

AGENCY REPORT

(due on or before July 31, 2018, and by July 31 every two years thereafter)

Agency:	Civilian Complaint Review Board		
Agency Privacy Officer:	Kerry Jamieson		
Email:	kjamieson@ccrb.nyc.gov	Telephone:	212-912-7261
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 checked="" 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 checked="" 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 checked="" 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 type="checkbox"/> Other:	
<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>The CCRB is charged with investigating --- and in certain instances, mediating or prosecuting --- civilian complaints against members of the New York City Police Department (NYPD) for force, abuse of authority, discourtesy, and offensive language under NYC Charter Chapter 18A, Section 440. Collecting and retaining identifying information about complainants, witnesses, police officers and other individuals is necessary for the thorough and complete investigation and/or prosecution of these allegations, including uncovering and obtaining evidence. The CCRB regularly obtains/discloses records containing identifying information about police officers, arrestees, and others, as part of its day-to-day work. The CCRB also discloses records containing identifying information, as required by law and/or pursuant to court order. For non-investigative functions, the CCRB collects and retains identifying information for Human Resources, Information Technology, Training, Budget and Operations, Case Management and referral purposes.</p> <p>Pursuant to the CCRB's organizing charter (N.Y.C. Charter 18A, § 440), which requires that the Agency maintain a mediation program, identifying information about complainants/witnesses/victims, officers, and mediators is collected and retained to facilitate the mediation program.</p>

Likewise, it is necessary for the Outreach Unit to collect and retain identifying information about civilians, political figures, individuals associated with reform, advocacy, and community groups in order to meet the Agency’s charter-mandated obligation to inform the public of the CCRB and its function.

The General Counsel’s office may collect and retain identifying information for the purposes of engaging in litigation and/or other legal action.

N.Y.C. Admin. Code §23-1205(1)(f)

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.

Add additional rows as needed.

Describe the Collection or Disclosure	Classification Type
Collection and Disclosure of identifying information by Human Resources and Administration for the purposes of processing recruitment, employment, benefits, and payroll-related functions. This is a necessary and routine function that the Human Resources and Administration units provide on behalf of the Board and staff of the CCRB.	<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
Disclosure of aggregate data related to complaints received by the CCRB and their outcomes is done by the Policy and Advocacy Unit . The Director of Analytics discloses data to the NYPD, upon request. Only limited categories of identifying information are included in these disclosures. Disclosure of aggregate data in the form of annual and semi-annual reports and at monthly public board meetings is required by the CCRB’s organizing charter and thus is routine and in furtherance of the mission of the Agency. Disclosures in response to public inquiries and pursuant to the Freedom of Information Law are made on a case-by-case basis and in compliance with applicable law.	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis
Collection and retention by the Intake Unit of identifying information received from members of the public contacting the CCRB for the purpose of filing a complaint against a member of the NYPD. Collection of information by the Intake Unit’s Field team for purposes of locating and contacting civilian victims and witnesses of alleged misconduct. Being able to contact and communicate with civilian complainants and witnesses is a necessary function of the CCRB as an investigative agency, and therefore is designated as routine.	<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
Collection, retention and disclosure of records from/to the NYPD by the NYPD Liaison that contain identifying information for the purposes of the CCRB’s investigations and prosecutions. Because the CCRB is an oversight agency for the NYPD, the collection, retention, and disclosure (back to the NYPD or to the officers involved in the investigation) of these records is done in the normal course of business and is essential to the Agency’s mission to investigate allegations of police misconduct falling within the CCRB’s jurisdiction.	<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
Retention of electronically-stored complaint and investigation data by the Information Technology/MIS Unit for the purposes of tracking and maintaining case information is a routine function that furthers the mission of the Agency. It also allows the CCRB to comply with city-wide document retention policies, requests for information pursuant to the Freedom of Information Law, and other provisions of 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
Collection and retention of identifying staff information for the purposes of maintaining electronic mail and access to agency-wide electronic databases is also a routine function that furthers the mission of the Agency and allows it to conduct its day-to-day business.	
The retention of records containing identifying information by the Case Management Unit for record-keeping purposes is a routine and core function provided to the Agency and furthers the mission of the CCRB. Maintaining investigative case files is necessary for the CCRB’s day-to-day functions, including, but not limited to investigations, requests pursuant to the Freedom of Information Law, complying with court orders for the disclosure of information, and litigation by the CCRB and Law Department.	<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>Disclosure of records containing identifying information by the Case Management Unit to the Law Department for the purposes of litigation and to other governmental agencies through the referral process for complaints that do not fall within the CCRB's jurisdiction is necessary for the day-to-day functions of the Agency and is in furtherance of the CCRB's mission to serve the public. These are routine disclosures.</p>	
<p>The CCRB's Mediation Unit functions as mandated by the CCRB's organizing charter. As a routine function, the Mediation Unit collects identifying information about mediators hired by the Agency to conduct mediations of CCRB complaints. The mediation file retains identifying information about the complainant(s) and officer(s) involved in the mediation.</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>The Investigations Unit is CCRB's largest unit and it carries out the charter-mandated mission of the CCRB to investigate civilian complaints falling within the CCRB's jurisdiction. Investigators are tasked with carrying out thorough and complete investigations, which requires the collection, retention, and in limited instances, disclosure of various types of records containing identifying information from multiple sources, such as individuals and governmental, commercial, and residential entities, as part of the day-to-day functioning of the Agency. Collection of information is routinely done through the issuance of a subpoena. As such, collection, retention, disclosure of records and evidence related to an investigation has been designated as routine. Disclosure, where it does occur, is done through the NYPD Liaison.</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>The Operations Unit handles procurement, facilities, budget, fleet and telecom responsibilities for the CCRB. Vendor contact, banking, and tax information is collected in the ordinary course of business for the purposes of obtaining, accepting and granting contract bids, purchasing goods and/or services, and processing payments. Personal employee information, such as driver license information and driving records, is collected and disclosed, as necessary, for the purpose of maintaining certified fleet drivers and processing any related insurance claims. Personal employee information is also collected and retained for accounting purposes where the CCRB provides reimbursement for agency-related expenses. All of these are core functions performed by the Operations Unit on behalf of the Agency and are necessary for the furtherance of the CCRB's mission to investigate complaints and also to comply with state and local reporting, meeting, and record-keeping requirements.</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>The Administrative Prosecution Unit (APU) handles the prosecution of allegations against police officers where the CCRB's Board has substantiated misconduct and recommended charges and specifications. The APU, which was created in 2013 pursuant to a Memorandum of Understanding with the NYPD, furthers the mission of the Agency because it prosecutes the most serious instances of officer misconduct, as determined by the CCRB's Board. Further, because the CCRB is not a part of the NYPD, prosecutions handled by the CCRB maintain the same independence as the underlying CCRB investigation.</p> <p>As part of its prosecution, the APU collects, retains, and discloses information, including, but not limited to, witness/victim and officer contact information and medical records, criminal records, member of service employment and personnel history, arrest and prosecution records, and court records. Collection, retention, and disclosure of this information is essential to a successful prosecution that meets the CCRB's burden of proof at a disciplinary hearing. Disclosure is also required by law as part of the discovery process. These are all routine functions attendant to a prosecution.</p> <p>Collection of non-routine information or records, such as sealed records, would be handled by the General Counsel's Office and the APO would determine the necessity of the collection and any subsequent disclosure on a case-by-case basis.</p>	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis
<p>The Training Unit collects identifying information about trainers/instructors who are invited to the CCRB to provide training for staff members. It discloses identifying information about staff members, such as name, email and title, for the purposes of registering them for trainings conducted in-house and outside of the Agency. This is a routine function of the Training Unit and it furthers the mission of the CCRB because it maintains the level of training and education necessary for the staff members to effectively carry out their duties.</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>The Communications Unit collects, retains and discloses identifying information and records to facilitate online and print communications and to provide information on the CCRB’s website. The Communications Unit also collects and discloses information for the purposes of executing the CCRB’s charter-mandated duty to educate the public, engage community outreach, respond to concerns from the public, and report on relevant issues and policy matters. These collections and disclosures are routine. For the purposes of press-related communications, collection of employer information, contact information, and the names of individuals employed by news outlets is necessary and routine.</p>	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis
<p>Disability Rights Coordinator collects identifying information in various categories, including but not limited to, medical records, religion, and victim status, for the purpose of evaluating whether a reasonable accommodation should be made. The collection of this information is routine and furthers the mission of the Agency to provide reasonable accommodations for staff and make the workplace comfortable and also to be in compliance with the law. Disclosure of this information would be approved by the APO on a case-by-case basis.</p>	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis
<p>The Outreach Unit has been pre-approved for routine collection of contact and demographic information from members of the public, elected officials, and community groups in order to educate the public about the CCRB, as required by the City Charter.</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>Equal Employment Officers (EEO) are pre-approved to collect and retain identifying information relevant to the filing or investigation of an EEO complaint, such as, but not limited to, gender identity, sexual orientation, race, victim status, nationality, country of origin. Disclosures of any information obtained during the course of an EEO investigation would be subject to General Counsel review and a case-by-case designation by the APO.</p>	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis
<p>The General Counsel’s Office is pre-approved for the routine disclosure of records containing identifying information in response to subpoenas and court orders received in the regular course of business, provided they comply with the requirements of Civil Rights Law 50-a.</p> <p>Disclosure of identifying information to NYPD to facilitate reconsideration requests is also routine and in furtherance of the CCRB’s mission; the reconsideration process is part of the Rules of the CCRB.</p> <p>Collection and disclosure of identifying information in connection with litigation or other legal action engaged in on behalf of or in defense of the Agency is designated as routine and in the furtherance of the mission of the Agency.</p> <p>Disclosures mandated by the Freedom of Information Law are not subject to the Identifying Information law, but to the extent that disclosure is discretionary under FOIL, the Records Access Officer, who is also the APO, redacts any non-mandatory identifying information, except where the disclosure is being made to the subject of the identifying information or their counsel or legal representative.</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

N.Y.C. Admin. Code §23-1205(1)(b)

<p>4. If applicable, specify the types of collections and disclosures approved by the Chief Privacy Officer.</p>
<p>Add additional rows as needed.</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.

The City agencies that the CCRB typically receives requests from are the NYPD and Corporation Counsel (Law Department). Given the frequency with which these requests are made and the need for the efficient flow of information between these agencies for the purposes of our investigations and any litigation related to the CCRB, these requests have been designated by the APO as routine. The CCRB has established procedures for the exchange of that information through the **NYPD Liaison** and the **Case Management Unit**. The CCRB's NYPD Liaison is responsible for the collection and disclosure of information to/from the NYPD. The Case Management Unit is responsible for providing the Law Department with the records requested in the course of pending litigation.

For non-routine disclosure requests from other City agencies or third parties, all of the CCRB's department heads overseeing each agency sub-function have been advised to contact the APO before making any disclosures.

Subpoenas and court orders seeking CCRB information are handled by the **General Counsel's Office**. Some of these disclosures have been designated routine given the frequency with which the CCRB receives certain types of subpoenas and court orders. For non-routine subpoenas and court orders, the General Counsel's office determines on a case-by-case basis whether the disclosure is required by law and is in furtherance of the Agency's mission. The CCRB's APO is also the Assistant General Counsel, which allows for a comprehensive evaluation of whether non-routine disclosure requests are in compliance with the Identifying Information law.

As a final note, CCRB's investigations are confidential and covered by Civil Rights Law 50-a, which prohibits the disclosure of police personnel records to anyone other than another government agency specified in the statute, absent a court order. The CCRB adheres strictly to the statute. Therefore, the parties to which we disclose information is very limited.

6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors? Yes No

7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties? Yes 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.

The vast majority of the identifying information collected, retained, or disclosed by the CCRB is done by the **Investigations Unit** and is contained in its investigative files. The CCRB staff is predominantly comprised of investigators and investigative squad managers who need access to all the information about their investigations. It would be impracticable and a detriment to the purpose and function of the mission of the CCRB to limit access to records containing identifying information.

Access to **Human Resources** and personnel records that contain identifying information is limited to the Human Resources staff. Mediation files are also maintained by the **Mediation Unit** and are not readily accessible to the non-Mediation staff.

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.

N/A

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.

An exigent circumstance is unlikely to be the basis upon which identifying information is collected or disclosed by the CCRB. The CCRB's APO has personally met and discussed the Identifying Information law with the staff members responsible for each agency sub-function identified in the Agency inventory. They have all been advised as to which types of collections and disclosures are considered routine.

Any updates or instructions from the CPO are promptly disseminated to the heads of each agency sub-function by the APO.

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.

The CCRB does not have a formal policy on which employees are permitted to make disclosures. However, as indicated above, only certain agency units make routine disclosures and the categories of disclosure are for limited purposes.

The Assistant General Counsel serves as the CCRB's Records Access Officer and the APO. Given the consolidation of those roles, the CCRB has minimized the number of people authorized to disclose Agency records and has ensured that disclosures adhere to the Identifying Information law.

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.

As an investigative agency, it is essential that the CCRB investigators collect all relevant records and/or evidence to determine the allegations of misconduct filed against an officer. Identifying and locating the officers involved in the alleged misconduct or individuals who may have information relevant to the complaint is necessary for the CCRB's investigations. Hampering the investigative process and the investigators' access to information would severely undermine the quality of the CCRB's investigations and the mission of the Agency.

Once collected, however, CCRB has policies and procedures in place to limit the unnecessary disclosure of any records, including records containing identifying information. All CCRB investigations are confidential and no records are disclosed to outside parties (other than the NYPD and the Law Department for the purposes of litigation, as discussed above) unless it is pursuant to a court order or in compliance with Civil Rights Law 50-a and the Freedom of Information Law. These disclosures would be handled by the General Counsel's office.

N.Y.C. Admin. Code §23-1205(4)

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

N/A

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.

Add additional rows as needed.

Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the purpose or mission of the agency
NYPD	To obtain records and communicate information about the CCRB's investigation and/or prosecution of a Member of Service	CCRB provides oversight for the NYPD and the exchange of information between the two agencies is necessary for the functioning of the Agency.
Law Department	In connection with litigation related to a CCRB investigation	Compliance with court orders and the Law Department's discovery obligations.
Criminal and Civil Courts	In response to a court order or so ordered subpoena for information in the CCRB's investigative files	Compliance with a lawfully-issued court order and to facilitate the administration of justice
Federal courts/US Attorney	In response to a court order or subpoena for information in the CCRB's investigative files	Compliance with a lawfully-issued court order and to facilitate the administration of justice
District Attorney's Offices and other state/local prosecutorial agencies	Under Civil Rights Law 50-a, personnel information can be disclosed to District Attorney's Offices and other designated prosecutorial agencies in furtherance of their official duties; Required in order for prosecutor to be in compliance with <i>Brady/Giglio/Rosario</i> obligations	Compliance with a lawfully-issued court order and to facilitate the administration of justice
Other city agencies	Where necessary for the execution of the other agency's official functions	In accordance with Civil Rights Law 50-a. Also, it is in the interest of the CCRB to provide information, where permitted and necessary, to allow other agencies to conduct their work as there are times when the CCRB will need to information from these agencies to complete its work.
		N.Y.C. Admin. Code §23-1205(f)(e)

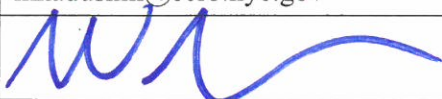
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15. Describe the impact of the Identifying Information Law and other applicable laws upon your agency's practices in relation to collection, retention, and disclosure of identifying information.
The vast majority of the CCRB's collection, retention and disclosure of identifying information is part of the necessary and routine day-to-day function of the Agency. Therefore, the Identifying Information Law has not had much impact on those practices. On a whole, the Agency is now aware that non-routine requests should be brought to the attention of the APO/General Counsel's Office for a determination of whether the information should be disclosed.
Because the CCRB's records are covered by Civil Rights Law 50-a, the Agency staff is acutely aware that any information in our records cannot be freely disclosed.
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.
N/A
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:	Matthew Kadushin		
Title:	General Counsel		
Email:	mkadushin@ccrb.nyc.gov	Phone:	212-912-2013
Signature:		Date:	July 31, 2018

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