

**FORM # 3**  
***Agency Report Template***

(Revised July 2020)

**INSTRUCTIONS**

The Identifying Information Law requires City agencies to submit comprehensive biennial reports related to their collection, disclosure, and retention of identifying information and their privacy protection practices. Agencies should review their 2018 reports, and begin collecting any updated information as soon as possible. The agency's updated and completed Inventory Form (Form #1), together with the Routine Designation Forms (Form #2) and Forms for the Agency Privacy Officer Approval of Collections and Disclosures on a Case-by-Case Basis (Form #5), should contain a significant amount of the information necessary to complete the report. While the Law does not specify who must complete the report, the APO is best positioned to do so, with final review and approval before submission by either the agency's General Counsel, or other counsel to the agency.

Agencies should review their 2018 versions of Form #3: Agency Report Template, and using this information and any updates to this report since 2018, complete a new Form #3 for 2020. This Form must be submitted to the CPO at [PrivacyOfficer@cityhall.nyc.gov](mailto:PrivacyOfficer@cityhall.nyc.gov). The report must also be submitted to the Mayor, at [MOReports@cityhall.nyc.gov](mailto:MOReports@cityhall.nyc.gov), City Council Speaker, at [reports@council.nyc.gov](mailto:reports@council.nyc.gov) and the Citywide Privacy Protection Committee, at [NYCPrivacyCommittee@cityhall.nyc.gov](mailto:NYCPrivacyCommittee@cityhall.nyc.gov). Additionally, per N.Y.C. Charter §1133(a), agencies must submit their report to the City's Department of Records and Information Services's online submissions portal at <https://a860-gpp.nyc.gov> within ten days of submission to the CPO, the Mayor, the City Council Speaker, and the Citywide Privacy Protection Committee. **Agency reports must be signed by the agency head or designee prior to submission.**

**NOTE: For questions requesting information about existing agency policies relating to the disclosure of identifying information, agencies should describe their specific agency policies, and may also reference the Model Citywide Protocol for Handling Third Party Requests for Information Held by City Agencies, issued as City policy in April 2017 (on file with the CPO), as well as the Identifying Information Law Rider.**

**IMPORTANT NOTE**

**THE INFORMATION CONTAINED IN THE AGENCY REPORT WILL BE PUBLIC INFORMATION. PREPARERS OF THIS REPORT SHOULD CONSULT WITH THEIR AGENCY'S GENERAL COUNSEL OR THE CHIEF PRIVACY OFFICER REGARDING ANY QUESTIONS AS TO WHETHER THE AGENCY'S RESPONSES TO QUESTIONS IN THE REPORT ARE PROVIDED IN ACCORDANCE WITH APPLICABLE LAW AND CITY POLICY.**

**THESE INSTRUCTIONS AND VERSION CONTROL INFORMATION  
ON THE FOLLOWING PAGE SHOULD BE DETACHED  
FROM THE REPORT BEFORE SUBMISSION**

## VERSION CONTROL

<b>Version</b>	<b>Description of Change</b>	<b>Approver</b>	<b>Date</b>
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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# AGENCY REPORT

## (due on or before July 31, 2020)

<b>Agency:</b>	NYC Independent Budget Office		
<b>Agency Privacy Officer:</b>	Lisa Neary		
<b>Email:</b>	lisan@ibo.nyc.ny.us	<b>Telephone:</b>	212-341-6041
<b>Date of Report:</b>	August 4, 2020		

### 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)*	<b><u>Work-Related Information</u></b> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<b><u>Biometric Information</u></b> <input type="checkbox"/> Fingerprints <input type="checkbox"/> Photographs	<b><u>Government Program Information</u></b> <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input type="checkbox"/> Any scheduled court appearances <input checked="" type="checkbox"/> Eligibility for or receipt of public assistance or City services <input type="checkbox"/> Income tax information <input type="checkbox"/> Motor vehicle information
<b><u>Contact Information</u></b> <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<b><u>Law Enforcement Information</u></b> <input checked="" type="checkbox"/> Arrest record or criminal conviction <input 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
<b><u>Demographic Information</u></b> <input type="checkbox"/> Country of origin <input type="checkbox"/> Date of birth* <input type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input checked="" type="checkbox"/> Marital or partnership status <input type="checkbox"/> Nationality <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Sexual orientation	<b><u>Technology-Related Information</u></b> <input type="checkbox"/> Device identifier including media access control MAC address or Internet mobile equipment identity (IMEI)* <input type="checkbox"/> GPS-based location obtained or derived from a device that can be used to track or locate an individual* <input type="checkbox"/> Internet protocol (IP) address* <input type="checkbox"/> Social media account information
<b><u>Status Information</u></b> <input type="checkbox"/> Citizenship or immigration status <input type="checkbox"/> Employment status <input type="checkbox"/> Status as victim of domestic violence or sexual assault <input type="checkbox"/> Status as crime victim or witness	
<p><b><u>Other Types of Identifying Information</u></b> (list below): As noted below, the City Charter requires IBO to provide analysis and information <i>as requested</i> by elected officials and members of the public. This means that IBO may collect identifying information (in the form of data initially collected by other city agencies and transferred to IBO) in connection with these requests. While IBO collects identifying information from other city agencies in performing this charter-mandated mission, this data is almost always made anonymous before it is delivered to IBO. In addition, IBO has a number of confidentiality agreements with state and city agencies governing the use and disclosure of data.</p> <p>The only identifying information that IBO collects initially itself is information related to IBO employees. This information is shared with the appropriate city agencies (such as DOI and OPA) for human resource and administrative purposes.</p>	
<p>*Type of identifying information designated by the CPO (see CPO Policies &amp; Protocols § 3.1.1).</p>	

### 2. Specify the reasons why collection and retention of identifying information specified above furthers the purpose

**or mission of your agency.**

The Independent Budget Office (IBO) is required by the City Charter to provide elected officials and members of the public with non-partisan, objective analysis of the city’s budget and fiscal condition. Specifically, the charter provides that it is the duty of IBO to provide to elected officials: “(1) information with respect to the budget, appropriations bills and proposed local laws with fiscal implications; (2) information with respect to estimated revenues and receipts and changing revenue conditions; and (3) to the extent practicable, such other information or analyses as may be requested by such officials and bodies.” (Charter Section 260). In order for IBO to fulfill this mission, the Charter also grants the agency very broad access to information authority. The IBO Director is authorized to “secure such information, data, estimates and statistics from the agencies of the city as the director determines to be necessary for the performance of the functions and duties of the office and such agencies shall provide such information to the extent that it is available, in a timely fashion.” (Charter Section 259),

In addition to responding to requests, the City Charter mandates that IBO produce three budget related reports.

**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. Appendix B of the 2020 Agency Guidance includes detailed examples of routine and non-routine collections and disclosures, with descriptions.**

**Add additional rows as needed.**

Describe the Collection or Disclosure	Classification Type
Transfers of data related to IBO reports and analyses done in support of the agency’s charter mandated mission are all designated as routine. Given that IBO s an oversight agency with broad access to information authority under the charter all disclosures to IBO of identifiable information are routine. IBO does not disclose identifiable data it collects from other agencies, and only publishes reports using the data with data presented in summarized form. In the event that a data set is so small as to make it likely that a specific identity could be determined, IBO suppresses this data.	<input checked="" type="checkbox"/> Pre-approved as routine <input checked="" type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis
	<input 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)	
N.Y.C. Admin. Code §23-1205(a)(1)(f)	

**4. If applicable, specify the types of collections and disclosures that have been approved by the Chief Privacy Officer as being “in the best interests of the City” which involve any collections and disclosures of identifying information relating to your agency.**

**Add additional rows as needed.**

Describe Type of Collection or Disclosure

**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.**

Identifiable data are never disclosed in raw form. Data used for the agency’s reports are published, described and disclosed in summarized and/or aggregate form.

**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.** See above

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.**

IBO analyzes some identifying data in performing the agency’s mission of providing information on the city budget and programs. This data is only described in summarized form in the agency’s reports.

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.**

Disclosures made in the context of reports and analyses IBO published as a part of the agency’s general mission are routine. FOIL requests are referred to the agency’s General Counsel. Press requests are referred to the agency’s Communications Director. Any requests for information from law enforcement agencies are referred to the APO/General Counsel. Data that IBO collects from other city agencies is made anonymous before it is transferred.

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 within an agency make disclosures of identifying information following the approval of the privacy officer.**

IBO budget analysts and economists make disclosures of identifying information in aggregate form when reports are published. The data we collect and use for these reports are usually made anonymous by the agency disclosing the data to IBO. In addition, IBO analysts are required to sign non-disclosure and confidentiality agreements when their work requires the use of confidential information protected by privacy laws.

The agency's administrative director makes disclosures of information regarding IBO employees to the appropriate city agencies for administrative and human resource related reasons in the normal course of business. These disclosures are designated as routine.

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 that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of such agency.**

IBO is not responsible for the initial collection of ANY identifiable information, other than data related to the agency's employees. IBO collects data that other city agencies have compiled on an as needed basis to perform IBO's mission.

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.**

IBO has a number of data sharing agreements with city/state agencies that protect the confidentiality of the data that IBO collects and uses for analyses. In addition, IBO has a model data sharing MOU for use when IBO requests information from other city agencies that requires the disclosure of "sensitive identifying information" and puts privacy interests at risk. IBO negotiated the form of this MOU with the law department and the CPO, and both the law department and the city's CPO have accepted this form for use when required by APOs.

N.Y.C. Admin. Code §23-1205(a)(1)(d)



**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 IIL has made it more difficult for city agencies to share information with IBO. This in turn impedes IBO's ability to analyze the city's budget and fiscal condition in a timely manner. IBO spent a significant amount of time negotiating an acceptable form for a data sharing agreement to be used by agencies when they are asked by IBO to share information related to IBO work. Although not intended to infringe on oversight agencies and their ability to perform their functions, at least in the case of IBO, the IIL has done just that to some extent.

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 the collection, retention, and disclosure of identifying information.**

As mentioned above, IBO has spent a significant amount of time negotiating a model MOU to be used when IBO asks city agencies to share information that is deemed a non-routine request for "sensitive identifying information". From IBO's perspective, it would be truly helpful to have the CPO make VERY clear to ALL city agencies that sharing information with agencies that have legal oversight authority is ROUTINE and does not require entering into data sharing agreements. In addition, it would be helpful to have a non-Mayoral, oversight agency representative on the Citywide Privacy Protection Committee so that issues that pertain to the ability of oversight agencies to perform their functions could be more adequately considered and addressed.

N.Y.C. Admin. Code §23-1205(a)(3)

**APPROVAL SIGNATURE FOR AGENCY REPORT**

<b>Preparer of Agency Report:</b>			
<b>Name:</b>	Lisa Neary		
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<b>SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW</b>			
<b>Agency Head (or designee):</b>			
<b>Name:</b>	Douglas Turetsky		
<b>Title:</b>	Chief of Staff		
<b>Email:</b>	dougt@ibo.nyc.ny.us	<b>Phone:</b>	212-442-0629
<b>Signature:</b>	<i>Doug Turetsky</i>	<b>Date:</b>	August 4, 2020

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