

BIENNIAL AGENCY REPORT

INSTRUCTIONS

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

To complete the 2024 biennial agency report:

- Review Form 2s ([APO Designation of Collection and Disclosures as “Routine”](#)) made since the 2022 compliance cycle;
- Review Form 5s ([Agency Privacy Officer Approval of Collections and Disclosures on a “Non-Routine” Basis](#)) made since the 2022 compliance cycle;
- Use Forms 2 & 5 to complete [Worksheet 1](#) for all new and existing **collections** between 2022-2024;
- Use Forms 2 & 5 to complete [Worksheet 2](#) for all new and existing **disclosures** between 2022-2024.
- Complete the Biennial Agency Workbook;
- Submit the biennial agency report by **July 31, 2024**.

Submit the biennial agency report to:

- Mayor at MOReports@cityhall.nyc.gov
- City Council Speaker at reports@council.nyc.gov
- Chief Privacy Officer and the Citywide Privacy Protection Committee at ojp@oti.nyc.gov
- Department of Records and Information Services (DORIS) online submission 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.

VERSION CONTROL

Version	Description of Change	Approver	Date
4.0	New design for ease of use and technological enhancements, and miscellaneous clarifying revisions.	Michael Fitzpatrick Chief Privacy Officer, City of New York	April 2024
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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**BIENNIAL AGENCY REPORT
(Due on or before July 31, 2024)**

1. Agency: Special Commissioner of Investigation
Special Commissioner of Investigation for the New York City School District
2. APO Contact Details
 - a. Name: Catherine Murphy Garcia
 - b. Title: Special Counsel and Agency Privacy Officer (APO)
 - c. Email: cmurphygarcia@nycsci.org
 - d. Telephone: 2125101423

COLLECTIONS

3. How many collections does the agency have to describe?
16
4. **COLLECTIONS.** Upload worksheet 1.



- Proceed to the next page -

5. For all **collections**, select the types of identifying information collected (check all that apply). See [Citywide Privacy Protection Policies and Protocols § 3.1](#).

<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)*	<u>Work-Related Information</u> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<u>Biometric Information</u> <input 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* <input type="checkbox"/> Height <input type="checkbox"/> Weight	<u>Government Program Information</u> <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input checked="" 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
<u>Contact Information</u> <input checked="" type="checkbox"/> Current and/or previous home address <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<u>Law Enforcement Information</u> <input checked="" type="checkbox"/> Arrest record or criminal conviction <input type="checkbox"/> Date and/or time of release from custody of ACS, DOCS, or NYPD <input type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD
<u>Demographic Information</u> <input checked="" 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	<u>Technology-Related Information</u> <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
<u>Status information</u> <input checked="" type="checkbox"/> Citizenship or immigration status <input checked="" type="checkbox"/> Employment status <input checked="" type="checkbox"/> Status as a victim of domestic violence or sexual assault <input checked="" type="checkbox"/> Status as crime victim or witness	
<u>Other Types of Identifying Information</u> (list below): 	
<p>*Type of identifying information designated by the CPO (see CPO Policies & Protocols, §3.1.1).</p>	

DISCLOSURES

6. How many disclosures does the agency have to describe?

17

7. **DISCLOSURES.** Upload worksheet 2.



- Proceed to the next page -

8. For all **disclosures**, select the types of identifying information disclosed (check all that apply).
 See [Citywide Privacy Protection Policies and Protocols § 3.1](#).

<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)*	<u>Work-Related Information</u> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<u>Biometric Information</u> <input 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* <input type="checkbox"/> Height <input type="checkbox"/> Weight	<u>Government Program Information</u> <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input checked="" 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
<u>Contact Information</u> <input checked="" type="checkbox"/> Current and/or previous home address <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<u>Law Enforcement Information</u> <input checked="" type="checkbox"/> Arrest record or criminal conviction <input type="checkbox"/> Date and/or time of release from custody of ACS, DOCS, or NYPD <input type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD
<u>Demographic Information</u> <input checked="" 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 checked="" type="checkbox"/> Religion <input checked="" type="checkbox"/> Sexual orientation	<u>Technology-Related Information</u> <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
<u>Status information</u> <input checked="" type="checkbox"/> Citizenship or immigration status <input checked="" type="checkbox"/> Employment status <input checked="" type="checkbox"/> Status as a victim of domestic violence or sexual assault <input checked="" type="checkbox"/> Status as crime victim or witness	
<u>Other Types of Identifying Information</u> (list below): 	
<p>*Type of identifying information designated by the CPO (see CPO Policies & Protocols, §3.1.1).</p>	

9. Separate from the Citywide Privacy Protection Policies and Protocols, what are the agency's policies regarding requests for disclosures from other City agencies, local public authorities or local public benefit corporations, and third parties? Please **summarize or upload a copy of the policy**. See *N.Y.C. Admin. Code § 23-1205(a)(1)(c)(1)*.
10. Which divisions of employees within the agency make disclosures of identifying information following the approval of the privacy officer? See *§ N.Y.C Admin. Code § 23-1205(a)(1)(c)(4)*.
11. Which categories of employees within the agency make disclosures of identifying information following the approval of the privacy officer? See *§ N.Y.C Admin. Code § 23-1205(a)(1)(c)(4)*.
12. Do any of the agency's policies address **access** to identifying information by employees, contractors, and subcontractors? See *§ N.Y.C. Admin Code § 23-1205(a)(4)*.
- Yes – **GO TO QUESTION 13**
- No – **GO TO QUESTION 16**
13. Do these policies state that **access** to identifying information must be necessary for the employees, contractors, and subcontractors to perform their duties? See *N.Y.C. Admin Code § 23-1205(a)(4)*.
- Yes – **GO TO QUESTION 14**
- No – **GO TO QUESTION 16**
14. Are these policies implemented so that **access** is limited to the greatest extent possible, but also furthers the purpose or mission of the agency?
- Yes – **GO TO QUESTION 15**
- No – **GO TO QUESTION 16**

15. Describe how **access** is limited to the greatest extent possible while furthering the purpose or mission of the agency.

16. **Summarize or upload** the agency's current policies for handling **proposals for disclosures to other** City agencies, local public authorities, or local public benefit corporations, and third parties. See *N.Y.C Admin Code § 23-1205(a)(1)(c)(2)*.

17. **Summarize or upload** the agency's current policies regarding the classification of **disclosures** as necessitated by the existence of **exigent circumstances or as routine**. See *N.Y.C Admin Code § 23-1205(a)(1)(c)(3)*.



18. Since 2022, has the agency **considered or implemented**, where applicable, policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of the agency? See *N.Y.C Admin Code § 23-1205(a)(3)*.

Yes – **GO TO QUESTION 19**

No – **GO TO QUESTION 20**

19. Summarize the policies that the agency has **considered or implemented** regarding data minimization for the collection, retention, and disclosure of identifying information. See *N.Y.C Admin Code § 23-1205(a)(4)*.

20. Summarize the agency's use of agreements for any use or disclosure of identifying information. *See N.Y.C Admin Code § 23-1205 (a)(1)(d).*
21. Since 2022, describe the impact of the Identifying Information Law and any other local, state, or federal laws upon your agency's practices in relation to the collection, retention, and disclosure of identifying information (i.e., if such practices would differ in the absence of these laws). The impact can be positive or negative. *See N.Y.C Admin Code § 23-1205(a)(2).*
22. Describe how the current privacy policies and protocols issued by the Chief Privacy Officer, or the guidance issued by the Citywide Privacy Protection Committee affected your agency's practices in relation to the collection, retention, and disclosure of identifying information. The effects can be positive or negative. *See N.Y.C Admin Code § 23-1205(a)(2).*

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APPROVAL SIGNATURE FOR AGENCY REPORT

PREPARER OF AGENCY REPORT

Name: Catherine Murphy Garcia
Title: Special Counsel and Agency Privacy Officer
Email: cmurphygarcia@nycsci.org
Phone: 2125101423

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Name: Anastasia Coleman
Title: Special Commissioner of Investigation for the NYC School District
Email: acoleman@nycsci.org
Phone: 212-510-1425

Signature: Anastasia Coleman
Anastasia Coleman (Jul 25, 2024 16:04 EDT)

Date: 07/25/2024

Describe the following types of collections. *Note, you may have multiple collections of the same type.*

COLLECTIONS				
	<i>Type of Collection</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Collection.</i>
1	Legal Matters or Proceeding	When SCI is a party to or has an interest in litigation or other legal proceeding, relevant identifying information may be disclosed to the New York City Law Department; or other counsel representing the Agency or its employees, in accordance with the applicable law. SCI reviews and responds to other lawfully issued agency subpoenas, and third-party subpoenas, and discloses information when required by law or stature.	Pre-approved as routine	<p>The Office of the Special Commissioner of Investigation for the New York City School District (SCI) is charged with investigating allegations of corruption, fraud, employee misconduct, and conflicts of interest within the NYC Public School System. In addition, SCI reviews, investigates and makes determinations on alleged violations of the Whistleblower Law. SCI also serves as the Inspector General for the Teachers Retirement System (TRS) and the Board of Education Retirement System (BERS).</p> <p>SCI investigations may result in referrals to the Department of Education (DOE), TRS or BERS or the Conflict of Interest Board (COIB) for appropriate disciplinary action. Investigation may also result in the arrest or prosecution of individuals or entities.</p>

				The Agency Division which help to fulfill this mission are, generally: (1) Administration (including, HR), (2) Investigations and (3) Legal.
2	Human Resources and other Personnel Matters	Identifying information may be collected and disclosed in the course of performing core human resources functions and personnel matters, including but not limited to: new hire processing, retiree and benefits processing, payroll processing; review of leaves of absence, vacations, medical leaves; payment processing, staff training, occupational health and safety matters and professional development.	Pre-approved as routine	Administration
3	Law Enforcement	Investigations which result in the arrest or prosecution of individuals and entities may require the collection and disclosure of identifying information to local, state or federal law enforcement authorities for the purpose of law enforcement activities.	Pre-approved as routine	Investigatory

4	Response to a Request or Demand	Collections and disclosures by assigned staff pursuant to the Freedom of Information Law (FOIL).	Pre-approved as routine	Investigatory.
5	Prevention of Fraud, Waste, Abuse	Identifying information may be collected or disclosed to prevent fraud, waste and abuse under investigations arising from the Teachers Retirement System and the Board of Education Retirement System; and/or as part of a review of alleged violations of the NYC Whistleblower Law effecting Department of Education (DOE) employees and vendors under the NYC Charter.	Pre-approved as routine	Investigatory
6	Records Management	SCI has an internal Case Management System where it stores information regarding closed and open investigations. Identifying information may be collected for NYC Law	Pre-approved as routine	Investigatory

		Department requests of information maintained in SCI's Case Management System.		
7	Intake and Investigation Units	Identifying information may be collected or disclosed from complaints which are received and processed by SCI either externally or through SCI's online complaint portal. These complaints are processed by the Intake Unit and are assigned to the Investigation Teams.	Pre-approved as routine	Investigatory
8	None of the above	SCI Fleet Management Director collects and discloses information related to the operation of its vehicles, and the vehicle operators.	Pre-approved as routine	Operations
9	Audit	The SCI Budget Director collects, discloses and maintains asset forfeitures information in connection with NYC Controller's Office relating to SCI investigations or settlements.	Pre-approved as routine	Restitution
10	Response to a Request or Demand	Collections and disclosures by assigned staff reviews and responds to requests for information from the New York City Corporation Counsel (Law Department); NYC Conflicts of	Pre-approved as routine	Investigatory

		Interest Board (COIB) and other City Agencies.		
11	Law Enforcement	SCI collects information from law enforcement databases for investigatory purposes.	Pre-approved as routine	Investigatory
13	Education	SCI collects and discloses information and tracking regarding mandatory and other training to the Department of Citywide Administrative Services (DCAS).	Pre-approved as routine	Training/Education
14	Compliance	SCI collects and discloses workforce diversity data information to DCAS.	Pre-approved as routine	EEO Compliance
15	Compliance	SCI collects and discloses identifying information in connection with reviewing and responding to employee requests for Reasonable Accommodation.	Pre-approved as routine	EEO Compliance
16	Compliance	SCI and collects and discloses identifying information in connection to internal complaints, and investigations, including discrimination complaints and appeals.	Pre-approved as routine	EEO Compliance
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	<i>Type of Collection</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Collection.</i>
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Please add additional rows, if needed

Describe the following types of disclosures. *Note, you may have multiple disclosures of the same type.*

DISCLOSURES					
	<i>Type of Disclosure</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Disclosure.</i>	<i>Was this disclosure made pursuant to an external request?</i>
1	Legal Matters or Proceeding	When SCI is a party to or has an interest in litigation or other legal proceeding, relevant identifying information may be disclosed to the New York City Law Department.	Pre-approved as routine	Legal.	Yes
2	Human Resources and other Personnel Matters	Identifying information may be disclosed in the course of performing core human resources functions, including but not limited to, new hire processing, retiree and benefits processing, payroll processing, leaves of absence, vacation leave, medical leaves, payment processing, staff training, occupational health and safety matters, and professional development.	Pre-approved as routine	Administration.	Yes

3	Law Enforcement	Investigations that result in the arrest or prosecution of individuals and entities may require the disclosure of identifying information to local, state, or federal law enforcement authorities for the purpose of law enforcement activities.	Pre-approved as routine	Investigatory.	Yes
4	Prevention of Fraud, Waste and Abuse	Identifying information may be disclosed to prevent fraud, waste and abuse relating to complaints received under the Teachers Retirement System (TRS), the Board of Education Retirement System (BERS), and under the Whistleblower Laws.	Pre-approved as routine	Investigatory.	Yes
5	Response to a Request or Demand	Disclosures may be made by authorized Freedom of Information Law (FOIL) staff in response to FOIL requests if said requests meet the statutory requirements.	Pre-approved as routine	FOIL.	Yes
6	Records Management	Identifying information may be disclosed in	Pre-approved as routine	Investigatory.	Yes

		connection with the NYC Law Department or the Conflicts of Interest Board (COIB) relating to requests for information which is stored in SCI's internal case management system.			
7	Audit	The SCI Budget Director collects, discloses and maintains information in connection with restitution, settlements, and asset forfeitures to the NYC Comptroller's Office and/or other agencies.	Pre-approved as routine	Audit.	Yes
8	Response to a Request or Demand	Authorized staff will review and respond to various requests for information contained in the casefile.	Pre-approved as routine	Investigatory.	Yes
9	Compliance	SCI discloses workforce data to the Department of Citywide Services (DCAS).	Pre-approved as routine	Compliance.	Yes
10	Compliance	SCI discloses identifying information in connection with reviewing and responding to employee	Pre-approved as routine	EEO Compliance.	Yes

		Requests for Reasonable Accommodation.			
11	Compliance	SCI Discloses tracking information regarding attendance and participation in mandatory DCAS training sessions.	Pre-approved as routine	Compliance or Education.	Yes
12	None of the above	SCI will issue referral letters and other reports concerning its findings to, for example, the DOE, the Department of Investigation (DOI), The COIB and other agencies.	Pre-approved as routine	Investigatory.	No
13	None of the above	SCI will disclose information concerning requests for information or referrals to the Conflicts of Interest Board (COIB).	Pre-approved as routine	COIB.	Yes
14	Compliance	SCI investigations may result in referrals to the NY State licensing authorities for appropriate disciplinary action. Identifying information may be disclosed pursuant to these proceedings.	Pre-approved as routine	State Licensing Authority.	Yes

15	Compliance	Some SCI employees are employed under a waiver pursuant to Section 211 of the New York State Retirement and Security Law. As such, identifying information law may be disclosed under these laws.	Pre-approved as routine	Administration and Compliance.	Yes
16	Compliance	SCI Fleet Management staff collects employee records relating to their qualifications to drive city vehicles, or to be issued a placard for a private vehicle. This information is retained by Fleet Management, and it may be disclosed to other city or state agencies.	Pre-approved as routine		Yes
17	Legal Matters or Proceeding	SCI reviews lawfully issued agency subpoenas and discloses information where required to by law or statute.	Pre-approved as routine		Yes
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	<i>Type of Disclosure</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Disclosure.</i>	<i>Was this disclosure made pursuant to an external request?</i>
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76	Choose an item.		Choose an item.		Choose an item.
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78	Choose an item.		Choose an item.		Choose an item.
	<i>Type of Disclosure</i>	<i>Describe the Specific Activity</i>	<i>Classification</i>	<i>Describe the agency purpose or mission served by this Disclosure.</i>	<i>Was this disclosure made pursuant to an external request?</i>
79	Choose an item.	[free text]	Choose an item.	[free text]	Choose an item.
80	Choose an item.		Choose an item.		Choose an item.
81	Choose an item.		Choose an item.		Choose an item.
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93	Choose an item.		Choose an item.		Choose an item.
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95	Choose an item.		Choose an item.		Choose an item.
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98	Choose an item.		Choose an item.		Choose an item.
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100	Choose an item.		Choose an item.		Choose an item.

Please add additional rows, if needed

For each **disclosure**, select the type of entity **and** provide the name of the entity that received the identifying information.

	<i>Type of Entity</i>	<i>Name of Entity</i>
1	Federal Agency	[free text]
2	Choose an item.	
3	Choose an item.	
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27	Choose an item.	

	<i>Type of Entity</i>	<i>Name of Entity</i>
28	Choose an item.	[free text]
29	Choose an item.	
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54	Choose an item.	
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56	Choose an item.	

	<i>Type of Entity</i>	<i>Name of Entity</i>
57	Choose an item.	[free text]
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	<i>Type of Entity</i>	<i>Name of Entity</i>
86	Choose an item.	[free text]
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100	Choose an item.	

Please add additional rows, if needed

OPTIONAL QUESTION: Using the table below, describe any proposals for disclosures of identifying information that your agency declined to approve.

	<i>Type of Entity that Requested the Identifying Information</i>	<i>Name of the Entity</i>	<i>Reason for the Request</i>	<i>Description of Agency's Rationale for Rejection</i>
1	Choose an item.	[free text]	[free text]	[free text]
2	Choose an item.			
3	Choose an item.			
4	Choose an item.			
5	Choose an item.			
6	Choose an item.			
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	<i>Type of Entity that Requested the Identifying Information</i>	<i>Name of the Entity</i>	<i>Reason for the Request</i>	<i>Description of Agency's Rationale for Rejection</i>
26	Choose an item.	[free text]	[free text]	[free text]
27	Choose an item.			
28	Choose an item.			
29	Choose an item.			
30	Choose an item.			
31	Choose an item.			
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49	Choose an item.			
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52	Choose an item.			
53	Choose an item.			

	<i>Type of Entity that Requested the Identifying Information</i>	<i>Name of the Entity</i>	<i>Reason for the Request</i>	<i>Description of Agency's Rationale for Rejection</i>
54	Choose an item.	[free text]	[free text]	[free text]
55	Choose an item.			
56	Choose an item.			
57	Choose an item.			
58	Choose an item.			
59	Choose an item.			
60	Choose an item.			
61	Choose an item.			
62	Choose an item.			
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75	Choose an item.			
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77	Choose an item.			
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	<i>Type of Entity that Requested the Identifying Information</i>	<i>Name of the Entity</i>	<i>Reason for the Request</i>	<i>Description of Agency's Rationale for Rejection</i>
82	Choose an item.	[free text]	[free text]	[free text]
83	Choose an item.			
84	Choose an item.			
85	Choose an item.			
86	Choose an item.			
87	Choose an item.			
88	Choose an item.			
89	Choose an item.			
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100	Choose an item.			

Please add additional rows, if needed

City of New York
**THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT**
80 Maiden Lane, 20th Floor
New York, New York 10038

Anastasia Coleman
Special Commissioner

Telephone: (212) 510-1400
Fax: (212) 510-1550
www.nycsci.org

Identifying Information Law

SCI Guidance to Employees

July 2024

Background:

The Identifying Information Law sets forth requirements as to how City agencies and their covered contractors and subcontractors can collect, retain, and disclose identifying information.¹ To support agency compliance with the Law, and provide further guidance to agencies, the Chief Privacy Officer issued Citywide Privacy Protection Policies and Protocols (“CPO Policies & Protocols”).²

Agency heads and the agency privacy officer (“APO”) are responsible for ensuring the agency’s compliance with the Identifying Information Law and CPO Policies & Protocols. Employees who have access to identifying information as part of their job function are responsible for ensuring the appropriate handling and protection of such information. These requirements apply to all forms of collection and disclosure of identifying information, including but not limited to paper and electronic forms and oral communications.

What is Identifying Information?

“Identifying information” is any information obtained by or on behalf of the City that may be used on its own, or with other information, to identify or locate an individual. Identifying information not only includes information about witnesses and subjects, but also includes information about City agency employees and officials. A non-exhaustive list of types of identifying information is below.

Types of Identifying Information	
Category	Example Types
n/a	<ul style="list-style-type: none">• Name• Social security number (full SSN and last 4 digits of SSN)• Taxpayer ID number (full and last 4 digits)
Biometric Information	<ul style="list-style-type: none">• Fingerprints

¹ Local Laws 245 and 247 of 2017, codified at Charter § 8(h) and Admin. Code §§ 23-1201 – 23-1205. The Identifying Information Law expressly applies to contractors and subcontractors for “human services,” which is defined as “services provided to third parties, including social services such as day care, foster care, home care, homeless assistance, housing and shelter assistance, preventive services, youth services, and senior centers; health or medical services including those provided by health maintenance organizations; legal services; employment assistance services, vocational and educational programs; and recreation programs.” (SCI does not have such contractors.) The CPO may designate additional contracts and subcontracts for different services as subject to the law’s requirements. See Admin. Code §§ 23-1201; 6-129(c).

² Available at <https://www1.nyc.gov/assets/oti/downloads/pdf/citywide-privacy-protection-policies-protocols.pdf>

	<ul style="list-style-type: none"> • Photographs • Palm and Handprints • Retina and iris patterns • Facial geometry • Gait or movement patterns • Voiceprints • DNA sequences
Contact Information	<ul style="list-style-type: none"> • Current and/or previous home address • Email address • Phone number
Demographic Information	<ul style="list-style-type: none"> • Country of origin • Date of birth • Gender identity • Languages spoken • Marital or partnership status • Nationality • Race • Religion • Sexual orientation
Status Information	<ul style="list-style-type: none"> • Citizenship or immigration status • Employment status • Status as a victim of domestic violence or sexual assault • Status as a crime victim or witness
Work-Related Information	<ul style="list-style-type: none"> • Employer information • Employment address
Government Program Information	<ul style="list-style-type: none"> • Scheduled appointments with any employee, contractor or subcontractor • Scheduled court appearances • Eligibility for or receipt of public assistance or City services • Income tax information • Motor vehicle information or license plate number
Law Enforcement Information	<ul style="list-style-type: none"> • Arrest record or criminal conviction • Date and/or time of release from custody of ACS, DOC or NYPD • Information obtained from any surveillance system operated by, for the benefit of, or at the direction of NYPD
Technology-Related Information	<ul style="list-style-type: none"> • Device identifier including media access control (MAC) or Internet mobile equipment identity (IMEI) • GPDS-based location obtained or derived from a device that can be used to track or locate an individual • Internet protocol (IP) address • Social media account information

There may be times where seemingly unrelated types of information can be strung together to identify or locate an individual and will then be considered identifying information. Generally, the more types of personal information that are connected or linked together, the more likely it is that an individual can be identified or located using such information.

- For example, an individual's home zip code alone might not be able to identify or locate a person, but if linked with the name of a program the person attends, or a physical description of

the person, or information about where the person has been observed in a neighborhood, it may be possible to identify that individual.

Your Responsibilities as a City Employee

Limit Access and Use for Job Purposes: Only City agency employees who have a legitimate business need related to the performance of their duties may have access to identifying information that has been obtained by or on behalf of the City for the performance of their job duties.

Routine Collections & Disclosures: Your APO has approved certain types of collections and disclosures as “routine” for your agency. Once your APO has determined that a collection or disclosure of identifying information is routine, you will not, for purposes of compliance with the Identifying Information Law, need to obtain further approval from the APO to collect and disclose such information. It is the employee’s responsibility, however, to ensure their collections and disclosures of identifying information are made in accordance with the APO’s prior approval of the collection or disclosure, as well as following any specific requirements that may apply for securely transmitting and storing the information.

Non-Routine Collections & Disclosures: Except during exigent (emergency) circumstances, you must seek APO approval for “non-routine” collections and disclosures of identifying information. Non-routine collections and disclosures are those that do not fall within the types/categories approved in advance as “routine” by the APO. When a collection or disclosure has not been previously approved as “routine,” your APO may review and approve a proposed collection or disclosure, on a case-by-case basis, where the collection or disclosure furthers the mission or purpose of your agency or is required by law.

- **You should be particularly aware of any unusual request for identifying information that is outside the normal scope of your day-to-day responsibilities. Remember: When in doubt, don’t give it out! Ask your APO or a Deputy Commissioner.**

Notify the APO of Unauthorized Collections or Disclosures: You must contact your APO as soon as practicable if you become aware of or suspect any unauthorized collection or disclosure of identifying information. Your APO is responsible for investigating the potential violation of the Identifying Information Law, in consultation with relevant City officials as necessary, including but not limited to the City’s Chief Privacy Officer.

For more information about the Identifying Information Law, or if you have questions, please contact Catherine Murphy Garcia, Agency Privacy Officer, cmurphygarcia@nycsci.org, 212-510-1423.