim or a victim of domestic violence or sexual assault. This information is used for potential Sanitation Police Officers for background check purposes by the New York City police department.

In the course of its daily operations, DSNY has several forms that require employees to enter their names. For example, for every work shift, Sanitation Workers complete a "route sheet" which includes information on the streets that a Sanitation Worker services for garbage or recycling collection. This sheet, and other similar forms, require the employee to include his or her name on the sheet. These forms are an essential part of agency operations. DSNY vehicles, such as collection trucks, collect GPS data. The combination of these forms and GPS data ensure that DSNY's core agency functions, such as (1) garbage and recycling removal; (2) street cleaning; and (3) snow and ice removal, are properly completed.

Additionally, as part of normal operations, DSNY employees are called upon to testify in court proceedings or depositions. DSNY keeps track of such appearances for scheduling purposes.

In response to the COVID-19 public health emergency, in accordance with a DOHMH Commissioner's order, DSNY employees are required to receive the COVID-19 vaccination in order to continue employment with DSNY. As such, DSNY maintains copies of employee vaccination cards, which include identifying information such as name and birth date.

DSNY releases limited identifying information pursuant to requests, such as FOIL requests or subpoenas. DSNY also releases identifying information pursuant to employment or medical records requests that are submitted with properly executed authorizations allowing for such information to be released. DSNY may further share identifying information with other city agencies pursuant to information sharing agreements.

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
Operations Collections. DSNY collects certain information (namely, employee names) as a tracking method for the forms it uses to ensure that its core agency functions, such as (1) garbage and recycling removal; (2) street cleaning; and (3) snow and ice removal are properly completed. DSNY also collects GPS data from DSNY vehicles.	<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>Enforcement Collections and Disclosures.</p> <p>From Public: DSNY collects information from the public in order to enforce its laws and rules. Namely, DSNY may collect names, addresses and motor vehicle information.</p> <p>From Employees: In order to staff employees as Sanitation Police Officers, DSNY discloses information collected from its employees to the NYPD.</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
Hiring and Personnel Collections. DSNY collects identifying information in order to process new hires or appoint personnel to certain positions. DSNY further collection identifying information for timekeeping and identification purposes.	<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
Disclosures. DSNY discloses identifying formation to the New York City Law Department and New York City Comptroller's Office in connection with litigation. DSNY may also disclose identifying information to third parties in response to a subpoena or in response to a certain Freedom of Information Law request. Such identifying information is released only if DSNY receives the proper authorization (i.e. a signed, notarized authorization to release such information).	<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
Inter-Agency Information Sharing. DSNY may share identifying information with other City agencies pursuant to information sharing agreements.	<input type="checkbox"/> Pre-approved as routine <input checked="" type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
Emergency Food Delivery Program. In response to the COVID-19 public health emergency, the City of New York developed and implemented an emergency food delivery program for New Yorkers who were unable to leave their homes to obtain food and unable to otherwise secure food delivery. In order to administer this program, DSNY collected identifying information from other City agencies and from the general public. Such information was disclosed to contractors who were preparing and delivering food to food insecure residents. DSNY's involvement in the emergency food delivery program stopped in November 2021; however, DSNY still maintains this information and such information may be released pursuant to a subpoena or FOIL request.	<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**

In its normal course of operations, DSNY has not sought the approval of the Chief Privacy Officer for collections or disclosures. DSNY's collections and disclosures have been pre-approved as routine. DSNY solely collects information during the normal course of its business. All information collected or released by DSNY furthers the purpose or mission of the agency. DSNY had sought the approval of the Chief Privacy Officer for collections and disclosures in order to administer New York City's Emergency Food Delivery Program.

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.**

DSNY discloses identifying information to the New York City Law Department and Comptroller's in connection with litigation against the City. Such disclosures are made pursuant to properly executed record release authorizations.

DSNY releases information to third parties in response to judicial or information subpoenas, Freedom of Information Law requests and properly executed records release authorizations. To the extent practicable and permissible by law, DSNY redacts identifying information that is released pursuant to Freedom of Information requests.

**6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?**

☒ Yes ☐ No

**7. If YES, do those policies specify that access to identifying information must be necessary to perform their duties?**

☒ Yes ☐ No

**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.**

DSNY releases identifying information only when required by law and when necessary to further agency functions.

N.Y.C. Admin. Code §§23-1205(a)(1)(c)(1), and (4)

**9. Describe the agency's current policies for handling proposals for disclosures of identifying information to other City agencies, local public authorities or local public benefit corporations, and third parties. Be as specific as possible.**

When DSNY is responding to Freedom of Information Law requests, personal identifying information is redacted. All responses to judicial or information subpoenas, Freedom of Information Law and employment requests are handled by DSNY's Bureau of Legal Affairs. Medical records requests are handled by the DSNY medical clinic.

N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)



**10. Describe the agency's current policies regarding the classification of disclosures as necessitated by the existence of exigent circumstances or as routine. Be as specific as possible.**

Where disclosure of the identifying information is not routine or necessitated by exigent circumstances, requests for such information are to be routed to DSNY's Bureau of Legal Affairs for review. The Agency's Privacy Officer is to be notified of any such request in order to determine whether such information can be released and to consult with the Chief Privacy Officer if necessary.

N.Y.C. Admin. Code §23-1205(a)(1)(c)(3)

**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.**

Disclosures of identifying information are made by DSNY's Bureau of Legal Affairs, Human Resources and Enforcement Division. The Bureau of Legal Affairs handles all releases of information pursuant to litigation requests or subpoenas and all Freedom of Information law requests. DSNY's Human Resources may release identifying information about employees to the Office of Payroll Administration for purposes of ensuring its employees are properly compensated for their work. DSNY's Enforcement Division shares identifying information with the New York City Police Department for purposes of the appointment of certain personnel to the title of Sanitation Police Officer.

N.Y.C. Admin. Code §23-1205(a)(1)(c)(4)

**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.**

In the course of its normal operations, DSNY solely collects information to ensure the completion of its core agency functions. All information collected by DSNY furthers the purpose or mission of DSNY.

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.**

In the normal course of DSNY operations, where information between agencies is to be shared for reasons other than litigation, DSNY utilizes information sharing agreements for the use or disclosure of identifying information. The APO approves such agreements before it is executed. Such use or disclosure is designated as routine by the APO.

N.Y.C. Admin. Code §23-1205(a)(1)(d)

<p><b>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.</b></p> <p><b>Add additional rows as needed.</b></p>		
Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the agency's purpose or mission
Other City Agencies	For limited purposes, DSNY releases identifying information about its employees to other City Agencies. In particular, DSNY Human Resources releases identifying information about employee name and salary to the Office of Payroll Administration for purposes of ensuring its employees are properly compensated for their work.	Release of this information enables the DSNY's Human Resources to pay and process new hires and appoint personnel to certain positions so that the agency can fulfill its mission.
Litigation Related Requests	In response to requests by the New York City Law Department or to subpoenas, DSNY may release identifying information about its employees. Where the case involves a motor vehicle accident, identifying information about a member of the general public may also be released.	Release of this information allows the City to properly defend itself in lawsuits, potentially minimizing the amount of money the City pays out in lawsuit. Release of this information also allows DSNY to comply with Court orders.
Freedom of Information Law Requests	In response to Freedom of Information Law Requests, DSNY may release limited amounts of identifying information about its employees. For example, if a requestor is seeking an accident report, that report will include the name of the driver involved in the accident.	Release of identifying information in response to Freedom of Information Law requests keeps DSNY compliant with New York State laws requiring the release of such information. To the extent permissible under the Freedom of Information law, DSNY redacts identifying information from release.
		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).

The Identifying Information Law has not impacted DSNY's practices with respect to the collection, retention and disclosure of identifying information, since DSNY's practice has been to minimize the disclosure of identifying information to the extent practicable.

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).

In the course of its normal operations, DSNY solely collects information to ensure the completion of its core agency functions. All information collected by DSNY furthers the purpose or mission of DSNY. DSNY complies with all applicable laws, and regulations when releasing information.

N.Y.C. Admin. Code §23-1205(a)(3)


### APPROVAL SIGNATURE FOR AGENCY REPORT

#### Preparer of Agency Report:

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

#### Agency Head (or designee):

Name:			
Title:			
Email:		Phone:	
Electronic Signature:		Date:	

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