

## **FORM 2**

# ***APO Designation of Collections and Disclosures as “Routine”***

(Revised April 2022)

### **INSTRUCTIONS**

Under the City’s Identifying Information Law, codified at N.Y.C. Admin. Code §§ 23-1201 to 1205, a City agency may not collect or disclose identifying information unless one of the enumerated exceptions applies. One such exception authorizes the Agency Privacy Officer (APO) to pre-approve a collection or disclosure that is “routine,” defined under the Law as “made during the normal course of city agency business and furthers the purpose or mission of the agency.”<sup>1</sup> This “routine” exception also includes collections and disclosures between City agencies when their privacy officers agree that the collection or disclosure furthers the purpose or mission of their respective agencies.

Form 2 is designed to record the agency’s collections and disclosures that are designated as “routine” in accordance with the Identifying Information Law. It should be completed by the APO, kept on file at the agency, and produced upon request of the Chief Privacy Officer (CPO). Once completed, this Form will contain information needed to complete a biennial agency report (Form 3) required under Admin. Code § 23-1205.

The APO may refer to the Mayor’s Office of Information Privacy Intranet site on CityShare<sup>2</sup> for examples of completed routine designation forms, or email [OIP@oti.nyc.gov](mailto:OIP@oti.nyc.gov) with questions about completing this Form.

#### **NOTE ON CERTAIN COLLECTIONS AND DISCLOSURES MADE BY HUMAN SERVICES CONTRACTORS AND SUBCONTRACTORS**

The APO may designate as “routine” the collections and disclosures of identifying information that are made by the agency’s human services contractors and subcontractors.

<sup>1</sup> See Admin. Code §§ 23-1201, 23-1202(b)(2)(a), 23-1202(c)(2)(a).

<sup>2</sup> See <https://cityshare1.nycnet/html/informationprivacy/html/home/home.shtml>.

## VERSION CONTROL

Version	Description of Change	Approver	Date
4.0	Updated completion date; miscellaneous clarifying revisions	Aaron Friedman Principal Senior Counsel Office of Information Privacy	April 2022
3.0	Removed form modification notes from version 2.0; miscellaneous clarifying revisions.	Laura Negrón Chief Privacy Officer, City of New York	April 2020
2.0	Revised instructions; added version control box; re-organized types of identifying information; updated to reflect CPO-designated types of identifying information; consolidated questions; added Question 7.	Laura Negrón Chief Privacy Officer, City of New York	June 2019
1.0	First Version	Laura Negrón Chief Privacy Officer, City of New York	April 2018

## FORM 2 (APO DESIGNATION OF “ROUTINE” COLLECTIONS AND DISCLOSURES)

The APO should complete a Form 2 for each new “routine” designation. This Form may also be used to document internal agency protocols to be followed for handling disclosures of identifying information to “third parties” where such disclosures have been approved by the APO as a “routine” function of the agency (see Question 7).

**APOs SHOULD ONLY COMPLETE A FORM 2 TO DOCUMENT ANY NEW “ROUTINE” DESIGNATIONS THAT WERE NOT INCLUDED IN ANY FORM 2S THAT THE APO COMPLETED FOR THE AGENCY IN 2020.**

<b>Agency:</b>	NYC Civic Engagement Commission
<b>Agency Privacy Officer:</b>	Oscar Jorge Romero Jr.
<b>Date of Initial Designation:</b>	July 19, 2024
<b>APO Signature:</b>	

<b>1. Specify the designation (check all that apply):</b>	<input checked="" type="checkbox"/> Routine Collection	<input type="checkbox"/> Routine Disclosure
<b>2. Check whether the collection or disclosure is made by or involves a contractor or subcontractor:</b>	<input type="checkbox"/> Collection by Contractor	<input type="checkbox"/> Disclosure by Contractor
	<input type="checkbox"/> Collection by Subcontractor	<input type="checkbox"/> Disclosure by Subcontractor
<b>If applicable, have you, as APO, authorized an agency contractor or subcontractor that is subject to the Identifying Information Law to perform APO duties in relation to a contract or subcontract for the collection or disclosure reported above?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>3. Has this collection or disclosure been designated by you, as APO, and the APO of <u>another</u> agency or agencies as routine, by furthering the purpose or mission of their respective agencies?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If YES, indicate how many other agencies are involved in this designation:</b>	<input type="checkbox"/> One other agency. If selected, specify the agency:	
	<input type="checkbox"/> Two or more agencies. If selected, specify the agencies:	
	<input type="checkbox"/> Citywide	
<b>4. Describe the agency functions, including any sub-functions, or agency units for which the collection or disclosure is made:</b>		
<p>The People's Money is New York City's annual citywide Participatory Budgeting (PB) initiative where community members decide how to spend part of the city's budget. This democratic process is open to all New Yorkers, ages 11 and up, regardless of immigration status.</p>		

**5. Describe the general category of information covered by this designation and the purpose of the collection or disclosure:**

The CEC holds borough-based community discussions, or assemblies, for a six-week period as part of its participatory budgeting process on a yearly basis in order to identify projects to be voted for future implementation. The objective of the assemblies is to have people that reflect the demographics of the borough they will be representing.

The information collected from these questions are used to randomly select people that represent the diversity of each borough.

This applies to the Borough Assembly Member Application

**6. Specify the type of identifying information collected or disclosed (check all that apply):**

<input checked="" type="checkbox"/> Name <input type="checkbox"/> Social security number (full or last 4 digits)* <input type="checkbox"/> Taxpayer ID number (full or last 4 digits)*	<b><u>Work-Related Information</u></b> <input type="checkbox"/> Employer information <input type="checkbox"/> Employment address
<b><u>Biometric Information</u></b> <input type="checkbox"/> Fingerprints <input 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*	<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 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 type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	
<b><u>Demographic Information</u></b> <input type="checkbox"/> Country of origin <input type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input type="checkbox"/> Marital or partnership status <input type="checkbox"/> Nationality <input checked="" type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Sexual orientation	<b><u>Law Enforcement Information</u></b> <input type="checkbox"/> Arrest record or criminal conviction <input 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>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	<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>Other Types of Identifying Information</u></b> (list below):  	

\*Type of identifying information designated as subject to protection by the CPO (see CPO Policies & Protocols § 3.1.1).

**7. Describe the internal agency protocols that must be followed for disclosures of identifying information to third parties\* made pursuant to this routine designation\*\*:**

For any disclosure the program lead has the responsibility to create a document explaining why disclosing information to the third party in question will advance the mission of the commission. The document should include an explanation of what data would be disclosed and the specific purpose.

Once reviewed and approved by both APO and the Chair and Executive Director then it will be shared with Legal Counsel from the Law Department to make sure that such disclosure is compliant with applicable law, and the proper legal mechanism such as an NDA or a Data Sharing Agreement will be identified.

Once legal provides their approvals and recommendations, and upon implementation of all instruments, then the executive director will have a final approval before the program lead can disclose the information.

\*Third parties include any person other than: (i) personnel of the City, the NYC Dept. of Education, or a local public benefit corporation or local public authority, or (ii) personnel of a contractor or subcontractor where such contractor or subcontractor is authorized to possess the relevant identifying information. CPO Policies & Protocols § 5.1.2.

\*\*Where disclosures of identifying information will be made to third parties in accordance with a routine function of the agency, APOs or other designated agency counsel should develop and/or implement a protocol for relevant agency personnel to ensure that the appropriate level of agency legal review has been conducted before the information is disclosed, so that any such disclosure is consistently made in accordance with the requirements of applicable law, regulations, and City and agency policies. See CPO Policies & Protocols § 5.1.2.

— *End of Document* —