

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: Board of Standards and Appeals

2. APO Contact Details
 - a. Name: Yaa Sarpong
 - b. Title: Deputy Counsel
 - c. Email: ysarpong@bsa.nyc.gov
 - d. Telephone: 2123860076

COLLECTIONS

3. How many collections does the agency have to describe?
8

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 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 type="checkbox"/> Any scheduled court appearances <input type="checkbox"/> Eligibility for or receipt of public assistance or City services <input type="checkbox"/> Income tax information <input type="checkbox"/> Motor vehicle information
<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 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 type="checkbox"/> Country of origin <input type="checkbox"/> Date of birth* <input type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input type="checkbox"/> Marital or partnership status <input type="checkbox"/> Nationality <input type="checkbox"/> Race <input 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 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
<u>Status information</u> <input type="checkbox"/> Citizenship or immigration status <input type="checkbox"/> Employment status <input type="checkbox"/> Status as a victim of domestic violence or sexual assault <input 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?

9

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



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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 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 type="checkbox"/> Any scheduled court appearances <input type="checkbox"/> Eligibility for or receipt of public assistance or City services <input type="checkbox"/> Income tax information <input type="checkbox"/> Motor vehicle information
<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 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 type="checkbox"/> Country of origin <input type="checkbox"/> Date of birth* <input type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input type="checkbox"/> Marital or partnership status <input type="checkbox"/> Nationality <input type="checkbox"/> Race <input 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 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
<u>Status information</u> <input type="checkbox"/> Citizenship or immigration status <input type="checkbox"/> Employment status <input type="checkbox"/> Status as a victim of domestic violence or sexual assault <input 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: Yaa Sarpong

Title: Deputy Counsel

Email: YSarpong@bsa.nyc.gov

Phone: 2123860076

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Name: Shampa Chanda

Title: Chairperson, Commissioner

Email: schanda@bsa.nyc.gov

Phone: 212386.0083

Signature: 

Date: 08/21/2024

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	Records Management	The BSA keeps records of all its proceedings in case of an Article 78 filing against a ruling. Should a member of the public submit a comment about a case, their information, including name and address are placed in the file and can be made public record. Our cases records are also subject to FOIL requests.	Pre-approved as routine	The BSA has a duty to keep accurate and full records of its proceedings as part of an assessment of what goes into the Board’s decisions. Applicant information, application materials and public hearing records are retained for purposes of maintaining agency records, providing valuable research materials to the general public and defending the agency in future litigation.
2	Office Administration	Visitor names are collected for building security to provide access to the Board’s offices.	Pre-approved as routine	As part of security management, visitors must provide their names to get access to the Board’s records unit.
3	Records Management	Application materials include applicant contact information to provide Board staff with a point of contact for future application-related communications.	Pre-approved as routine	BSA staff must be able to contact applicants after an applicant has been filed.
4	Human Resources and other Personnel Matters	Student intern names	Pre-approved as routine	Students often get school credit for their internship with the BSA,

		and contact information is collected and shared with the Department of Education to ensure that the students meet internship program requirements.		and this disclosure is a prerequisite for the fulfillment of their program requirements
5	Records Management	Identifying information is collected at public hearings, where applicants present their applications and members of the public provide testimony in support of or in opposition to those applications, and videos of these hearings are recorded, live-streamed, and maintained on the agency YouTube page as an agency record and to provide greater public access to the Board’s decision-making process.	Pre-approved as routine	This information is limited to the name and place of employment of the person presenting testimony.
6	Compliance	Identifying information—including dates of birth, social security numbers and arrest records—is also collected from operators of facilities applying to the Board for special permits to operate a health and fitness	Pre-approved as routine	This information is disclosed to the Department of Investigation, when health and fitness establishments submit applications for Board reviews

		establishment and such information		
7	Human Resources and other Personnel Matters	Staff names and contact information is collected and disclosed annually for publication in the NYC Green Book.	Pre-approved as routine	This information is collected and disclosed by all City agencies.
8	Office Administration	Collection of application materials, scheduled appointments and agency records (which may include names, contact information, employer information and employer addresses), which are disclosed in response to requests submitted pursuant to the Freedom of Information Law.	Pre-approved as routine	This information is collected and disclosed in response to requests submitted pursuant to the Freedom of Information Law.
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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					
	Type of Disclosure	Describe the Specific Activity	Classification	Describe the agency purpose or mission served by this Disclosure.	Was this disclosure made pursuant to an external request?
1	Records Management	Applicant information, including names and employers, are disclosed to City Land and the City Record for purposes of providing the public with notice of new filings, new decisions and public hearings.	Pre-approved as routine	The BSA has a duty to keep accurate and full records of its proceedings as part of an assessment of what goes into the Board’s decisions.	No
2	Records Management	Identifying information—including dates of birth, social security numbers and arrest records—is also collected from operators of facilities applying to the Board for special permits to operate a health and fitness establishment and such information is disclosed to the Department of Investigation, when	Pre-approved as routine	The disclosure to the Department of Investigation is less frequent as the Board does not have de facto jurisdiction over health and fitness establishments but still has applications for certain types of these establishments that may need a variance or are of a certain size.	No

		health and fitness establishments submit applications for Board reviews.			
3	Human Resources and other Personnel Matters	Staff names and contact information is collected and disclosed annually for publication in the NYC Green Book.	Pre-approved as routine	City Agencies are required to provide this information about staff members	Yes
4	Human Resources and other Personnel Matters	Student intern names and contact information is collected and shared with the Department of Education to ensure that the students meet internship program requirements.	Pre-approved as routine	Students often get school credit for their internship with the BSA, and this disclosure is a prerequisite for the fulfillment of their program requirements	Yes
5	Response to a Request or Demand	Disclosure of application materials to other NYC agencies (including FDNY, DOT, DEP and DOB), Community Boards and public officials to solicit their recommendations on applications.	Pre-approved as routine	BSA solicits the advice of agencies that have certain expertise and provides identifying information about proposals as part of that request for help.	Yes
6	Human Resources and other Personnel Matters	Collection of Board Commissioner names and motor vehicle	Pre-approved as routine	As part of their obligations, Board members visit application	Yes

		information, which is then disclosed to the New York City Department of Transportation in order to obtain parking permits.		sites, and because of the nature of their work, they receive parking permits.	
7	Compliance	Disclosure of names, employer information and employment addresses disclosed to the Mayor's Office in compliance with that office's directive to disclose agency meetings with lobbyists on a monthly basis.	Pre-approved as routine	Compliance request fulfilled as necessary should BSA staff or commissioners take meetings with lobbyists.	Yes
8	Compliance	Disclosure of application information for purposes of completing comptroller's audit.	Pre-approved as routine	Applicant information is disclosed as necessary complete comptroller's audit.	Yes
9	Response to a Request or Demand	Collection of application materials, scheduled appointments and agency records (which may include names, contact information, employer information and employer addresses), which are disclosed in response to	Pre-approved as routine	This information is provided after a review from the Board's FOIL officer, reviewable by the FOIL Appeal Officer.	Yes

		requests submitted pursuant to the Freedom of Information Law.			
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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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94	Choose an item.		Choose an item.		Choose an item.
95	Choose an item.		Choose an item.		Choose an item.
96	Choose an item.		Choose an item.		Choose an item.
97	Choose an item.		Choose an item.		Choose an item.
98	Choose an item.		Choose an item.		Choose an item.
99	Choose an item.		Choose an item.		Choose an item.
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.	
4	Choose an item.	
5	Choose an item.	
6	Choose an item.	
7	Choose an item.	
8	Choose an item.	
9	Choose an item.	
10	Choose an item.	
11	Choose an item.	
12	Choose an item.	
13	Choose an item.	
14	Choose an item.	
15	Choose an item.	
16	Choose an item.	
17	Choose an item.	
18	Choose an item.	
19	Choose an item.	
20	Choose an item.	
21	Choose an item.	
22	Choose an item.	
23	Choose an item.	
24	Choose an item.	
25	Choose an item.	
26	Choose an item.	
27	Choose an item.	

	<i>Type of Entity</i>	<i>Name of Entity</i>
28	Choose an item.	[free text]
29	Choose an item.	
30	Choose an item.	
31	Choose an item.	
32	Choose an item.	
33	Choose an item.	
34	Choose an item.	
35	Choose an item.	
36	Choose an item.	
37	Choose an item.	
38	Choose an item.	
39	Choose an item.	
40	Choose an item.	
41	Choose an item.	
42	Choose an item.	
43	Choose an item.	
44	Choose an item.	
45	Choose an item.	
46	Choose an item.	
47	Choose an item.	
48	Choose an item.	
49	Choose an item.	
50	Choose an item.	
51	Choose an item.	
52	Choose an item.	
53	Choose an item.	
54	Choose an item.	
55	Choose an item.	
56	Choose an item.	

	<i>Type of Entity</i>	<i>Name of Entity</i>
57	Choose an item.	[free text]
58	Choose an item.	
59	Choose an item.	
60	Choose an item.	
61	Choose an item.	
62	Choose an item.	
63	Choose an item.	
64	Choose an item.	
65	Choose an item.	
66	Choose an item.	
67	Choose an item.	
68	Choose an item.	
69	Choose an item.	
70	Choose an item.	
71	Choose an item.	
72	Choose an item.	
73	Choose an item.	
74	Choose an item.	
75	Choose an item.	
76	Choose an item.	
77	Choose an item.	
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79	Choose an item.	
80	Choose an item.	
81	Choose an item.	
82	Choose an item.	
83	Choose an item.	
84	Choose an item.	
85	Choose an item.	

	<i>Type of Entity</i>	<i>Name of Entity</i>
86	Choose an item.	[free text]
87	Choose an item.	
88	Choose an item.	
89	Choose an item.	
90	Choose an item.	
91	Choose an item.	
92	Choose an item.	
93	Choose an item.	
94	Choose an item.	
95	Choose an item.	
96	Choose an item.	
97	Choose an item.	
98	Choose an item.	
99	Choose an item.	
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.			
7	Choose an item.			
8	Choose an item.			
9	Choose an item.			
10	Choose an item.			
11	Choose an item.			
12	Choose an item.			
13	Choose an item.			
14	Choose an item.			
15	Choose an item.			
16	Choose an item.			
17	Choose an item.			
18	Choose an item.			
19	Choose an item.			
20	Choose an item.			
21	Choose an item.			
22	Choose an item.			
23	Choose an item.			
24	Choose an item.			
25	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>
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.			
32	Choose an item.			
33	Choose an item.			
34	Choose an item.			
35	Choose an item.			
36	Choose an item.			
37	Choose an item.			
38	Choose an item.			
39	Choose an item.			
40	Choose an item.			
41	Choose an item.			
42	Choose an item.			
43	Choose an item.			
44	Choose an item.			
45	Choose an item.			
46	Choose an item.			
47	Choose an item.			
48	Choose an item.			
49	Choose an item.			
50	Choose an item.			
51	Choose an item.			
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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67	Choose an item.			
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71	Choose an item.			
72	Choose an item.			
73	Choose an item.			
74	Choose an item.			
75	Choose an item.			
76	Choose an item.			
77	Choose an item.			
78	Choose an item.			
79	Choose an item.			
80	Choose an item.			
81	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>
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.			
90	Choose an item.			
91	Choose an item.			
92	Choose an item.			
93	Choose an item.			
94	Choose an item.			
95	Choose an item.			
96	Choose an item.			
97	Choose an item.			
98	Choose an item.			
99	Choose an item.			
100	Choose an item.			

Please add additional rows, if needed