

Janet Insardi (OLR)

From: Janet Insardi (OLR)
Sent: Tuesday, July 31, 2018 10:39 AM
To: 'reports@cityhall.nyc.gov'; 'reports@council.nyc.gov'; 'PrivacyOfficer@cityhall.nyc.gov'; 'NYCPrivacyCommittee@cityhall.nyc.gov'
Cc: Mayra Bell (OLR)
Subject: July 2018 Identifying Information Report for OLR
Attachments: Form-3-Agency Report Template.pdf

Dear Mayor de Blasio, Council Speaker Johnson, Chief Privacy Officer Negron and Identifying Information Protection Committee:

Attached is the July 2018 Identifying Information Report for the City of New York Office of Labor Relations which details the collection, retention and disclosure of identifying information by this office. If there are any questions or concerns regarding this report, I can be reached at 212-306-7232.

Very truly yours,

Janet M. Insardi
Executive Agency Counsel and Agency Privacy Officer
City of New York Office of Labor Relations
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FORM # 3

Agency Report Template

INSTRUCTIONS

The Identifying Information Law requires each agency to submit a report regarding, among other items, the collection, retention, and disclosure of identifying information by such agency and their “human services” contractors or subcontractors, by no later than July 31, 2018, and every two years thereafter by July 31. This report must be completed by the agency and submitted to the Mayor, at reports@cityhall.nyc.gov; City Council Speaker, at reports@council.nyc.gov; Chief Privacy Officer (“CPO”), at PrivacyOfficer@cityhall.nyc.gov; and Identifying Information Protection Committee (“Committee”), at NYCPrivacyCommittee@cityhall.nyc.gov. While the Law does not specify who at the agency must complete the report, the Agency Privacy Officer (“APO”) is likely best positioned to do so. Reports completed by APOs who are not lawyers should be reviewed and approved by the agency’s General Counsel or other counsel to the agency before submission by the agency. Agency reports, to be reviewed by the CPO and Committee, will help to inform citywide policies and procedures promulgated by the CPO and new agency requirements for the protection of identifying information, in a manner consistent with the Law. Agency reports must be signed by the agency head or designee prior to submission.

The answers provided in the Inventory and Routine Designation Form should provide a significant amount of information needed to complete this Report Form. Each question or prompt includes references to specific requirements in the Law.

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).

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.

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

Agency:	City of New York Office of Labor Relations ("OLR")		
Agency Privacy Officer:	Janet M. Insardi		
Email:	jinsardi@olr.nyc.gov	Telephone:	212-306-7232
Date of Report:	July 31, 2018		

1. Specify the types of identifying information collected, retained, and disclosed by the agency

Check all that apply.

<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 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 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 checked="" type="checkbox"/> Other: Subject to applicable law and/or regulation and as collected and disclosed on a case by case and confidential basis to obtain appropriate services through the Employee Assistance Program.	

N.Y.C. Admin. Code §23-1205(1)(a)

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

The City of New York Office of Labor Relations has diversified functions including the negotiation and administration of labor contracts and legal services related thereto as well as the procurement and administration of all employee health and benefit programs. The collection and retention of the information specified above furthers the mission of the agency to obtain, deliver and manage employee benefits for all City employees and retirees and to facilitate and promote labor relations, contract negotiation and contract administration.

N.Y.C. Admin. Code §23-1205(1)(d)

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
Routine collection and disclosure in connection with employee benefits programs including procurement, contracting and direct client services. Information is disclosed pursuant to contract to determine enrollment, eligibility, participation and processing.	<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
Routine collection and disclosure in furtherance of labor contract negotiations and the advancement of labor relations including research and data analytics and disclosure to consultants and experts as needed.	<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 disclosure in connection with the representation of the City in all labor proceedings including representation proceedings, improper practice proceedings, arbitrations, and in the context of providing general legal advice.	<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 disclosure in connection with applicable laws, regulations and legal obligations including the Freedom of Information Law and records management obligations.	<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 disclosure of personnel related information and records required in the performance of core administrative and human resource functions including information related to necessary employment disclosures and investigations.	<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)

4. If applicable, specify the types of collections and disclosures approved by the Chief Privacy Officer.

Add additional rows as needed.

Describe Type of Collection or Disclosure
Not applicable at this time

N.Y.C. Admin. Code §23-1205(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.

The City of New York Office of Labor Relations complies with the City's April 2017 model protocol for handling third party requests for information held by City agencies. There are also procedures in place to facilitate disclosures in accordance with the Freedom of Information Law. In the context of employee benefits, disclosures are made pursuant to contracts with third parties solely within the scope of performing their obligations under the specific contract. These contracts include provisions which specifically addresses confidentiality obligations. Human service contracts the agency has entered into or renewed after June 15, 2018, which are covered by the Identifying Information Law, contain an Identifying Information rider. OLR has obligations under the Department of Records and Information Services policies relative to records and has adopted a Record Retention and Disposition Schedule. The Employee Assistance Program is governed by Executive Order #46 and the Agency complies with all regulations and guidelines on confidentiality.

6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.	Policies and procedures are implemented to minimize disclosure of identifying information to the greatest extent possible. Existing policies and new provisions in the Identifying Information rider further minimize access while advancing the mission of the Agency.	

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.

The City Of New York Office of Labor Relations complies with the City's April 2017 model protocol for handling third party requests for information held by City agencies. There are also procedures in place to facilitate disclosures in accordance with the Freedom of Information Law. In the context of employee benefits, disclosures are made pursuant to contracts with third parties solely within the scope of performing their obligations under the specific contract. All such contracts have confidentiality provisions. Specified human service contracts the Agency has entered into or renewed after June 15, 2018 (including standard human services contracts, the discretionary fund contract for human services contracts less than \$100,000, other human service contracts and other contracts designated by the Chief Privacy Officer) contain an Identifying Information rider. OLR has obligations under the Department of Records and Information Services policies relative to records and has adopted a Records Retention and Disposition Schedule.

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.

Senior managers in all divisions make disclosures and those routine disclosures are made by duly authorized, supervised, and trained staff. The Employee Assistance Program is governed by Executive Order #46 and conforms to guidelines and regulations on confidentiality. Confidentiality requirements are incorporated into contracts with third parties. Requests for disclosure under exigent circumstances are reviewed by the Agency Privacy Officer in conjunction with General Counsel. If a contractor collects or discloses information due to exigent circumstances, it must send the Agency Privacy Officer information about the request and disclosure along with an explanation of why such exigent circumstances existed.

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.

Senior managers in all divisions make disclosures and only duly authorized, supervised and trained employees make routine disclosures designated by the privacy officer in the ordinary course of business, and in accordance with secure transmission protocols. Any requests that are outside the ordinary course of business are referred to the privacy officer and General Counsel.

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.

Not at this time.

N.Y.C. Admin. Code §23-1205(4)

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

As noted, Agency contracts have confidentiality provisions and contracts the agency has entered into or renewed after June 15, 2018 (including standard human services contracts, the discretionary fund contract for human services contracts less than \$100,000, other human service contracts and other contracts designated by the Chief Privacy Officer) contain an Identifying Information rider to assure compliance with the Identifying Information Law.

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
Insurance benefits contractors and providers	For enrollment and in City sponsored insurance (including health, dental, vision, life and disability)	Effectuates the procurement and administration of employee health and benefit programs.
Investment Management entities and support	For enrollment and participation in retirement benefit programs	Effectuates the procurement and administration of employee benefit/retirement programs.
Consultants	For auditing, data analysis consulting on legal and other issues including actuarial accounting	Promotes labor relations and the administration of labor contracts and employee benefit programs.
Labor Unions	In the course of labor relations, contract negotiation, and information requests under the New York City Collective Bargaining Law	Promotes contract negotiations and positive labor relations
City Agencies	In the course of legal representation of the City and administration of labor contracts	Promotes the representation of the City in all labor relations proceedings before the OCB and the administration of labor contracts
Other municipal entities	In the course of labor contract negotiations	Fundamental to negotiation of labor contracts
Members of the public and the press	Information requests including Freedom of Information Law requests	In accordance with the Freedom of Information Law
Law Enforcement agencies and the Department of Investigation	In connection with investigations authorized by the City Charter and governing law.	As necessary to core administration and human resource functions and in accordance with the City Charter and applicable law.
		N.Y.C. Admin. Code §23-1285(l)(c)

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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 improved and strengthened the Agency's practices in relation to the collection, retention and disclosure of identifying information.

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.

To date, the Identifying information rider, which reflects the requirements of the Identifying Information law, has improved the agency's practice in relation to the collection, retention and disclosure of identifying information involving third parties. The Agency expects that additional protocols will be issued by the Chief Privacy Officer in January of 2019.

N.Y.C. Admin. Code §23-1205(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:			
Name:	Janet M. Insardi		
Title:	Agency Privacy Officer		
Email:	jinsardi@olr.nyc.gov	Phone:	212-306-7232

SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW			
Agency Head (or designee):			
Name:	Renee Champion		
Title:	First Deputy Commissioner		
Email:	rcampion@olr.nyc.gov	Phone:	212-306-7227
Signature:		Date:	7/30/18

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