

# AGENCY REPORT

(due on or before July 31, 2020)

<b>Agency:</b>	Mayor's Office of Management and Budget		
<b>Agency Privacy Officer:</b>	Zachary Pyle		
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<b>Date of Report:</b>	July 31, 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 checked="" type="checkbox"/> Fingerprints <input checked="" 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 checked="" type="checkbox"/> Income tax information <input checked="" 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 checked="" type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input 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	<b><u>Technology-Related Information</u></b> <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 type="checkbox"/> Internet protocol (IP) address* <input type="checkbox"/> Social media account information
<b><u>Status Information</u></b> <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	
<b><u>Other Types of Identifying Information</u></b> (list below):  	
<small>*Type of identifying information designated by the CPO (see CPO Policies &amp; Protocols § 3.1.1).</small>	

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

OMB is the City government's chief financial agency. It assembles and oversees the City's budget. The agency is charged with evaluating the efficiency and cost-effectiveness of City services and proposals. OMB's economists provide vital information to government officials on the local, United States and world economies. OMB also helps implement the City's borrowing and bond programs and conducts legal reviews of capital projects for financing with bond proceeds.

OMB's collections and retentions of identifying information are limited to those reasonably necessary to

performing its functions. Many of these collections and retentions are common to all City agencies, such as (i) information about OMB's own employees as part of the standard personnel management and administration function, (ii) information collected from bidders/vendors as part of OMB's procurement functions, and (iii) information collected or retained due to law or a citywide policy (e.g., in furtherance of potential litigation or in compliance with City data retention policy). Other collections and retentions relate to OMB's duties overseeing the City budget, which sometimes require information about individual employees of other City agencies and, to a limited extent related to OMB's economic analysis function, beneficiaries of City services, City licensees, or members of the general public.

N.Y.C. Admin. Code §23-1205(a)(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. 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
<b>Personnel Management and Administration</b> This category includes personnel, employee benefits, payroll, and other related employee information. The PMA taskforce of OMB collects this identifying information for purposes of processing new hires, payroll, and employment benefits for personnel within OMB. This is a core function that PMA performs on behalf of OMB and its employees. This information is shared with interested agencies/entities, including the Financial Information Services Agency, the Office of Payroll Administration, and the New York City Employees' Retirement System. Limited categories of this information are shared with other City agencies where an employee is transferring to such agency.	<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
<b>Citywide Savings Program</b> The Citywide Savings Unit reviews limited information of City employees or prior City employees under several initiatives. This information is collected from agencies and shared only with the subject agencies and with oversight agencies (such as the Office of Labor Relations). These include, but are not limited to, an overtime spending analysis, requests for waiver of the overtime cap, and requests to redeploy retired former City employees. These initiatives are part of the Citywide Savings Program.	<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
<b>Freedom of Information Law (FOIL)</b> The FOIL Unit in OMB Counsel's Office responds to requests for records from members of the public pursuant to the New York State Freedom of Information Law. The FOIL Unit does so with the assistance of OMB employees in the unit(s) relevant to the FOIL request.	<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
<b>Litigation</b> OMB Counsel's Office assists the New York City Law Department in collecting documentation and liaising with OMB employees in the conduction of litigation involving the City.	<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
<b>Procurement</b> In order to comply with applicable federal, state, and local procurement rules, certain identifying information may be collected and disclosed, such as bidders' and contractors' names and contact information. Vendors are required to complete and submit a Doing Business Data (DBD) Form in order to comply with LL34, a campaign finance reform law. Accurate, up-to-date information about organizations is collected in the DBD Form, which is shared with the Mayor's Office of Contract Services.	<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
<b>Investigations</b> From time to time, investigative and/or law enforcement agencies such as the Department of Investigation, the Conflict of Interest Board, the Attorney General, or the District Attorney, request information from OMB as part of its investigation or enforcement functions. Alternatively, OMB may come across information that it determines should be shared with such an entity. This may involve identifying information.	<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
<b>City Agency Personnel</b> As the City government's chief financial agency, OMB collects, reviews, and in some cases discloses personnel information of City employees, including employees of agencies other than OMB. Examples include Personnel Action Requests (PARs) for individual hiring decisions made by City agencies, monthly reports from the City Human Resource Management System (CHRMS), and information collected to aid the collective bargaining process.	<input checked="" type="checkbox"/> Pre-approved as routine <input checked="" type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
<b>Economic Analysis</b> OMB monitors the effectiveness and interaction of City, State, and federal policies. In order to support its analysis, OMB must sometimes access information about individual licensees of the City, recipients/clients of social services offered by or on behalf of the City, students in the	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies

#### Identifying Information Law

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Department of Education system, or members of the general public. The information is manipulated and aggregated so that it can be used to make forecasts and/or recommendations.	X Approved by APO on a case-by-case basis
Most collections of this type are routine. The only exception to date has been largescale anonymous data used to study the spread of COVID-19 and compliance with and effectiveness of COVID-19 related policies, which are approved on case-by-case basis based on discussions with City Hall and the Chief Privacy Officer.	
N.Y.C. Admin. Code §23-1205(a)(1)(b)	

**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.**

<b>Describe Type of Collection or Disclosure</b>
Not applicable.
N.Y.C. Admin. Code §23-1202(b)(2)(b); 23-1205(a)(1)(b)

**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.**

With respect to requests made under the Freedom of Information Law, attorneys within OMB Counsel’s Office disclose records as required by the statute. Where FOIL permits but does not require that certain identifying information be withheld, OMB Counsel weighs the interest in maintaining privacy with the interest of government transparency sought by FOIL.

When there is imminent or ongoing litigation involving the City and OMB is or may be relevant to the litigation, the NYC Law Department submits a request to OMB’s Counsel’s Office. OMB Counsel then instructs OMB’s employees to collect or retain responsive documents, which, when requested, are provided to the Law Department. The Law Department’s attorneys, who are most well-versed in the rules of discovery, ultimately determine what must be disclosed in litigation and what may be withheld.

All other requests for non-routine disclosures, absent exigent circumstances, are to be discussed with OMB’s Agency Privacy Officer who will discuss with the applicable units the purpose of the request, the scope of identifying information involved, and the best way to respond in order to further OMB’s mission while minimizing disclosure of identifying information to the extent possible. Potential responses include but are not limited to declining to disclose the requested information, approving on a case-by-case basis part of all of the requested information (with redactions as appropriate), or approving the disclosure of part or all of the requested information (with redactions as appropriate) as covered by a newly created routine designation

<b>6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



<p><b>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.</b></p>	<p>Yes. OMB takes seriously the privacy interest of City employees and private individuals. Access to identifying information is generally limited to the taskforces whose duties require such access. Aside from the information collected and disclosed in the Litigation, FOIL, and PMA categories (the comparative breadth of which is due to law, Citywide policy, and/or functional necessity), OMB's collections and disclosures are very limited, in terms of the types of individual information involved, the types of individuals whose information is involved, and the types of entities we share the information with (generally interested City agencies and/or investigative/enforcement entities).</p>
<p>N.Y.C. Admin. Code §§23-1205(a)(1)(c)(1), and (4)</p>	

<p><b>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.</b></p>
<p>Before requesting disclosures from other entities, the OMB unit considering making the request considers whether the collection furthers the purposes of OMB. They further consider whether the request can be narrowed so that OMB could acquire the core information while limiting the sharing of private information. Once they have determined the request they would like to make, they consider whether the request fits under a routine designation or other exception under the statute. If they conclude it does not (or that the question is unclear), they discuss with the OMB Agency Privacy Officer how to proceed.</p> <p>Each unit or taskforce has its own shared drive on the OMB network, so OMB employees are able to save electronic documents such that other units and taskforces cannot access them without permission.</p>
<p>N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)</p>

<p><b>10. Describe the agency's current policies regarding the classification of disclosures as necessitated by the existence of exigent circumstances or as routine.</b></p>
<p>In the two years since the IIL went into effect, OMB has not made any disclosures under exigent circumstances. Due to the nature of OMB's work, exigent circumstances are unlikely to occur. That said, where exigent circumstances do require collection or disclosure of private information without first obtaining APO approval, to the extent reasonably practicable the employee seeking to collect or disclose private information shall request approval from OMB's General Counsel or Deputy General Counsel. If the General Counsel or Deputy General Counsel approves such collection or disclosure or it is not practicable to obtain their preliminary approval, the employee may then collect or disclose the private information. As soon as practicable after the collection or disclosure is made, the collecting or disclosing employee shall discuss the collection or disclosure with the APO, who will prepare and submit the required report to the Chief Privacy Officer.</p> <p>OMB has designated eight categories of collections and/or disclosures as routine. When an employee seeks to collect or disclose information that requires specific APO approval (i.e., the collection or disclosure is not clearly permitted under existing routine designations or the statute's other provisions), if the APO determines that the collection or disclosure should be approved, the APO discusses with the employee (and, if applicable, other interested employees) the frequency of similar collections or disclosures, the ways in which the collections or disclosures serve OMB's mission, and the nature of the private information being revealed. Taking into account these factors, the APO then determines whether it is more prudent to review collections or disclosures of this type on a case-by-case basis or to approve them by way of a routine designation.</p>
<p>N.Y.C. Admin. Code §23-1205(a)(1)(c)(3)</p>

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

The manager overseeing each taskforce or unit may decide who, of those employees who have access to the identifying information, may make a disclosure of identifying information following APO approval.

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.**

OMB considers whether it is feasible to limit identifying information collected, retained, or disclosed without negatively impacting OMB's mission. However, the majority of OMB's collections and disclosures are dictated by law (e.g., FOIL, litigation, and investigations) and/or city-wide policy (e.g., procurement and personnel).

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.**

OMB has entered into several data-sharing agreements related to OMB's collection and use of identifying information corresponding to OMB's Economic Analysis function. These agreements are with other government or government-related entities, with the exception of COVID-19 related agreements which are approved on a case-by-case basis and can involve private entities. Under these economic analysis data-sharing agreements, OMB does not disclose any identifying information. These agreements typically limit OMB's access to the identifying information to those employees whose positions require such access.

OMB has an informal agreement with other City agencies to share certain limited categories of individual information regarding OMB employees who are transferring to a different City agency.

N.Y.C. Admin. Code §23-1205(a)(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
Other City Agencies	When an OMB employee transfers to a different agency, pursuant to an agreement between agencies, OMB shares certain identifying information with the employee's new agency.	This sharing of information facilitates a smooth transition for the employee from one agency to another and reduces the paperwork burden on both the new agency and the employee.
New York City Law Department	In case of litigation potentially involving OMB or its duties, the Law Departments requests responsive documents from OMB Counsel.	As a City agency, OMB must cooperate with and assist the Law Department in its litigation on behalf of the City.
Investigative Bodies (e.g., District Attorney, DOI)	Investigative bodies will from time to time request information from OMB relating to an ongoing investigation.	Helping to eliminate crime, corruption, conflict of interest, and similar behavior serves to maintain faith in OMB and the City as a whole.
Public at Large	Freedom of Information Law requires (subject to exceptions) that OMB disclose certain types of information upon request.	As a City agency, OMB is bound to comply with FOIL. Government transparency enhances the credibility of OMB and the City as a whole.
Mayor's Office of Contracting Services	Local Law 34 of 2007 requires the creation of a Doing Business Database, which contains Doing Business Data Forms from organizations that have business dealings with the City. OMB collects these forms from bidders and shares them with MOCS.	As a City agency, OMB is obligated to assist MOCS in carrying out the mandates of Local Law 34, which serves the campaign finance reform law.

N.Y.C. Admin. Code §23-1205(a)(1)(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 Identifying Information Law has caused OMB to scrutinize its collection, retention, and disclosure of identifying information even more than it did prior to the Law going into effect. The Law has led OMB to develop clear policies regarding proposed collections and disclosures that fall outside OMB's existing routine designations, and has helped ensure that all collections and disclosures are conducted only after careful consideration of the privacy interest at stake, balanced with the interest in functional City governance.

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.**

The policies and protocols issued by the Chief Privacy Officer have largely mandated procedures that OMB had already put in place. One example of this is the Citywide Privacy Protection Policies and Protocols' requirement of data-sharing agreements. Before the Policies and Protocols were published, OMB had already been employing data-sharing agreements in some of the contexts in which they would later be required.

The CPO's guidance is helpful in clarifying the requirements and best practices of IIL compliance, whether in the context of novel circumstances (e.g., the Guidance on Privacy Considerations Related to the City's Efforts to Combat COVID-19) or in more fully understanding the IIL's intersection with other laws and City policies. This guidance often results in discussions between the APO and other OMB personnel clarifying the responsibilities of each OMB employee.

N.Y.C. Admin. Code §23-1205(a)(3)

**APPROVAL FOR AGENCY REPORT**

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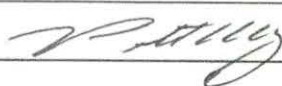
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8/31/20

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