

AGENCY REPORT

Agency:	Commission on Human Rights		
Agency Privacy Officer:	Damion K. L. Stodola		
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Date of Report:	July 31, 2018		

1. Specify the types of identifying information collected, retained, and disclosed by the agency	
<i>Check all that apply.</i>	
<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/> Date of Birth
<input checked="" type="checkbox"/> Current and/or previous home addresses	<input checked="" type="checkbox"/> Place of Birth
<input checked="" type="checkbox"/> Gender identity	<input checked="" type="checkbox"/> Race
<input checked="" type="checkbox"/> Sexual orientation	<input checked="" type="checkbox"/> Marital or partnership status
<input checked="" type="checkbox"/> Contact information (e.g., phone or email)	<input checked="" type="checkbox"/> Citizenship/immigration status
<input checked="" type="checkbox"/> Religion	<input checked="" type="checkbox"/> Nationality
<input checked="" type="checkbox"/> Employment status	<input checked="" type="checkbox"/> Country of origin
<input checked="" type="checkbox"/> Employer information	<input checked="" type="checkbox"/> Languages spoken
<input checked="" type="checkbox"/> Employment address	<input checked="" type="checkbox"/> Social media account information
<input type="checkbox"/> Motor vehicle information	<input checked="" type="checkbox"/> Income tax information
<input type="checkbox"/> Biometric information	<input checked="" type="checkbox"/> Any scheduled court appearances
<input checked="" type="checkbox"/> Eligibility for/receipt of public assistance or city services	<input checked="" type="checkbox"/> Arrest record or criminal conviction
<input checked="" type="checkbox"/> Status as victim of domestic violence or sexual assault	<input checked="" type="checkbox"/> Status as crime victim or witness
<input type="checkbox"/> Date and/or time of release from custody of ACS, DOC, or NYPD	<input checked="" type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor
<input type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD	<input checked="" type="checkbox"/> Social Security Number
<input checked="" type="checkbox"/> Other: Tax ID Number	
<small>N.Y.C. Admin. Code §23-1205(1)(a)</small>	

2. Specify the reasons why collection and retention of identifying information specified above furthers the purposes or mission of your agency.
<p>By statute, the Commission on Human Rights (the "Commission") is charged with the enforcement of the New York City Human Rights Law, Title 8 of the Administrative Code of the City of New York ("City Human Rights Law"), and with educating the public and encouraging positive community relations. The City Human Rights Law prohibits discriminatory practices in housing, public accommodations, and employment on the basis of virtually all the protected categories of information enumerated in Local Law 247, Ad. Code § 23-1201 ("identifying information"). The collection and retention of the identifying information specified above are essential to the Commission's ability to fulfill its statutory missions: (i) investigating and prosecuting alleged violations of the City Human Rights Law; (ii) engaging in public education campaigns and outreach about the City Human Rights Law and helping cultivate understanding and respect among the City's many diverse communities; (iii) partnering with other groups, government and non-governmental agencies and organizations having like or kindred functions; (iv) conducting research, surveys, and hearings in the field of human relations as in the judgment of the Commission will aid in supporting its work; and (v) the legal, technical, and administrative work that form the necessary underpinning and support for the above-referenced work.</p>
<small>N.Y.C. Admin. Code §23-1205(1)(f)</small>

3. Describe the types of collections and disclosures classified as: (1) pre-approved as “routine,” (2) pre-approved as routine by APOs of two or more agencies, or (3) approved by the APO on a case-by-case basis.	
Describe the Collection or Disclosure	Classification Type
Administration – Finance/Budgeting: Identifying information related to Commission and City employees, interns, contractors, and vendors. Such collection and disclosure is necessary for the Commission to ensure that its operations are fiscally sound and that funds are appropriately allocated.	<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
Administration – Human Resources: Identifying information related to Commission and City prospective and active employees, interns, applicants, contractors, and vendors. Such collection and disclosure is necessary for the Commission to manage its personnel and others with whom it does business.	<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
Administration – Technical Services: Identifying information related to Commission and City employees, contractors, vendors, Commission constituents, and members of the public. Such collection and disclosure supports the work of every function within the Commission and provides platforms through which the Commission can interface with 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
Administration – Contracting/Procurement: Identifying information related to Commission and City employees, bidders, contractors, and vendors. Such collection and disclosure allow the Commission to ensure that its core services are adequately provisioned and supplied, and to work with external partners when necessary.	<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
Core Services – Enforcement: Identifying information related to Commission and City employees, complainants, respondents, and witnesses/third parties in matters before the Commission; and identifying information related to members of the public related to or arising from allegations of discrimination. Such collection and disclosure furthers the Commission’s statutory mission to enforce the City Human Rights Law.	<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
Core Services - Outreach/Education/Public Engagement/Hearings/Testimony/Conferences: Identifying information related to Commission and City employees, and those who attend and participate in the Commission’s outreach activities or who access the Commission’s community service centers. Such collection and disclosure furthers the Commission’s statutory mission to educate the public about the City Human Rights Law.	<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
Core Services - Policy/Planning/Legislation/Inter-and Intra-Government: Identifying information related to City and Commission employees, City government offices and officials, members of the public, and participants in Commission programs. Such collection and disclosure furthers the Commission’s mission to advocate for and effect policy changes to combat discrimination and to raise awareness the City Human Rights Law.	<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
Core Services - Reporting/Research/Special Projects: Identifying information related to City and Commission employees, and participants in Commission surveys, special projects, and research. Such collection and disclosure furthers the Commission’s mission by allowing the Commission to accurately report on and understand the experiences of New Yorkers vis-a-vis discrimination.	<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
External Relations – Constituent Communications: Identifying information related to Commission and City employees, and individuals and entities that participate or partner in Commission programs, including other organizations and agencies. This collection and disclosure allows the Commission to widely disseminate information and its efforts to fight discrimination and enforce the City Human Rights Law.	<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
External Relations – Public Campaigns: Identifying information related to Commission and City employees, participants in Commission programs, City businesses, other City agencies, community-based organizations, and other institutional partners. Such collection and disclosure furthers the Commission’s mission to educate the public about the City Human Rights Law.	<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>External Relations – Inter- and Intra-Governmental Relations: Identifying information related to Commission and City employees, participants in Commission programs, and members of City, State, and federal government agencies. Some of this collection and disclosure is necessary to fulfill the Commission’s reporting obligations, while some of it facilitates the Commission’s efforts to collaborate with other governmental bodies to fight discrimination.</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
<p>External Relations – Press Relations: Identifying information relating to members of the press, participants in Commission programs, and City and Commission employees. Such collection and disclosure support the Commission’s mission to educate the public about the City Human Rights Law.</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
<p>Legal – Regulatory Compliance: Identifying information related to Commission and City employees, individuals providing and receiving Commission services/programs as required by the entity to whom the report is due. Such collection and disclosure helps ensure that the Commission and its activities are in compliance with all relevant City, State, and federal laws, rules, and regulations.</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
<p>Legal – Contracting: Identifying information related to Commission and City employees, bidders, contractors, and vendors. Such collection and disclosure allows the Commission to work with external partners when necessary.</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
<p>Legal – Freedom of Information Law: Identifying information relating to Commission and City employees, requestors and reflected in existing Commission records. Such collection and disclosure allows the Commission to fulfill with its legally mandated obligations under FOIL.</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
<p>Legal – Litigation/Investigations: Identifying information related to litigations in Commission matters and to individuals under internal investigation, including Commission and City employees. Such collection and disclosure furthers the Commission’s ability to direct and manage litigation either involving the Commission as a party or in which the Commission has an interest. In the investigative context, such collection and disclosure allows the Commission to ensure that all applicable laws, rules, and regulations are being followed by Commission staff.</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
<p>Legal – Legal Counsel/Advice: Identifying information related to Commission and City employees requesting, receiving, and/or providing legal advice regarding the Commission’s programs and services. Such collection and disclosure allows the Commission to ensure that its conduct and that of its employees complies with all relevant laws, rules, and regulations.</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
<p>N.Y.C. Admin. Code §23-1205(1)(b)</p>	

<p>4. If applicable, specify the types of collections and disclosures approved by the Chief Privacy Officer.</p>
<p>Describe Type of Collection or Disclosure</p>
<p>N/A</p>
<p>N.Y.C. Admin. Code §23-1205(1)(b)</p>

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.	
Disclosure of identifying information is, in the first place, governed by City, state, and/or federal laws, rules, and regulations, including but not limited to the Model Citywide Protocol for Handling Third-Party Requests for Information Held by City Agencies, issued as City policy in April 2017 ("Citywide Third-Party Requests Protocol"). All Commission staff are instructed that any third-party request for identifying information must be directed to their unit head and to the General Counsel. Law Enforcement staff are additionally provided with instructions, guidance, and training on how to appropriately collect and disclose information, including being instructed on proper redacting practices and not soliciting or collecting certain personal and sensitive information that is not needed for the Commission's work.	
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 such policies specify that access to such information must be necessary for the performance of their duties?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8. Describe whether the policies are implemented in a manner that minimizes such access to the greatest extent possible while furthering the purpose or mission of the agency.	As implemented, these policies ensure that identifying information is disclosed outside of the Commission only after a business unit head and the General Counsel have determined that such disclosure is necessary, in furtherance of the Commission's mission, and in accordance with all relevant City, state, and/or federal laws, rules, and regulations. Furthermore, all units within the Commission generally restrict access to their files to those who require access for approved business purposes. This is accomplished by, among other means, digitally limiting access to files and databases, and maintaining secure and segregated paper files.
N.Y.C. Admin. Code §§23-1205(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.	
The same procedures and policies described in response to question Number 5, above, are applied to proposals for disclosures of identifying information to other City agencies, local public authorities, local public benefits corporations, and third parties. The General Counsel and relevant business unit head(s) will discuss any such proposal, and come to a determination as to whether it furthers the Commission's mission while also complying with the Citywide Third-Party Requests Protocol, and City, state, and/or federal laws, rules, and regulations.	
N.Y.C. Admin. Code §23-1205(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.	
The General Counsel/Agency Privacy Officer is responsible for classifying disclosures as routine or necessitated by exigent circumstances. The disclosures classified as routine were so classified because authorized disclosures of identifying information are central to the Commission's mission and purpose, as described above. No question of exigent circumstances has arisen, but if it does, the Commission will determine whether exigent circumstances exist and there is a need for disclosure by consulting the Identifying Information Law, Citywide Third-Party Requests Protocol, the guidance provided by the Chief Privacy Officer ("CPO"), and relevant City, state, and/or federal laws, rules, and regulations.	
N.Y.C. Admin. Code §23-1205(1)(c)(3)	

11. Describe the agency's current policies regarding which divisions and categories of employees within an agency make disclosures of identifying information following the approval of the privacy officer.

Once the Agency Privacy Officer has approved a disclosure, including those disclosures designated as routine, the Commission employee who requested authority to make such disclosure may do so pursuant to such approvals. If a Commission division wishes to retain a vendor or contractor to do work that requires providing access to identifying information, the Agency Privacy Officer will ensure that the contract with such vendor (i) explicitly limits the vendor's access to the minimum necessary; and (ii) incorporates the Local Law 245/247 rider provided by the Law Department. Any approved vendor disclosure to third parties is required to conform with the Citywide Third-Party Requests Protocol.

N.Y.C. Admin. Code §23-1205(1)(c)(4)

12. Describe whether the agency has considered or implemented, where applicable, any alternative policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of such agency.

The collection, retention, and disclosure of identifying information is essential to the Commission's ability to fulfill its statutory mission. The Commission, as discussed in response to question 5 above, initially takes care in soliciting and collecting personal and sensitive information that is needed for the Commission's work. In addition, the Commission's disclosures of personal information are reviewed by the Agency Privacy Officer. The Commission is aware that the CPO intends to issue Citywide policies in 2019, and is prepared to revise our policies and practices accordingly. The Commission is always working towards improving its policies and practices in this area.

N.Y.C. Admin. Code §23-1205(4)

13. Describe the agency's use of agreements for any use or disclosure of identifying information.

As referenced in response to question 11 above whenever a vendor or contractor needs access to identifying information in the furtherance of their contract, the contract will contain the following: (i) language explicitly limiting the vendor's access to the minimum necessary; (ii) the confidentiality provision set forth in Section 5.08 of the Law Department-promulgated Appendix A – General Provisions Governing Contracts for Consultants, Professional, Technical, Human, and Client Services; and if required (iii) the Local Law 245/247 rider provided by the Law Department. Where the Agency Privacy Officer and business unit head believe it appropriate, the contract may also attach a non-disclosure agreement. Furthermore, approved vendor disclosure to third parties is also required to conform with the Citywide Third-Party Requests Protocol.

N.Y.C. Admin. Code §23-1205(1)(d)

14. Using the table below, specify the types of entities requesting the disclosure of identifying information or proposals for disclosures of identifying information, and for each entity, describe (1) the reasons why an agency discloses identifying information to such entity, and (2) why any such disclosures furthers the purpose or mission of such agency.		
Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the purpose or mission of the agency
Adjudicative bodies/litigants	Adjudicative bodies, such as civil courts and administrative law judges, litigants, and parties to the Commission's enforcement actions may request or require the disclosure of identifying information. The Commission complies with such requests and/or orders, as required by applicable law, regulation, or rule.	Such disclosures further the Commission's ability to enforce the City Human Rights Law.
Government Agencies; City Legislature	Other governmental agencies, members of all branches of government at the City, state, and federal levels, sister agencies, and members of the legislative branch may request identifying information (i) pursuant to mandated or authorized reporting and compliance requirements, (ii) to gain information on behalf of their constituencies and their experiences with discrimination, or (iii) as part of litigation or investigations.	These disclosures further the Commission's mission to educate as to the scope of discriminatory conduct occurring in New York City. These disclosures may also be necessary to effectuate the personnel, contractual, budgetary, reporting and other administrative functions of the Commission
Members of the Public	Members of the public may seek the disclosure of identifying information (i) to gain more information about the Commission's work, campaigns, and cases; or (ii) as part of Freedom of Information Law requests.	Such disclosures further the Commission's mission to educate the public about the City Human Rights Law and the Commission's work
Members of the Press	Members of the Press may request identifying information in response to cases, campaigns, or enforcement matters highlighted in the Commission's external relations efforts. Participants in Commission campaigns execute releases authorizing the Commission to disclose some of their information as specified.	These disclosures foster further promulgation of the Commission's work, in service of the Commission's mission to educate the public about the City Human Rights Law and its protections.
Contracting partners	Mutual exchange of identifying information necessary to the contract bidding process (e.g. tax ID numbers, business address, M/WBE status) is required to effectuate contracts.	These disclosures are necessary for the Commission to carry out its contracting and procurement functions.

N.Y.C. Admin. Code §23-1205(f)(e)

15. Describe the impact of the Identifying Information Law and other applicable laws upon your agency's practices in relation to collection, retention, and disclosure of identifying information.

The Identifying Information Law has helped the Commission think about the kinds of identifying information it is collecting, retaining, and disclosing. The Commission has maintained the security of identifying information in its possession by, for example, segregating files electronically and in hard copy, and limiting individual staff member's access to identifying information only when required for a business purpose. The Identifying Information Law has provided the Commission with another helpful framework for these efforts.

N.Y.C. Admin. Code §23-1205(2)

16. Describe the impact of any privacy policies and protocols issued by the Chief Privacy Officer or the Identifying Information Committee, as applicable, upon your agency's practices in relation to the collection, retention, and disclosure of identifying information.

As described in response to question 15 above, the Identifying Information Law has provided the Commission with an additional framework for thinking about its collection, retention, and disclosure of identifying information. This framework has provided an additional specific and detailed way for the Commission to ensure that it is handling identifying information appropriately. These protocols have proven to be an important and helpful complement to the Commission's pre-existing practices surrounding identifying information, such as segregating files, and limiting access to identifying information on an as-needed basis. We anticipate that future guidance, policies, and protocols from the CPO and the Identifying Information Committee will further hone the Commission's practices in relation to the collection, retention, and disclosure of identifying information.

N.Y.C. Admin. Code §23-1205(3)


APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

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SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Damion K. L. Stodola		
Title:	General Counsel		
Email:	dastodola@cchr.nyc.gov	Phone:	212-416-0291
Signature:		Date:	July 31, 2018