

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

Agency:	New York City Department of Environmental Protection		
Agency Privacy Officer:	Arthur J Chen		
Email:	achen@dep.nyc.gov	Telephone:	718-595-5887
Date of Report:	July 27, 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)*	<u>Work-Related Information</u> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<u>Biometric Information</u> <input checked="" type="checkbox"/> Fingerprints <input checked="" type="checkbox"/> Photographs <input checked="" 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*	<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 checked="" 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
<u>Contact Information</u> <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	
<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>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, DOC, or NYPD <input checked="" type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD
<u>Status Information</u> <input checked="" type="checkbox"/> Citizenship or immigration status <input checked="" type="checkbox"/> Employment status <input checked="" type="checkbox"/> Status as victim of domestic violence or sexual assault <input checked="" type="checkbox"/> Status as crime victim or witness	<u>Technology-Related Information</u> <input checked="" type="checkbox"/> Device identifier including media access control MAC address or Internet mobile equipment identity (IMEI)* <input checked="" type="checkbox"/> GPS-based location obtained or derived from a device that can be used to track or locate an individual* <input checked="" type="checkbox"/> Internet protocol (IP) address* <input checked="" type="checkbox"/> Social media account information
<p>*Please note that many categories of the above identifying information are checked off as a result of ancillary support functions, such as human resources, audits of contracts, labor relations, discipline, EEO, Fleet Share, customer service billing, and police enforcement/security. Most of the other DEP functions collect, retain, and disclose limited identifying information, such as name and contact information, during the course of conducting DEP business.</p>	
<u>Other Types of Identifying Information</u> (list below):	
<p>*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).</p>	

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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 Environmental Protection (“DEP” or the “Agency”)’s mission is to enrich the environment and protect public health for all New Yorkers by providing high quality drinking water, managing wastewater and stormwater, and reducing air, noise, and hazardous materials pollution. DEP carries out its mission by creating infrastructure through capital construction projects, operating our infrastructure, and conducting the Agency’s environmental regulatory and advisory functions.

Collection and retention of identifying information is necessary for the Agency to provide its services, but it is not DEP’s business to collect that information. In order to comply with the broad language of the law, DEP is reporting even common daily activities, such as scheduling a meeting with multiple parties or asking someone attending an educational program to sign an attendance sheet, where name and contact information is routinely collected. Thus, even though a lot of DEP activities ask for limited identifying information for the main purposes of carrying out our activities, such as name and contact information, we reported it in Section 3 of this form to fulfill our obligations to the best of our ability.

DEP creates and maintains a vast network of facilities and infrastructure to treat and distribute clean water and to safely dispose of the wastewater that is generated throughout New York City (the “City”). This may require the use of contracts with vendors, contractors, subcontractors and experts in various fields. The Agency’s contract process is heavily regulated through city-wide procurement policies, which require the collection and retention of limited identifying information. More comprehensive identifying information is collected from contractors as a result of Section 93(h) of the City Charter and the Comptrollers Directive 7, which establishes DEP’s payment auditing functions.

During the operation and maintenance of DEP infrastructure, collection and retention of limited identifying information occurs when there are communications between the Agency and the public. DEP receives identifying information such as name, address, and contact information when the public, typically through 311, provides notice of any issues concerning DEP hardware or infrastructure, so that the Agency can provide updates to them when a repair is made. DEP collects and retains contact information to disclose any operational issues or initiatives by the Agency that may affect residents living close to a DEP facility. Also, DEP has a database with identifying information to allow the Agency to bill the public for water and sewer services provided by DEP. DEP may verify customer information for billing purposes, which is the only function where DEP may collect information from customers to determine eligibility for public assistance programs related to water and sewer services. Furthermore, DEP has its own police force in New York to protect the City’s vast drinking water reservoirs. DEP Police collects and retains identifying information critical in carrying out its law enforcement duties and providing security to all of DEP’s facilities. Thus, more identifying information may be collected in order to run security clearance checks or to process court hearings for any police violations.

To fulfill its regulatory duties, DEP accepts applications for and issues various permits to the public, such as for water discharge, air emission devices, removal of hazardous materials (e.g. asbestos), noise construction mitigation plans and connections to the public sewer and water systems. Identifying information is provided by property owners and retained by DEP to ensure compliance with regulations and to facilitate the issuance of permits. Identifying information also is collected and retained during inspections and issuance of any notices of environmental violations, which may result in appearance at administrative hearings. DEP will collect and retain identifying information of individuals or groups, such as name and contact information, in their public outreach and education programs that help prevent environmental violations. DEP will also collect identifying information from the public for any environmental complaints related to air, noise, water, and sewer.

Much of the identifying information collected and retained by DEP is ancillary, but necessary, to ensure DEP has the resources to carry out its functions. For example, DEP needs to hire and maintain a sufficient staff of employees to carry out the Agency’s daily functions, a process which is strictly regulated by the City. The DEP bureaus which handle human resources, labor relations, disciplinary actions, and Equal Employment Opportunity (“EEO”) adhere to City-wide policies which may require the collection and retention of many of the above categories of identifying information that are not collected by most of the Agency.

DEP collects, retains, and discloses limited identifying information about their employees in response to the COVID-19 pandemic. As mandated by the City’s Mayor, all DEP staff are back in the office and no longer working remotely unless they are approved for accepted reasons. DEP collects, retains, and makes limited internal disclosures of the identity of employees who tested positive for COVID-19 for the purpose of making necessary communications to persons in the office that may have been in close contact with the infected employee to help prevent the spread of COVID-19. As required by

City policies, DEP keeps on file doctor notes submitted by DEP employees who took time off if they or someone in their family was ill. DEP no longer collects or retains limited identifying information for temperature screening to those entering DEP buildings and no longer discloses identifying information for or participates in any contact tracing with any agencies outside of DEP.

Under “Technology-Related Information” in Section 1 of this Form, the information is collected by DEP to allow for access to internet websites for both DEP employees and the public, and for the security of DEP issued equipment. In the ordinary course of accessing any webpage on the Internet, computers need to exchange IP addresses in order to send and receive data through their network. Device identifiers, such as MAC address or IMEI (Internet Mobile Equipment Identifier), are essential for DEP to provide IT support, such as remotely accessing an employee’s computer to perform IT assistance or allowing a device access to DEP IT platforms. GPS-based location obtained or derived from a DEP issued device, such as work phones and work vehicles, are necessary for the security of these devices.

Regarding the new categories of identifying information under Biometric Information, DEP collects fingerprints and photographs as part of their security background checks and the issuance of employee id cards, which is used to provide access to DEP facilities. Fingerprints and photographs may also be collected to fulfill enforcement duties carried out by DEP’s police force. Palm and handprints are collected for the limited use of time-keeping, where the machine can scan the employee’s palm or handprint to certify the identity of an employee and keep track of their start/end time in a work day. DEP does not collect any of the other new categories of identifying information under the section Biometric Information. For the new categories listed under “Personal Information”, DEP collects Social Security numbers and Taxpayer ID numbers as part of their Human Resources activities (onboarding, security check, payroll, pension, etc.), and also when required by city-wide procurement/contracting policies.

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
DEP collects, retains, and/or discloses certain identifying information for the purpose of processing contracts and procurement of goods, services and land. The categories of information covered by this designation include contracts, procurements, bids, request for proposals, and other related contracting/procurement information. DEP's collection, retention and disclosure of identifying information are required and set forth by City-wide policies and procedures. Contract and procurement services are administrative functions that are essential to the daily operation of the agency and for projects that further the agency's mission.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of paying for the goods and services necessary for their daily operations. DEP's collection, retention and disclosure of identifying information are required and set forth by City-wide policies and procedures. The categories of information covered by this designation include invoices, checks, budgets, financial reports, and other related financial information. DEP's ability to pay their bills is an administrative function that supports the daily operation of the agency.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing and maintaining facilities for DEP employees to conduct their work. The categories of information covered by this designation include service requests, work orders, repairs, alterations, and other related facilities information. Facilities management is an administrative function that helps ensure a safe work environment for both DEP employees and visitors.	<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
DEP collects, retains, and/or discloses identifying information for the purpose of processing new hires, payroll, employment benefits and other related employee information. As required by City-wide policies, many of the categories of identifying information listed above are collected and retained by DEP and disclosed to City agencies, unions, and medical benefit providers. Human resources is an administrative function DEP conducts to hire and maintain employees to carry out and fulfill the agency's mission.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of auditing payments for construction, expense and construction-related service contracts. Auditing of contract payments is an administrative function required by law to ensure the City has received appropriate value for the work performed and is in compliance with laws and regulations (e.g. City Charter, Comptroller Directives, labor laws, etc.).	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of communications in their everyday operations. The categories of information covered by this designation include emails, letters, appointments and other related correspondence information. Communications is an administrative function that is integral in the daily operations of the agency in furtherance of its mission.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing vehicles to DEP employees. The categories of information covered by this designation include driver registration, travel expenses, accident reports, traffic violations, and other related fleet services information. DEP's collection, retention and disclosure of identifying information are required and set forth by City-wide policies and procedures. Providing vehicles to DEP employees is an administrative function that is necessary to carry out DEP's daily activities and operations.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing a records management program that allows for the retention and destruction of records in accordance with NYC Department of Records and Information Services policies. The records management program is an administrative function that provides systematic guidance and control of DEP records throughout its life cycle, which is essential to the agency's operations.	<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

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DEP collects, retains, and/or discloses certain identifying information for the purpose of issuing permits/licenses/approvals to the public that are required to register certain activities/devices with the City. The categories of information covered by this designation include applications/issuance of license/permits/approvals, supporting documentation, and other related license/permit/approval information. As part of its regulatory duties and responsibilities, DEP issues permits to ensure public compliance with federal/state/city/local environmental regulations.	<input checked="" 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
DEP collects, retains, and/or discloses certain identifying information for the purpose of conducting investigations for violations of federal/state/city/local environmental regulations. The categories of information covered by this designation include individual/business information, complaints, inspection records, violations, and other related regulatory inspection information. DEP conducts public inspections as part of its regulatory duties and responsibilities.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of issuing notices for violations of environmental regulations, summons for appearance at administrative hearings, cease and desist orders, termination of DEP service notices, and other related regulatory enforcement information. DEP conducts these enforcement functions as part of its regulatory duties and responsibilities.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of conducting an asbestos certification program. The categories of information covered by this designation include applications, exams, certifications and other related certification information. As part of its regulatory duties and responsibilities, DEP is required to administer an exam, to issue a certification to those that passed, and to keep a database of certified asbestos handlers and investigators.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing safety recommendations from DEP facility site assessments and to ensure compliance with federal/state/local/agency Environmental Health and Safety (EHS) regulatory requirements and policies. EHS Performance Management and Strategic Planning is a part of DEP's EHS function that helps ensure and enhance a safe work environment for both DEP employees and visitors.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing training content to DEP employees and to develop and implement safety procedures and programs. EHS Compliance Support, Training and Program Development/Management is a part of DEP's EHS function that helps ensure and enhance a safe work environment for both DEP employees and visitors.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of tracking and investigating incidents and providing recommendations to prevent future incidents. EHS Reporting and Investigations is part of DEP's EHS function that helps ensure and enhance a safe work environment for both DEP employees and visitors.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of reviewing safety procedures in the field and ensuring safety measures are carried out during the life of a construction project. EHS Auditing and Field Management is a part of DEP's EHS function that helps ensure and enhance a safe work environment for both DEP employees and contractors.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of educating organizations/businesses to prevent regulatory violations and informing the public about issues or DEP programs related to water, sewer, air and noise. The categories of information covered by this designation include educational materials to businesses and trade organizations, letters from the public to DEP, DEP reimbursement programs, and other related constituent affair information. Constituent Affairs is part of DEP's External Affairs function that informs the public of DEP environmental initiatives/issues and helps prevent environmental regulatory violations.	<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
DEP collects, retains, and/or discloses contact information of media outlets for the purpose of disseminating information, such as DEP press releases or newsletters, to the media.	<input checked="" type="checkbox"/> Pre-approved as routine

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Communications is part of DEP's External Affairs function that informs the public of DEP environmental initiatives and activities.	<input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing educational materials to the students and educators about DEP-related infrastructure and environmental issues. Educational programs are a part of DEP's External Affairs function that informs the public of DEP initiatives/issues, which furthers DEP's mission.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing information about DEP activities and issues to city council, elected officials and other government officials. Intergovernmental relations is a part of DEP's External Affairs function that furthers DEP's mission by assisting in coordination amongst different government agencies.	<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
DEP collects, retains, and/or discloses identifying information for the purpose of investigation and implementation of informal and formal disciplinary action against an employee. DEP's collection, retention and disclosure of identifying information are required and set forth by City-wide policies and procedures. Disciplinary action is a part of the labor relations function that helps maintain DEP's workforce.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of creating and developing best Equal Employment Opportunity (EEO) practices for workforce training and participating in public events to promote diversity in the workplace. EEO diversity training is a part of the labor relations function to help maintain DEP's workforce.	<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
DEP collects, retains, and/or discloses identifying information for the purpose of handling employee EEO-related inquiries, requests and complaints on behalf of the whole agency. DEP's collection, retention and disclosure of identifying information are required and set forth by City-wide policies and procedures. DEP's collection, retention and disclosure of identifying information are required and set forth by City-wide policies and procedures. EEO investigation is a part of the labor relations function that helps maintain DEP's workforce.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of resolving concerns and grievances brought by employees or by unions on behalf of their members. DEP's collection, retention and disclosure of identifying information are required and set forth by City-wide policies and procedures. Labor relations is a function that helps maintains the Agency's workforce.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing police enforcement activities on DEP property, such as issuance of summons, tickets, notice of warnings, court proceedings, and other related police enforcement information. Police enforcement is a part of DEP's Law Enforcement and Security function aimed to protect agency employees, facilities, and visitors against vandalism, sabotage and the threat of terrorism.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of responding to emergency and non-emergency related situations occurring on DEP property, including responses to chemical incidents. The categories of information covered by this designation include complaint forms/reports, incident reports, inspection reports, and other related emergency/non-emergency response information. Emergency/non-emergency responses are part of DEP's Law Enforcement and Security function aimed to protect agency employees, facilities, and visitors against vandalism, sabotage, the threat of terrorism and environmental hazards.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of creating and maintaining security plans/systems/procedures, such as security clearance forms, access cards, security footage, and other related security information. Security is a part of DEP's Law Enforcement and Security function aimed to protect agency employees, facilities, and visitors against vandalism, sabotage and the threat of terrorism.	<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

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DEP collects, retains, and/or discloses certain identifying information for the purpose of representing DEP at administrative hearings for tickets issued to the public for environmental regulatory violations. DEP's collection, retention and disclosure of identifying information are required and set forth by City-wide policies and procedures. Representation of DEP at administrative hearings is a legal function to help enforce environmental regulations.	<input checked="" 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
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing legal services related to agency employment matters on behalf of DEP and its employees, such as conflicts of interest waivers, employee expense documents, employee discrimination/retaliation claims, and other related employment matters. DEP's collection, retention and disclosure of identifying information are required and set forth by City-wide policies and procedures. Employment matters is a legal function that helps ensure the agency's compliance with legal employment policies.	<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
DEP collects, retains, and/or discloses identifying information for the purpose of seeking advice regarding requests for information under FOIL, or as part of information released in response to a FOIL request, provided appropriate agency personnel determines that disclosure of such information is permissible under applicable law. FOIL is a legal function that ensures the agency's compliance with FOIL statutes.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing legal advice to the Agency, or on behalf of the Agency to public, governmental agencies, and internal inquiries; legal advice on environmental projects; and entering into agreements. The categories of information covered by this designation include inquiries, agreements, consent orders, project plans and other related legal/compliance issues. Providing legal advice is a legal function that helps ensure compliance with laws and regulations.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose representing and handling litigation-related issues on behalf of the agency. The categories of information covered by this designation include contract disputes, demand letters, preservation notices, discovery requests, requests for legal representation, affirmative claims, subpoenas, and other related litigation information. Litigation support is a legal function that helps the agency bring or defend litigation and handle contract disputes.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of approving contracts for the procurement of goods, services and land, and other related transactional activities on behalf of DEP and its employees. DEP's collection, retention and disclosure of identifying information are required and set forth by City-wide policies and procedures. Contract review/approval is a legal function and is required by the City's contract/procurements rules and procedures.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of collecting money owed for water and sewer services provided to the public and to inform the public about certain DEP programs. The categories of information covered by this designation include water/sewer bills, customer payments, payment agreements, court documents, billing adjustments, collection agency referrals, notification of programs, customer information verification, and other related billing/collections information. Customer Billing and Collections is an important part of DEP's operational function because it collects money for services the agency provides.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of inspecting, operating, maintaining, and repairing DEP facilities and infrastructure, such as water/sewer maintenance yards, water and sewer mains, reservoirs, water/wastewater treatment plants, etc. The categories of information covered by this designation include reports, database system management, work orders, complaints, maintenance records, investigations, maps/surveys, and other related facility/infrastructure operations information. Facility/Infrastructure Operations ensures that DEP-related hardware are running smoothly and have the resources to provide its services.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of testing/monitoring air/water/wastewater issues, providing laboratory support to operations, providing data support to research/planning, and disclosure of data to government agencies	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies

and members of the public. Laboratory Analysis and Monitoring assists DEP's operational functions by providing necessary data to DEP employees and the public.	<input type="checkbox"/> Approved by APO on a case-by-case basis
DEP collects, retains, and/or discloses certain identifying information for the purpose of issuing and obtaining permits necessary to run DEP operations/facilities, such as wastewater treatment plants, water treatment plants, and other DEP related facilities/operations. Issuing and obtaining permits are part of DEP's operational function to ensure that DEP and the public are compliant with environmental regulations and procedures.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of managing environmental projects for the agency in furtherance of DEP's operations and goals. This category includes project management for capital construction projects. Project management has a large role in the agency as part of DEP's operational function because it ensures that the capital construction projects are being carried out correctly, which advance DEP's environmental initiatives and ensures these projects are correctly carried out.	<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
DEP collects, retains, and/or discloses certain identifying information during the course of obtaining research and providing data to DEP to guide internal practices, and the public for outreach on environmental issues. Environmental Research and Review is a part of DEP's Policy and Planning function that focuses on providing certain research and monitoring data to guide internal practices and public outreach related to environmental issues.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of creating and proposing policies/rules internally, in other government agencies, and proposing rules and regulations at the city/state/federal level. Policy and Rule Proposals is a part of DEP's Policy and Planning function that seeks environmental initiatives and procedures at different levels of government.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of creating and developing projects, including capital construction projects, on behalf of the agency in furtherance of DEP's operations and goals. The categories of information covered by this designation include project design, contract records to obtain contractors/equipment, permits, and other related project planning information. Project planning, such as capital construction projects, is a part of DEP's Policy and Planning function that enables DEP to create the infrastructure and contract the resources needed to carry out the agency's environmental initiatives.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of development and implementation of projects related to regulatory compliance, emergency planning, and the creation of standard operating procedures and guidelines to be followed by the agency. The categories of information covered by this designation include data analyses, reports, complaints/issues, and other related strategic planning information. Strategic Planning is a part of DEP's Policy and Planning function that ensures DEP's projects have workflows that are compliant with environmental regulations and best practices.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of training their employees in a particular skillset to aid in the performance of their daily agency responsibilities. Employee training is a professional development function to help employees learn or maintain the skills needed for their job responsibilities.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of tracking training and certifications issued to DEP employees. Tracking employee training/certification is a professional development function that helps the agency identify the work that employees are certified to handle and maintain the employee's competency or requirements for their job title.	<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
DEP collects, retains, and/or discloses certain identifying information for purpose of developing applications that support the agency's activities, including applications that are used by the public. Application development is a technical service that supports DEP employee's in their daily operations.	<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

DEP collects, retains, and/or discloses certain identifying information for purpose of securing agency networks, systems, and data against internal and external attacks, damage and unauthorized access, monitor for and investigate incidents, and evaluate cybersecurity products and applications. Cybersecurity services are technical services that protect the agency's electronic infrastructure and data.	<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
DEP collects, retains, and/or discloses certain identifying information for purpose of developing, administering, and supporting database systems for the whole agency. Database systems are technical services that allow DEP employees to store information during the performance of their daily operations.	<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
DEP collects, retains, and/or discloses certain identifying information for purpose of administering local and wide area network infrastructure, backup and recovery of the agency's data, and providing telecommunications and networking services for the entire agency. Providing network infrastructure and telecommunications are technical service functions that provide support to DEP employees in their daily operations.	<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
DEP collects, retains, and/or discloses certain identifying information for purpose of providing and tracking I.T. assets given to DEP employees. Providing I.T. assets to DEP employees, such as computers and cell phones, is a technical service function that helps support DEP employees in their daily operations.	<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
DEP collects, retains, and/or discloses certain identifying information for the purpose of providing I.T. support to DEP employees. Providing I.T. support is a technical service function that helps support DEP employees in their daily operations.	<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
DEP collects, retains, and/or discloses limited identifying information for the purposes of responding to COVID-19. The steps taken by this agency were either required by other government agencies or were necessary to protect the safety of DEP employees and the public.	<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

The Chief Privacy Officer ("CPO") approved DEP to disclose limited identifying information about sewer and water clients to the NYC Department of Social Services, Human Resources Administration, through its Public Engagement Unit, for the limited purpose of supporting its outreach to landlords for the City's Emergency Housing Voucher Initiative. The CPO determined that this disclosure is in the best interest of the City because it will broaden the City's ability to connect New Yorkers who may be eligible for affordable housing to the time-limited U.S. Department of Housing and Urban Development's Emergency Housing Voucher 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.

Disclosure of identifying information is necessary for the Agency to provide its services to the public, but it is not DEP's business to disclose that information. In order to comply with the broad language of the law, DEP had to report in Section 3 above and Section 14 below even common daily activities, such as scheduling a meeting with multiple parties or providing to an educator an employee attendance sheet of a training class so that a DEP employee can receive credit for a certification, where identifying information disclosed is limited to name and contact information. Many of the categories of identifying information listed above are for ancillary support functions such as human resources, discipline, labor relations, etc., where we are required to disclose that information to specific government agencies. In furtherance of our functions, DEP follows City-wide policies that require disclosures to other City agencies and their procedures for protecting identifying information.

DEP follows the City's Privacy Policy for any public submission of information or public requests for information through DEP's website, which can be found at the following internet hyperlink: <https://www1.nyc.gov/home/privacy-policy.page>. The policy is clear that the City, including DEP, does not rent or sell identifiable information, does not collect data for commercial or marketing purposes, or exchange or trade such information without a user's explicit permission. The policy is also clear that the use of information submitted is to investigate problems reported to the City, that contact information is used to provide updates, that information may be shared to other government agencies in accordance with applicable laws and regulations, and disclosure of information may be made pursuant to FOIL. This policy is followed throughout the Agency, not just for the identifying information received from websites.

Other areas where DEP follows City-wide policies, which require disclosure to other City agencies include: contracts and procurements, DEP payments, audit of DEP payments, Fleet Services, Equal Employment Opportunity program, disciplinary actions, security issues, and employment issues (e.g. disclosure of any conflicts of interests). These disclosures are further described below. Some disclosures are required in order for DEP to comply with government regulations, such as application for permits or administration of a DEP program, or as a result of another government agency's oversight responsibility, such as collection of information to provide statistical data. DEP will minimize the amount of identifying information disclosed to the extent possible.

DEP may share data with its contractors and consultants in order to obtain services needed to further the Agency's goals. Confidentiality clauses are included in the Agency's contracts to prevent misuse of data. DEP may also use data sharing agreements to further protect information that is disclosed by the agency. DEP's required use of the Identifying Information Rider and the Privacy Protection Rider is described in further detail in Section 13 below. However, as a matter of policy, third parties that make requests to DEP for agency information, including those that contain identifying information, are directed to make a Freedom of Information Law ("FOIL") request. A FOIL officer will make a determination of whether information should or should not be disclosed, as governed by FOIL policies.

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
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.	Access is limited to the assigned employee/contractor/subcontractor to the extent necessary to carry out a particular function in furtherance of the agency's mission.

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.

Any non-routine disclosures of identifying information by the aforementioned entities are referred to the APO for review.

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.

Routine disclosures that have already been inventoried from all the DEP bureaus have been classified and designated as routine. Any additional identifying information not already classified are forwarded to the APO for privacy review, including exigent circumstances.

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.

DEP limits access and disclosure to those divisions and employees who are assigned to carry out a particular function or specific business need.

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.

Based on a review of current policies, DEP's policies related to collection, retention, and disclosure of identifying information is already minimal. DEP's Agency Privacy Officer follows protocols outlined in the "Model Protocol For Handling Third Party Requests For Information Held by City Agencies" circulated by the Chief Privacy Officer.

DEP's Agency Privacy Officer also follows any new procedures that are set forth in the Chief Privacy Officer's "Citywide Privacy Protection Policies and Protocols," (CPO's Policies) last updated on February 24, 2021. This includes guidance on removing any identifying information displayed in the title field of FOIL requests submitted on the OpenRecords Portal. It also includes adding the Identifying Information Rider and the Privacy Protection Rider into DEP agreements when required, as discussed in Section 13 below.

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.

DEP uses confidentiality clauses in their contracts to prevent any confidential information, including any identifying information, from being improperly disclosed.

As set forth in the CPO's Policies, DEP uses the Identifying Information Rider in contracts and subcontracts for technology services involving sensitive identifying information where the contractor's or subcontractor's technology or technology services are procured by the City and used by the contractor or subcontractor on behalf of the City to collect, access, store, process, analyze, transmit, or otherwise handle sensitive information, or which make sensitive information accessible to the contractor or subcontractor in connection with such contract or subcontract. This does not include contracts where the vendor simply provides a technology product to the City, such as basic computer hardware or on-premise technology services that generally govern a contractors business relationship as a whole, provided that the City contractor includes appropriately protective privacy and security provisions in such subcontract.

As set forth in the CPO's Policies, DEP also uses the Privacy Protection Rider in situations where the contract requires additional privacy protections because (1) the contract involves the collection, use, disclosure of, or access to sensitive identifying information of members of the public or City employees or officials, or (2) the nature of the identifying information and the circumstances of its collection or potential disclosure by the Contractor implicates an important privacy risk.

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
Government agencies (e.g. NYC Law Dept., Mayor's Office, Office of Management and Budget, NYC Department of Citywide Administrative Services, NYC Comptroller, etc.)	In order to comply with applicable federal, state, and local procurement rules, certain identifying information may be disclosed to these entities, such as bidders' and contractors' names and contact information, for the purpose of processing contracts and procurement of goods, services and land	Contract and procurement services are administrative functions that are essential to the daily operation of the agency and for projects that further the agency's mission.
Vendors, Contractors, Consultants	Identifying information may be disclosed to contractors, experts or consultants who have entered into agreements with the agency so that such entities or persons may carry out their roles and responsibilities under such agreements.	Contract and procurement services are administrative functions that are essential to the daily operation of the agency and for projects that further the agency's mission.
Office of Management and Budget (OMB)	In order to comply with applicable federal, state, and local rules, certain identifying information may be disclosed to OMB for the purpose of obtaining money for DEP to make payments and approval of raises/overtime compensation.	The agency's ability to pay its bills is an administrative function that supports the daily operation of the agency.
Property Management	Identifying information may be disclosed to property management and is necessary to address complaints related to DEP facilities and create work orders to fix these issues.	Facilities management is an administrative function that helps ensure a safe work environment for both DEP employees and visitors.
NYC Department of Citywide Administrative Services (DCAS)	Identifying information may be disclosed to DCAS for the purpose of coordinating auctions sales and logs of surplus equipment relinquishment, including winning bidder information.	Facilities management handles auction sales and logs of surplus equipment relinquishment which allows the City to recuperate costs of equipment not in use. Facilities management is an administrative function that helps ensure a safe work environment for both DEP employees and visitors.
Government Agencies, Unions, Medical Insurance Providers	In order to comply with city-wide policies and procedures, identifying information may be disclosed in the course of performing human resources and other personnel related matters, including but not limited new hire processing, retiree and benefits processing, payroll processing, employment benefits and other related human resources information.	Human resources is an administrative function that DEP conducts to hire and maintain employees to carry out and fulfill the agency's mission.
Government Agencies, Public Entities ie. banks, insurance companies, employment agencies.	Identifying information may be disclosed, with the written authorization from the employee, to these types of entities by the request of employees, such as for their application for a new job, purchase/rent a home, obtaining a mortgage, etc.	Human resources is an important administrative function because DEP needs to hire and maintain employees to carry out and fulfill the agency's mission.
Government Agencies, Audit Consultants	Identifying information may be disclosed, subject to applicable law, to government agencies, or other entities authorized to perform audits of contracts and payments, such	Auditing of contract payments is an administrative function required by law that ensures the City has received appropriate value for the

	as consultants, in compliance with applicable laws or regulations.	work performed and is in compliance with laws and regulations (e.g. City Charter, Comptroller Directives, MWBE, Labor Laws, etc.).
Government Agencies (e.g. DCAS, etc.) and Insurance Companies	DEP is required to disclose certain identifying information to DCAS to register employees with the City's Fleet Share Program and to keep track of motor vehicle incidents. DEP discloses identifying information to NYC Law Dept to represent DEP employees in a vehicular accidents and to insurance companies to pay for vehicular damage.	Providing vehicles to DEP employees is an administrative function that is necessary to carry out DEP's daily activities and operations.
NYC Department of Records and Information Services (DORIS)	Identifying information may be disclosed to DORIS for the purposes of records management, archiving, and preservation. For example, items or records of historical value that are sent to City Archives may contain identifying information.	The records management program is an important administrative function that provides systematic guidance and control of DEP records throughout its life cycle, which is essential to the agency's operations.
NYS Department of Motor Vehicles (DMV)	Identifying information may be disclosed to DMV through the administration of the Asbestos Certification Program because Asbestos worker photo identification cards are issued by DMV.	As part of its regulatory duties and responsibilities, DEP is required to administer an exam, to issue a certification to those that passed, and to keep a database of certified asbestos handlers and investigators.
Office of Administrative Trials and Hearings (OATH)	Identifying information may be disclosed to OATH for an administrative hearing related to violations of environmental regulations issued by DEP to the public.	DEP conducts these enforcement functions as part of its regulatory duties and responsibilities.
Government Agencies (e.g. NYS DEC, NYC Law Dept., NYS DOH, municipalities)	During the review of notices of violations for errant activities in DEP's watershed territories, DEP may disclose identifying information to government agencies of any noncompliance to rules and regulations as part of its regulatory duties and responsibilities. Identifying information may be disclosed to appropriate government agencies or personnel for purposes of preventing or combating threats to public health and safety.	As part of its regulatory duties and responsibilities, DEP issues approvals to ensure public compliance with federal/state/city/local environmental regulations.
Government Agencies (e.g. NYSDOH, NYSDEC, municipalities)	Identifying information may be disclosed to government agencies during the review/approval of land development, stormwater/wastewater projects, to make sure they comply with environmental, health and local laws as part of its regulatory duties and responsibilities. Identifying information may be disclosed to appropriate government agency or personnel for purposes of preventing or combating threats to public health and safety.	As part of its regulatory duties and responsibilities, DEP issues approvals to ensure public compliance with federal/state/city/local environmental regulations.
Government Agencies (e.g. NYSDOH, NYSDEC, municipalities)	Identifying information may be disclosed to government agencies during the review of reports on wastewater treatment plants, septic system, construction site inspections to ensure environmental and health laws being followed as part of its regulatory duties and responsibilities. Identifying information may be disclosed to appropriate federal, state and local agencies or personnel for purposes of preventing or combating threats to public health and safety.	As part of its regulatory duties and responsibilities, DEP issues approvals to ensure public compliance with federal/state/city/local environmental regulations.

Department of Investigation	Identifying information may be disclosed in response to Department of Investigation requests for investigation purposes, such as work place violence cases.	DEP resolves issues such as workplace violence to create a safer working environment for its employees.
Medical Providers	Identifying information may be disclosed to medical providers during the course of medical monitoring for specific work assignments for the safety of DEP employees.	DEP implements Environmental Health and Safety procedures to create a safer working environment for its employees.
Bureau of Labor Statistics (BLS)	Identifying information may be disclosed to BLS in order to comply with BLS's regulations, rules, guidelines, or conditions as an oversight agency with respect to EHS statistics.	DEP resolves Environmental Health and Safety issues to create a safer working environment for its employees.
Contractors	Identifying information may be disclosed to contractors related to auditing safety of construction plans and ensuring safety procedures are met during the life of a construction project.	DEP implements Environmental Health and Safety procedures to create a safer working environment for its employees.
FDNY	Identifying information may be disclosed to FDNY to obtain a Certificate of Fitness for various types of dangerous occupations.	DEP implements Environmental Health and Safety procedures to create a safer working environment for its employees.
Partner Organizations/Trade Associations/	Identifying information from attendance lists of seminars may be disclosed to partner organizations to invite businesses to attend educational programs/presentations.	Educational programs for businesses and organizations are part of DEP's External Affairs function that informs the public of DEP environmental initiatives/issues and may prevent certain environmental violations.
Media Outlets	Identifying information, such as name and contact information, may be disclosed to answer inquiries or disseminate information (e.g. news or press releases).	Communications is a part of DEP's External Affairs function that informs the public of DEP environmental initiatives/issues.
Government Agencies	Identifying information may be disclosed to government agencies related to meetings, presentations, and correspondence between government agencies.	Intergovernmental relations is a part of DEP's External Affairs function that helps with coordination amongst different government agencies.
The Public	Identifying information may be disclosed to the public for the purpose of issuing emergency and non-emergency notifications from DEP.	DEP's External Affairs function serves to inform the public of DEP environmental initiatives/issues and it may prevent certain environmental violations.
Outside Utilities, Universities, Outside Agencies	Identifying information may be disclosed, in emails and letters about ongoing research in order to learn about and apply state-of-the-industry methods to DEP practices.	DEP's External Affairs function serves to inform the public of DEP environmental initiatives/issues and it may prevent certain environmental violations.
The Public, Contractors	Identifying information may be disclosed to the public to inform them about DEP outreach programs, including DEP reimbursement programs that further DEP initiatives.	DEP's External Affairs function serves to inform the public of DEP environmental initiatives/issues and it may prevent certain environmental violations.
Government Agencies (e.g. Mayor's Office of Labor Relations, NYC Office of Collective Bargaining, NYC Office of Administrative Trials and Hearings, NYC Commission	Identifying information may be disclosed to municipal, state, and federal agencies as part of ongoing litigation(s) or investigation(s) related to disciplinary actions against a DEP employee.	Discipline assists in the maintenance of employees hired by DEP to carry out and fulfill the agency's mission.

on Human Rights, NYS Division of Human Rights, US EEOC, state courts, and federal courts)		
Labor Unions	Identifying information may be disclosed to labor unions when DEP employees facing disciplinary charges are represented by a labor union. Labor unions are also entitled to lists of their members, which contain identifying information.	Discipline assists in the maintenance of employees hired by DEP to carry out and fulfill the agency's mission.
DEP Employees	Identifying information may be disclosed to DEP Employees who are entitled, under the law, to receive charges before termination or other discipline, receive charges, and, if necessary, discovery during litigation.	Discipline assists in the maintenance of employees hired by DEP to carry out and fulfill the agency's mission.
CDL Random Screening Vendor	The CDL random screening vendor receives identifying information in order to assist the Agency in administering the CDL Random Screening program for all eligible CDL drivers, pursuant to federal regulations.	Discipline assists in the maintenance of employees hired by DEP to carry out and fulfill the agency's mission.
Fit-for-Duty (FFD) Exam Vendor	The FFD Exam Vendor receives identifying information in order to conduct FFD examinations, pursuant to applicable state law.	Discipline assists in the maintenance of employees hired by DEP to carry out and fulfill the agency's mission.
Government Agencies (e.g. DCAS, the Mayor's Office, OATH, EEOC, SDHR, CCHR, NYC Law Dept, and courts of law), External Organizations/ Partners, CUNY LEADs, MOPD, ACCES-VR	Identifying information may be disclosed to government agencies regarding the management and appropriate handling of employment discrimination complaints, requests for reasonable accommodations (including limited duty assignments), and other EEO-related inquiries, concerns or requests, as required by law and City-wide policies.	EEO assists in the maintenance of employees hired by DEP to carry out and fulfill the agency's mission.
Government Agencies and Partner Organizations	Identifying information, such as name and contact information, may be disclosed for the purpose of creating or attending events to promote diversity in the workplace.	EEO assists in the maintenance of employees hired by DEP to carry out and fulfill the agency's mission.
NYS DMV	Identifying information may be disclosed to DMV for accident reports, T-SLED for driver's record/abstract, etc., as part of DEP's law enforcement duties and responsibilities.	Police Enforcement is an important part of DEP's Law Enforcement and Security function aimed to protect agency employees, facilities, and visitors against vandalism, sabotage and the threat of terrorism.
Courts	Identifying information may be disclosed to the federal, state, and local courts for the processing of tickets, violations, warnings, summons.	Police Enforcement is a part of DEP's Law Enforcement and Security function aimed to protect agency employees, facilities, and visitors against vandalism, sabotage and the threat of terrorism.
Government Agencies	Identifying information may be disclosed, subject to applicable law, to local, state, or federal government agencies for the purposes of law enforcement activities, which may include the investigation, prosecution, or enforcement of a law, regulation, rule, or order. Disclosure of identifying information may be made to government agencies during the course of Criminal Tracking, as part of DEP's police duties.	Police Enforcement is a part of DEP's Law Enforcement and Security function aimed to protect agency employees, facilities, and visitors against vandalism, sabotage and the threat of terrorism.

District Attorney's Office	Identifying information may be disclosed, subject to applicable law, to the District Attorney's Office for the purposes of law enforcement activities, which allows charges to be processed and aids prosecution efforts against public violations.	Police Enforcement is a part of DEP's Law Enforcement and Security function aimed to protect agency employees, facilities, and visitors against vandalism, sabotage and the threat of terrorism.
NYC Department of Investigation (DOI)	Identifying information may be disclosed to DOI as part of DEP's investigative process for security clearance when someone seeks access to DEP facilities.	Security is a part of DEP's Law Enforcement and Security function aimed to protect agency employees, facilities, and visitors against vandalism, sabotage and the threat of terrorism.
The Public	Identifying information may be disclosed in order to seek advice regarding a request for information under FOIL, or as part of information released in response to a FOIL request, provided appropriate agency personnel determines that disclosure of such information is permissible under applicable law.	FOIL is a part of the agency's Legal function that ensures the agency's compliance with FOIL requirements.
Government Agencies (Law Dept., EEOC, SCHR, CCHR)	Identifying information may be disclosed to government agencies when the agency is a party to or has an interest in the litigation or other legal proceedings related to employment discrimination complaints, DEP employee legal representation documents, affirmative claims, documents to assist in litigation involving DEP, affidavits, preservation notices.	Litigation support is a Legal function that helps the agency bring or defend litigation.
NYC Comptroller	Identifying information may be disclosed to the Comptroller in order to obtain approval for payment of claims and disbursement of settlement funds.	Litigation support is a Legal function that helps the agency bring or defend litigation.
NYC Conflicts of Interest Board (COIB)	Identifying information may be disclosed to the COIB regarding issues related to conflicts of interest that DEP employees may have during their employment.	Employment matters are a part of the agency's Legal function because it ensures the agency's compliance with certain legal requirements during the course of a DEP employee's career.
Contractors	When the agency is a party to or has an interesting in litigation or other legal proceedings, relevant identifying information may be disclosed to contractors during the representation of the agency in dispute resolutions with DEP contractors, in accordance with applicable law.	Contract dispute resolution is a Legal function that helps the agency handle contract disputes.
Government Agencies	Identifying information may be disclosed to government agencies when providing or receiving legal advice or advisory opinions on behalf of the agency.	Providing or receiving legal advice is a Legal function that helps ensure DEP/public compliance with laws and regulations.
Outside Attorneys	Identifying information may be disclosed to outside attorneys in response to court ordered subpoenas in accordance with applicable law.	Litigation support is a Legal function that helps the agency handle litigation issues that may arise.
Government Agencies	Identifying information may be disclosed to government agencies for the purpose of obtaining permits and ensuring	Providing legal advice is a part of the Legal function that helps ensure DEP/public compliance with environmental laws.

	DEP projects and operations are in compliance with environmental regulations.	
OATH	Identifying information may be disclosed to OATH during representation of DEP at administrative hearings for violations of environmental regulations issued by DEP.	Representation of DEP at administrative hearings is a part of the Legal function to help enforce environmental regulations.
Government Agencies	Identifying information may be disclosed to government agencies (e.g. NYS DEC, EPA, WTO) during the course of applying for permits and meeting compliance requirements, such as air permits, industrial pre-treatment programs, and treatment plant operations.	Facility/Infrastructure Operations ensures that DEP-related hardware are running smoothly and that DEP has the resources to provide its services.
Government Agencies	Identifying information may be disclosed to appropriate government agencies, such as FDNY, NYPD, local fire depts., local police, town officials, during emergency responses, for purposes of preventing or combating threats to public health and safety.	Facility/Infrastructure Operations ensures that DEP-related hardware are running smoothly and that DEP has the resources to provide its services.
Government Agencies (e.g. NYC DOHMH, OEM, etc.) and the Public	Identifying information may be disclosed to government agencies (e.g. NYC DOHMH, OEM) and certain members of the public regarding water/sewer complaints from customers, repair of DEP infrastructure, water sample results from homes, and lead notification letters. Identifying information is disclosed for the purposes of preventing or combating threats to public health and safety. This data is also collected as part of the City's effort to protect the water supply and sewer system.	Facility/Infrastructure Operations ensures that DEP-related hardware are running smoothly and that DEP has the resources to provide its services.
DDC	Identifying information may be disclosed to DDC for the purpose of joint ventures related to construction or repair of DEP infrastructure.	Facility/Infrastructure Operations ensures that DEP-related hardware are running smoothly and that DEP has the resources to provide its services.
Expeditors	Identifying information may be disclosed to expeditors for its billing program or to settle disputes with DEP customers. Expeditor must have authorization from the owner to obtain information.	Customer Billing and collections is a part of DEP's Operations function which collects money for the services the agency provides.
Government Agencies and Mortgage Companies	Identifying information may be disclosed in response to government agency inquiries and mortgage company inquiries of DEP customer billing information.	Customer Billing and collections is a part of DEP's Operations function which collects money for the services the agency provides.
Outside Contractors	Identifying information may be disclosed to DEP Contractors to notify DEP customers of available DEP public services and to collection agencies for collection of delinquent customer bills.	Customer Billing and collections is a part of DEP's Operations function which collects money for the services the agency provides.
Government Agencies and the Public	Identifying information may be disclosed to government agencies and/or the public during the course of notifying them of DEP operational issues that affect them or their issues found related to their operations.	Facility/Infrastructure Operations ensures that DEP-related hardware are running smoothly and that DEP has the resources to provide its services.

Government Agencies	Identifying information may be disclosed to government agencies who may make requests to DEP for laboratory analysis results/reports.	Laboratory Analysis and Monitoring assists DEP's Operations function by providing necessary data to DEP employees.
Contractors, Consultants, Vendors and Manufacturers	Identifying information may be disclosed to contactors, consultants, vendors and manufacturers during the management of projects, such as capital construction projects.	Project management, including management of capital construction projects, is a part of DEP's Operations function that enables DEP to create the infrastructure and contract the resources need to carry out the agency's environmental initiatives.
Government Agencies and Utility Organizations	Identifying information may be disclosed to government agencies and utility organizations (e.g Con Edison) for the purpose of complying with regulations and application for permits for agency projects, including capital construction projects.	Project planning, such as capital construction projects, is a part of DEP's Policy and Planning function that enables DEP to create the infrastructure and contract the resources need to carry out the agency's environmental initiatives.
Contractors, Consultants, Vendors and Manufacturers	Identifying information may be disclosed to contactors, consultants, vendors and manufacturers for construction projects.	Project planning, such as capital construction projects, is a part of DEP's Policy and Planning function that enables DEP to create the infrastructure and contract the resources need to carry out the agency's environmental initiatives.
Government Agencies (e.g. NYS DEC) and First Responders	Identifying information may be disclosed during the course of planning and executing emergency plans and emergency drills with appropriate government agencies or personnel for the purposes of preventing or combating threats to public health and safety.	Strategic Planning is a part of DEP's Policy and Planning function that ensures DEP's projects have workflows that are compliant with environmental regulations and best practices.
Government Agencies and the Public	Identifying information may be disclosed to government agencies and the public during the course of environmental research and reports created and disclosed by DEP.	Environmental Research and Review is a part of DEP's Policy and Planning function that focuses on providing certain research and monitoring data to guide internal practices and public outreach related to environmental issues.
Government Agencies	Identifying information may be disclosed to government agencies when providing suggestions for rule proposals and policies related to environmental issues.	Policy and rule proposals a part of DEP's Policy and Planning function that seeks to implement environmental initiatives and procedures at different levels of government.
DCAS	Identifying information may be disclosed to DCAS for the purpose of providing certification to a DEP employee upon completion of a class.	Employee training is a professional development function that helps employees learn or maintain the skills needed for their job responsibilities.
Partner Organizations/ Educators	Identifying information may be disclosed to partner organizations and educators to provide certifications to DEP employees upon completion of educational or job training.	Employee training is a professional development function to help employees learn or maintain the skills needed for their job responsibilities.
DOITT; NYC Cyber Command	Identifying information may be disclosed, subject to applicable law, to appropriate agencies, entities, or persons to prevent a cybersecurity breach or where it has been determined or suspected that the security and confidentiality of identifying information has been compromised, that such disclosure is either required by law or is reasonably necessary to assist in the efforts to prevent, minimize, or remedy potential or actual harm.	Cybersecurity services are technical services that protect the agency's electronic infrastructure and data.

Government Agencies	Identifying information may be disclosed to other government agencies if a request to access a database for a necessary reason is vetted and approved.	Database systems are technical services that support DEP employees in performing their daily operations.
Government Agencies, including New York State (NYS), Local Health Departments, and Health and Hospital Corporation (HHC)	Identifying information may be disclosed to other government agencies as part of NYS' response to the COVID-19 pandemic and as part of NYS' COVID-19 contact tracing program.	Disclosure of this information is required by New York State to protect the health and safety of government employees and the public.
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).

As a result of the Identifying Information Law, the agency's awareness of potential privacy issues have increased and are being brought to the attention of DEP's APO. DEP's APO will continue to examine Agency policies and propose measures to protect identifying information that is collected, retained and disclosed by the DEP.

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).

For questions related to the collection, retention and disclosure of identifying information under the Identifying Information Law, DEP's APO follows procedures outlined in the "Model Protocol For Handling Third Party Requests For Information Held by City Agencies" circulated by the Chief Privacy Officer. As outlined above in Sections 12 and 13, DEP has also changed their procedures in accordance with the "Citywide Privacy Protection Policies and Protocols" issued by the Chief Privacy Officer.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

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ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Elissa Stein Cushman		
Title:	General Counsel		
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Electronic Signature:	<i>Elissa Stein Cushman</i>	Date:	7/27/2022

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