

FORM 3

Agency Report Template

(Revised April 2022)

INSTRUCTIONS

The Identifying Information Law requires City agencies to submit comprehensive biennial agency reports (Form 3) related to their collection, disclosure, and retention of identifying information and their privacy protection practices.

To complete a 2022 Form 3:

- Update the agency's 2020 Form 1 (Inventory Form) with new information (including from any new or updated Forms 2 and 5 completed by the agency since 2020);
- Update or complete new Form 2s (APO Designation of Collections and Disclosures as "Routine") based on new information in the updated 2022 Form 1;
- Update or complete new Form 5s (Agency Privacy Officer Approval of Collections and Disclosures on a "Non-Routine" Basis) based on new information in the updated 2022 Form 1;
- Make sure all updated or new Forms 2 and 5 are consistent with the updated 2022 Form 1;
- Use the updated or new Forms 1, 2, and 5 to complete a new Form 3.

Before submission, Form 3 must be signed by the agency head or their designee. It is strongly recommended that agency counsel conduct a final review and approval before submission.

Submit Form 3 to:

- CPO at PrivacyOfficer@cityhall.nyc.gov
- Mayor at MOReports@cityhall.nyc.gov
- City Council Speaker at reports@council.nyc.gov
- Citywide Privacy Protection Committee at NYCPrivacyCommittee@cityhall.nyc.gov
- Department of Records and Information Services's (DORIS) online submissions portal at <https://a860-gpp.nyc.gov>

THIS REPORT IS PUBLIC. PREPARERS SHOULD CONSULT AGENCY COUNSEL OR THE CHIEF PRIVACY OFFICER TO ENSURE THE RESPONSES ARE PROVIDED ACCORDING TO APPLICABLE LAW AND CITY POLICY.

DO NOT SUBMIT PAGES 1-3

VERSION CONTROL

Version	Description of Change	Approver	Date
3.0	Updated completion date; miscellaneous clarifying revisions.	Aaron Friedman Principal Senior Counsel Office of Information Privacy	April 2022
2.0	Updated completion date; miscellaneous clarifying revisions.	Laura Negrón Chief Privacy Officer, City of New York	April 2020
1.0	First Version	Laura Negrón Chief Privacy Officer, City of New York	April 2018

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FORM 3 (AGENCY REPORT)

(Due on or before July 31, 2022)

Agency:	FISA-OPA		
Agency Privacy Officer:	Maureen Murphy		
Email:	mmurphy@fisa-opa.nyc.gov	Telephone:	212-857-1120
Date of Report:	July 29, 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)*	<p><u>Work-Related Information</u></p> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<p><u>Biometric Information</u></p> <input checked="" type="checkbox"/> Fingerprints <input checked="" type="checkbox"/> Photographs <input type="checkbox"/> Palm and handprints* <input type="checkbox"/> Retina and iris patterns* <input type="checkbox"/> Facial geometry* <input type="checkbox"/> Gait or movement patterns* <input type="checkbox"/> Voiceprints* <input type="checkbox"/> DNA sequences*	<p><u>Government Program Information</u></p> <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input checked="" type="checkbox"/> Any scheduled court appearances <input type="checkbox"/> Eligibility for or receipt of public assistance or City services <input checked="" type="checkbox"/> Income tax information <input checked="" type="checkbox"/> Motor vehicle information
<p><u>Contact Information</u></p> <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<p><u>Law Enforcement Information</u></p> <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 type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD
<p><u>Demographic Information</u></p> <input 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 type="checkbox"/> Religion <input type="checkbox"/> Sexual orientation	<p><u>Technology-Related Information</u></p> <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><u>Status Information</u></p> <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	<p><u>Other Types of Identifying Information</u> (list below):</p>
<p>*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).</p>	

2. Explain why the collection and retention of identifying information described in Question 1 furthers the purpose or mission of your agency.

FISA-OPA's collection and retention of identifying information takes place within three different contexts:

A. FISA-OPA's principal mission to administer, host, and maintain the primary enterprise systems used by most City agencies (and, in some cases, certain third parties).

Users at agencies across the City perform everyday transactions on these systems without any active involvement by FISA-OPA. These routine transactions account for the vast majority of the identifying information that flows into and out of FISA-OPA.

These systems include the Financial Management System (FMS), New York City Automated Personnel System (NYCAPS), Workers' Compensation System (WCS), and the CityTime timekeeping system, among others. FISA-OPA makes these systems and supporting services available to City agencies and officers, and vendors, as applicable.

While these systems reside at FISA-OPA, our role is limited to the technical activities necessary to implement their business functions and to provide reliable and secure access and support to users. Those business functions, as well as the policies governing system access and use, are determined by other agencies (for example, OMB and Comptroller's Office for FMS, DCAS for NYCAPS, and so on).

B. FISA-OPA's specific role as the agency that manages payment of the City's employees and retirees.

FISA-OPA operates the City's Payroll Management System (PMS) and Pension Payroll Management System (PPMS), which also reside at FISA-OPA. In conjunction with other relevant City agencies (primarily OLR and DCAS), FISA-OPA uses identifying information to process the City's payroll for over 300,000 active employees (most on a biweekly basis) and over 300,000 pensioners (most on a monthly basis), and manages the corresponding payments and related transactions that occur via the City's third-party banks and to process deceased employee beneficiary claims.

C. FISA-OPA's own internal agency operations.

Like most City agencies, FISA-OPA uses identifying information (including by means of the Citywide systems described above) to conduct its own internal human resources, procurement, and other business functions.

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
<p>Citywide: personnel functions. NYCAPS users across the City store and retrieve personnel-related information and records (e.g., manpower planning, performance appraisals, salary modifications, timekeeping) as part of their agencies' routine processing and reporting of human resources (HR) information.</p> <p>Internal users across the City submit job application information for vacant City positions.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Citywide: benefits processing. NYCAPS users across the City store and retrieve benefit-related information and records as part of their agencies' routine processing and reporting of HR information. City health plans and unions also exchange relevant benefits-related information with NYCAPS.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Citywide: workers' compensation claims. WCS users across the City store and retrieve workers' compensation-related information and records as part of the routine processing and reporting of workers' compensation matters.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Citywide: budgeting, accounting, and procurement capabilities. FMS users across the City, and City vendors (who, in some cases, are individuals) that have been granted limited access to FMS, store and retrieve financial-related information and records as part of the routine processing and reporting of financial data. FMS also exchanges relevant information with the City's bank to manage payments to City vendors.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Citywide: user access processing for FISA-OPA-administered systems. Personnel at agencies that use the Citywide applications maintained by FISA-OPA provide FISA-OPA support personnel limited information regarding their actual and prospective individual users to add, deletes, and modify access to those systems. This information is disclosed to the applicable user agencies as part of the routine process of maintaining accurate access records.</p> <p>Individual users provide limited personal information to FISA-OPA support personnel to resolve issues with their system access.</p> <p>City debt underwriters, financial advisors, and bond counsel must provide the name, address, email, and related information for a responsible individual as part of the process of being granted access to the Debt Management System (DMS). This information is not disclosed.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Citywide: E-hire (online job listing and application portal). External users submit job application information (for vacant City positions) through a portal into NYCAPS. NYCAPS users at relevant City agencies retrieve and store this and related information to process job applications and undertake other employment-related tasks.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>FISA-OPA payroll: active NYC staff. NYCAPS and PMS system users across the City store and retrieve payroll-related information and records as part of their agencies' routine processing and reporting of payroll data. The City's payroll banks, and federal and state tax and other authorities, also exchange payroll information with PMS.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p>

<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. Be as specific as possible.</p> <p>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.</p> <p>FISA-OPA follows all Citywide information and security policies applicable to data security, including secure file exchange processes.</p>	
<p>6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>7. If YES, do those policies specify that access to identifying information must be necessary to perform their duties?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>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.</p>	<p>FISA-OPA users are granted access to systems using a role-based approach that limits access to only those functions needed to perform their job responsibilities. The process assigns user access rights corresponding to the specified role, such that users have only those system privileges needed to perform their job responsibilities. These rights are authorized by the user’s manager, and are reviewed on a periodic basis. All modifications are tracked, providing a record of a user’s access rights from onboarding until termination.</p> <p>Access policy for the Citywide systems we operate is determined by the respective business owners of those systems.</p>
<p>N.Y.C. Admin. Code §§23-1205(a)(1)(c)(1), and (4)</p>	

<p>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.</p>
<p>The vast majority of FISA-OPA’s “disclosures” of identifying information occur as part of routine transactions conducted by agencies across the City without FISA-OPA’s active involvement. Further, the policies governing access to, and use of, the systems involved are set by agencies other than FISA-OPA (which only administers the technical aspects of the systems), and any proposals for additional disclosure via those systems is addressed at that level. Where appropriate, proposals for disclosures of identifying information via the payroll systems are addressed by FISA-OPA and the other agencies that set payroll policy (OLR and DCAS). In addition, like most proposed disclosures made as part of FISA-OPA’s internal business, these are considered on a case-by case basis with reference to any applicable contract(s) and/or governing law(s).</p>
<p>N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)</p>

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.

Citywide disclosures that are part of the regular functioning of the systems that FISA-OPA operates are designated as routine by the respective division managers. The Agency Privacy Officer evaluates other disclosures on a case-by-case basis, typically in conjunction with relevant business and/or technical personnel, and with reference to any applicable contract(s) and/or governing law(s).

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.

In the routine operation of the Citywide systems that FISA-OPA administers, it is the users at other agencies who initiate transactions resulting in the disclosure of identifying information; FISA-OPA employees play no active role in these disclosures. Access policy for those systems is determined by the respective business owners of those systems.

Disclosures that are a regular part of FISA-OPA’s payroll operations are “made” by the payroll systems as administered by authorized FISA-OPA personnel. FISA-OPA employees make routine disclosures in connection with internal agency business when authorized by their job function. For both payroll operations and internal agency business, FISA-OPA system users are granted system access using a role-based approach that limits access to only those functions needed to perform their job responsibilities. The process assigns user access rights corresponding to the specified role, such that users have only those system privileges needed to perform their job responsibilities. These rights are authorized by the user’s manager, and are reviewed on a periodic basis.

Approval by the Agency Privacy Officer for any other disclosures includes specification of what employee(s) or functional group(s) are authorized to make the disclosure.

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.

The vast majority of the flow of identifying information occurs programmatically via the Citywide systems that FISA-OPA administers, and those systems have been designed to collect, retain, and disclose only the identifying information relevant to the particular transactions performed. In addition, FISA-OPA already follows all Citywide information and security policies applicable to data security, including secure file exchange processes. Beyond our programmatic operations, as appropriate circumstances arise, FISA-OPA will implement alternative policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the mission of our agency.

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.

With regard to FISA-OPA's operation of the City's enterprise systems, it is the Citywide users of those systems who use and disclose the vast majority of the identifying information resident at FISA-OPA. Since the City is a single entity, there is no need for FISA-OPA to enter into agreements with those other agencies.

In the conduct of FISA-OPA's payroll operations and internal agency business, FISA-OPA enters into external partner agreements with external entities for the use and/or disclosure of identifying information only as necessary for the furtherance of FISA-OPA's mission. For example, FISA-OPA has entered into agreements with the banks that process payroll and pension payments, which provide for FISA-OPA's disclosure of payment-related information to those banks and for the banks' use of that information to administer the payments. All such agreements include confidentiality provisions prohibiting the further disclosure or use of information, except under very limited circumstances (such as with FISA-OPA's express consent, or as required by law).

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
NYC agencies and elected officials	To permit agencies and elected officials to perform HR and financial processing or reporting as required for management of their agency or oversight of their respective Citywide function	FISA-OPA's purpose includes hosting and operating the systems that permit agencies and elected officials to accomplish these tasks.
Benefits providers	To permit benefits providers to update personal information of NYC staff and reflect changes to benefit programs	FISA-OPA's purpose includes hosting and operating the systems that permit benefits agencies to accomplish these tasks.
Pension systems	To permit pension systems to manage processing for NYC retiree pension checks and various other benefits	FISA-OPA's purpose includes hosting and operating the systems that permit the pension systems to accomplish these tasks.
Banks	FISA-OPA sends disbursement-related information (ACHs, checks) to banks for issuing payments to active NYC employees, retirees, beneficiaries and vendors	FISA-OPA's purpose includes payment of the City of New York's employees, retirees, and vendors. Disclosure is necessary to accomplish these purposes.
Federal, state, & local governments	Exchange of tax and SSN related information, as well as deduction information in support of normal payroll functions	FISA-OPA's purpose includes payment of the City of New York's employees, retirees, and vendors. Disclosure is necessary to meet the City's legal obligations that arise in connection with these payments.
Judicial/legal and investigative bodies	Responses to FOIL requests and subpoenas. This includes disclosure of any data that is legally mandated. The specific information requested varies for each situation.	FISA-OPA's purpose includes hosting and operating Citywide systems that maintain City financial, payroll, timekeeping and human resource information. Disclosure is necessary to meet the City's administrative and legal obligations.
City unions	Data pertaining to membership and benefits	FISA-OPA's purpose includes hosting and operating Citywide systems that maintain City financial, payroll, timekeeping and human resource information. Disclosure is necessary to meet the City's obligations under its collective bargaining agreements.
Employee and Retiree Investment Managers	Exchange information with money managers for active employees and retirees (e.g., Met Life, Prudential, TIAA-CREF) to support payroll deductions processes for Tax-Deferred Annuities and investments	FISA-OPA's purpose includes hosting and operating Citywide systems that maintain City financial, payroll, and related information. Disclosure is necessary to support the operation of these benefits.

		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).

FISA-OPA manages multiple critical City information technology applications and assets, including the business applications that provide the tools and information that agency employees Citywide require to perform their financial, payroll, pension, and HR functions. Among the key functions that these systems perform are:

- processing salary payments for more than 300,000 active employees (most on a biweekly basis);
- processing pension payments for more than 300,000 retirees (most on a monthly basis);
- processing more than 400,000 workers' compensation-related payments annually;
- intake of weekly timesheets from almost 200,000 City workers;
- processing more than 700,000 payments per year to more than 50,000 unique City payees/vendors; and
- printing and distributing more than one million pieces of tax documentation at the end of each calendar year.

As these numbers demonstrate, these business systems support core functions of City government and are fundamental to the City's operations.

FISA-OPA's mission and purpose is to ensure the continuing ability of agencies, elected officials, and certain third parties to perform their payroll, human resources, financial, and timekeeping functions. The ability, under the Identifying Information Law, to designate the vast number of Citywide disclosures that are part of the regular functioning of the systems that FISA-OPA operates as routine, allows FISA-OPA to ensure continuity of operations.

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).

The Agency has issued procedures for reporting suspected or known violations of the identifying information law based on the CPO's model protocol.

N.Y.C. Admin. Code §23-1205(a)(3)


APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Maureen Murphy		
Title:	General Counsel		
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ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Neil Matthew		
Title:	Executive Director		
Email:	Nmatthew2fisa-opa.nyc.gov	Phone:	212-857-7301
Electronic Signature:		Date:	Jul 21, 2022

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