

FORM # 3 ***Agency Report***

(Revised April 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. The report must also be submitted to the Mayor, at MOReports@cityhall.nyc.gov, City Council Speaker, at reports@council.nyc.gov and the Citywide Privacy Protection Committee, at 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 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, and 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

Version	Description of Change	Approver	Date
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)

Agency:	New York City Department of Housing Preservation and Development		
Agency Privacy Officer:	Meryl Block Weissman		
Email:	blockm@hpd.nyc.gov	Telephone:	212-863-6746
Date of Report:	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)*	<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 type="checkbox"/> Photographs	<u>Government Program Information</u> <input checked="" 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 addresses <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 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
<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 type="checkbox"/> Sexual orientation	<u>Technology-Related Information</u> <input 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 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 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): Disability status and/or medical condition; paystub and/or income affidavits; financial info such as bank account information
*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).	

2. Specify the reasons why collection and retention of identifying information specified above furthers the purpose or mission of your agency.
<p>The collection and retention of the identifying information specified is required as part of the following Agency functions, which together comprise the execution of its mission: Asset Management; City Owned Property Management; Compliance; Constituent Services; Email and Outlook Use; Housing Assistance Applications; Housing Maintenance Code Enforcement; Housing Policy; Housing Production; Legal Affairs; Loan Processing; Personnel; Procurement & Contracting; Shelter Management; Storm Recovery; Strategic Preservation; System Setup and Maintenance; Tax Incentive Administration; Tenant Subsidies and Section 8 Administration. Additionally, the Agency collects and retains information where necessary for compliance with applicable City, State, and Federal laws.</p>
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
Asset Management: To ensure that HPD financed affordable housing properties remain financially and physically stable over the long-term, the Agency monitors the performance and compliance of these properties, including affordability and housing conditions for tenants and compliance for homeowners and landlords.	<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
City Owned Property Management: Management of City Owned property and the associated residential and commercial tenants.	<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
Compliance: The Agency conducts compliance for its various housing programs to ensure that City, State, and Federal funding and program requirements are met, ensure that external partners such as developers, property managers, or contractors are meeting their obligations to the Agency, and ensure that other City regulations or agreements and obligations are met.	<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
Constituent Services: Agency-wide work to respond to the public's concerns and questions and in the process receive and collect information either directly from the public or from elected officials and agencies.	<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
Housing Assistance Application: The administration of a range of programs to subsidize, qualify or apply for affordable housing rental assistance.	<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
Housing Maintenance Code Enforcement: The Office of Enforcement and Neighborhood Services works closely with other HPD divisions and outside community partners to identify buildings in distress, assess and develop appropriate strategies to address those properties, and works closely with responsible owners to develop a plan to improve conditions and return buildings to firm financial footing and physical health. HPD uses enforcement tools within the Division of Code Enforcement, Housing Litigation Division, Emergency Repair Program, the Division of Neighborhood Preservation and the Division of Special Enforcement to ensure compliance with legal and regulatory 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
Housing Policy: To provide guidance and develop policy the Agency designs and executes data collection and statistical analyses and discloses information in support of HPD’s programming and policy agenda.	<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
Housing Production: The predevelopment, financing, construction, and loan conversion functions to create or preserve affordable housing in New York 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
<p>Legal Affairs: PII related to inquiries and legal papers or documents involving legal issues from Agency personnel, outside agencies, and the public; representing/defending the Agency in actions, special proceedings and other legal proceedings and/or assisting the New York City Law Department in representing/defending the Agency in matters before courts, other agencies (federal, state, or local), and/or or administrative bodies (federal state, or local); review of Agency actions/practices in particular matters and systemically; in connection with the development/implementation of Agency policies and procedures; responding to subpoenas and other information/document demands from administrative/adjudicating bodies; and in connection with generally advising and supporting Agency staff in administering Agency policies, programs, and activities.</p>	<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
<p>Loan Processing: Processing and managing the mortgage payments for affordable housing.</p>	<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
<p>Personnel: Agency wide activities to recruit, hire, and manage personnel and personnel related functions.</p>	<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
<p>Procurement & Contracting: PII in connection with the processing of Agency procurement actions.</p>	<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
<p>Shelter Management: The Agency administers a shelter system for households displaced from their homes as a result of fires and City-issued vacate orders. Households are given emergency shelter and rehousing assistance.</p>	<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
<p>Storm Recovery: Using Federal, City, State and other funding, the Agency works to provide assistance to tenants, residents, and building owners impacted by storms or natural disasters/emergencies.</p>	<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
<p>Strategic Preservation: Strategic preservation activities include collecting and analyzing data on housing and market conditions, both for tenants and owners/landlords/developers, to assess community needs and develop and implement preservation strategies.</p>	<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
<p>System Setup and Maintenance: Data is collected to create and maintain user accounts for key Citywide data systems.</p>	<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
Tax Incentive Administration: The Agency screens, reviews and processes applications for property tax benefits and incentives provided by the City of New York. The Agency approves and tracks these applications and coordinates with the NYC Department of Finance to administer the tax benefits.	<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
Tenant Subsidies and Section 8 Administration: Administration of rental assistance programs including Section 8, Shelter Plus Care, Moderate Rehabilitation and other tenant or project based rental assistance programs.	<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(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.	
Describe Type of Collection or Disclosure	
<p>Disclosure: The Chief Privacy Officer for the City of New York, determined that the disclosure of the “HPD Data” (as such term is defined in the MOU between HPD and DYCD/Census2020 dated February 25, 2020) to DYCD/Census2020, and the collection by DYCD of the HPD Data, each for the purpose of federal/City Census coordination, is in the best interests of the City pursuant to N.Y.C Admin. Code 23-1202, given the privacy and security requirements set forth in the MOU and confidentiality letter agreement to be entered into between DYCD/Census and USCB before DYCD/Census2020 releases the HPD Data to USCB. Similarly, the 311 Privacy Policy (see https://www1.nyc.gov/assets/doitt/downloads/pdf/311-privacy-policy.pdf) authorizes disclosure of this information for purposes of conducting or improving City business and services, as is the case here.</p>	
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.	
The Agency, in close coordination with the Chief Privacy Office, continues to review and update its policies and best practices governing requests for disclosures from other City agencies, local public authorities or local public benefit corporations, and third parties. The Agency’s current policy and practice is to route requests for disclosure of identifying information through each organization channel to discern if such disclosure furthers the mission or purpose of the Agency, and if so, will then route to APO’s privacy team, which reviews, discusses and coordinates necessary paperwork and/or practices to appropriately support Agency’s disclosures.	
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

<p>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.</p>	<p>The Agency's current best practices and policy have expanded awareness and minimized access, while furthering the mission of the agency. Additional policies and training are in development to further this progress.</p>
<p>N.Y.C. Admin. Code §§23-1205(a)(1)(c)(1), and (4)</p>	

<p>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.</p>
<p>As described in number 5 the Agency is currently routing requests for disclosure of identifying information through its organization channels, culminating with APO's privacy team. Once the determination has been made to move forward with a proposal, Agency Privacy Officer's privacy team will coordinate with Legal and the individual programs to ensure the appropriate paperwork (MOU, Confidentiality Agreements, etc.) and processes are in place to reduce exposure and minimize over-sharing.</p>
<p>N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)</p>

<p>10. Describe the agency's current policies regarding the classification of disclosures as necessitated by the existence of exigent circumstances or as routine.</p>
<p>The Agency is studying and reviewing its current response to the COVID-19 crises as a model for best practices and further policy enhancements, building on the Agency's swift and privacy-centric response and ability to disclose critical agency data during exigent circumstances and formalize how these circumstances differ from routine disclosures.</p>
<p>N.Y.C. Admin. Code §23-1205(a)(1)(c)(3)</p>

<p>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.</p>
<p>The Agency is studying and reviewing current practices and preparing to formalize or develop new policies in this area.</p>
<p>N.Y.C. Admin. Code §23-1205(a)(1)(c)(4)</p>

<p>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.</p>
<p>As identified in 5. above, the Agency has implemented policies to minimize the disclosure of identifying information and is reviewing current practices to expand on this policy. The Agency will continue to evaluate ways to minimize collection and retention of identifying information in a way that would allow for furthering of the purpose/mission of the Agency.</p>
<p>N.Y.C. Admin. Code §23-1205(a)(4)</p>

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

The Agency enters into data sharing Memoranda of Understanding (MOUs) with other City agencies, contracts and confidentiality agreements with third parties and contractors to ensure that all data disclosed or used is subject to all applicable legal requirements.

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
City of New York Agencies/Entities	Information is shared for programmatic purposes, coordinating service delivery, and constituent services; legal consultation and litigation purposes; as well as any compliance, audit, or oversight requirements.	By coordinating service delivery with other City Agencies/Entities, the Agency can better serve New Yorkers in its mission to promote the quality and affordability of the City’s housing. Disclosure for legal consultation and litigation purposes, required compliance, audit, or oversight requirements ensures that the Agency is able to fulfill its mission with the public trust, free from waste, fraud or abuse.
Other Government Entities (e.g. State or Federal)	Information is shared for programmatic purposes, coordinating service delivery, and constituent services; legal consultation and litigation purposes; as well as any compliance, audit, or oversight requirements.	By coordinating service delivery with other Government Entities, the Agency can better serve New Yorkers in its mission to promote the quality and affordability of the City’s housing. Disclosure for legal consultation and litigation purposes, required compliance, audit, or oversight requirements ensures that the Agency is able to fulfill its mission with the public trust, free from waste, fraud or abuse.
Tenants, Clients, or Members of the Public	The Agency releases extremely limited information, such as addresses or building owner names, in open data and other reporting or transparency efforts.	These disclosures of limited identifying information allow the Agency to comply with the mandatory reporting laws and provide the public with transparency about its work to preserve or create affordable housing and ensure housing quality across the city.
Community Groups, Advocacy Groups, Industry Groups	The Agency releases limited information, such as addresses and building owner names, for outreach and neighborhood planning efforts.	These disclosures of limited identifying information allow the Agency to leverage the assistance of community partners in its work to preserve affordable housing and protect tenants, as well as engage constituents in neighborhoods in planning.
Developers, Landlords, or Property Managers	The Agency releases information as part of the marketing, leasing, Section 8 or other housing assistance application processes.	These disclosures connect New Yorkers with affordable housing opportunities.
Media/Press	The Agency releases extremely limited information, such as addresses, in order to be transparent about its programs to the public. Strong measures are taken to protect individual privacy. Individual New Yorkers’ stories may be shared with the express consent of those individuals.	These disclosures of limited identifying information allow the Agency to provide the public (through the media) with transparency about its work to preserve or create affordable housing and ensure housing quality across the city.
Vendors, Consultants, Technology Providers	Data is shared with vendors who are working under contract on HPD’s behalf.	These disclosures allow the Agency to leverage the expertise and capacity of its various vendors, consultants and technology providers to more effectively and efficiently accomplish its mission.

N.Y.C. Admin. Code §23-1205(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 prompted the Agency to conduct an agency-wide inventory of the types of personally identifying information collected and retained across the Agency. The Agency continues to review policies and procedures related to this personally identifying information, has increased its best practices in handling and sharing sensitive data, has begun to develop agency-wide trainings and has fostered relationships across the City agencies and with the Chief Privacy Office for continued growth and success in this area, including: implementing an staff -wide data privacy agreement to educate and bring awareness to the proper handling of identifying information; distributing a decision matrix and guidelines to facilitate the use of appropriate technologies for electronic transmission of identifying information; increased Agency use of FTP sites for safe transmission; and, ongoing development and implementation of agreements to govern the different Agency relationships and information being sharing, including Memoranda of Understanding (MOU), Confidentiality Agreements, Master Agreements, and other paperwork as may be suggested by the Chief Privacy Office, Central Risk Management Group and other City-wide privacy resources.

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.

Since the submission of the 2018 report, the agency has named dedicated staff to work on the daily adherence to privacy policy and best practices. As part of this growth, there have been numerous meetings concerning privacy matters and there is a general increased awareness throughout the agency relating to the collection, retention, and disclosure of identifying information. We await the City-wide training in development by the Chief Privacy Office and look forward to rolling out an agency-specific training to support that effort.

N.Y.C. Admin. Code §23-1205(a)(3)


APPROVAL FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Meryl Block Weissman		
Title:	Assistant Commissioner, Strategic Operations and Analytics		
Email:	blockm@hpd.nyc.gov	Phone:	212-863-6746

SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Baaba Halm		
Title:	Executive Deputy Commissioner		
Email:	HalmB@hpd.nyc.gov	Phone:	212-863-5289
Signature:		Date:	8/3/2020

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