

NYC Emergency Management Department
Agency Report Identifying Information Law

LOCAL LAWS 245 and 247 of 2017

Submitted: July 31, 2018

City Council Speaker: reports@council.nyc.gov

Mayor: reports@cityhall.nyc.gov

CPO: PrivacyOfficer@cityhall.nyc.gov

Privacy Committee: NYCPrivacyCommittee@cityhall.nyc.gov

NYC Emergency Management helps New Yorkers before, during, and after emergencies through preparedness, education, and response.

1. NYC EMD is not a service agency and does not administer or contract for human services vendors.
2. NYC EMD does **routinely collect and retain** identifying information, as defined in New York City Administrative Code §23-1201 in furtherance of the agency's purpose and mission and as set out below.

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AGENCY REPORT

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

Agency:	New York City Emergency Management Department		
Agency Privacy Officer:	Stella Guarna, Deputy Commissioner Legal Affairs		
Email:		Telephone:	
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 type="checkbox"/> Place of Birth
<input checked="" type="checkbox"/> Gender identity	<input checked="" type="checkbox"/> Race
<input checked="" 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 type="checkbox"/> Country of origin
<input checked="" type="checkbox"/> Employer information	<input checked="" type="checkbox"/> Languages spoken
<input checked="" type="checkbox"/> Employment address	<input type="checkbox"/> Social media account information
<input checked="" type="checkbox"/> Motor vehicle information	<input type="checkbox"/> Income tax information
<input type="checkbox"/> Biometric information	<input checked="" type="checkbox"/> Any scheduled court appearances
<input 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 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 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

☐ Other:

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 New York City Charter, Section 19-A, at Section 497, sets out the mission of the agency. *In part:*

- a. Coordinate the city's response to all emergency conditions and potential incidents which require a multi-agency response;
- b. Monitor on a constant basis all potential emergency conditions and potential incidents which may require a multi-agency response;
- c. Coordinate and implement training programs for public safety and health;

- d. Prepare plans for responding to emergency conditions and potential incidents, ..to protect public safety and facilitate the rapid response and mobilization of agencies and resources;
- e. Make recommendations to the mayor concerning the city's emergency response capabilities and concerning the city's capacity to address potential emergency conditions and potential incidents;
- f. Increase public awareness as to the appropriate response by members of the public to emergency conditions and potential incidents, and review the city's systems for disseminating information to the public;
- g. Operate an emergency operations center to assist the city in managing emergency conditions and potential incidents that may require a multi-agency response;
- h. Hold regular and frequent meetings of designated emergency response personnel of all city agencies;
- i. Acquire federal and other funding for emergency management, including but not limited to disaster relief;
- j. Coordinate with all other city agencies to ensure that all such agencies develop and implement emergency response plans in connection with planning major city events.

The collection and retention of identifying information permits NYC EMD to carry out its Charter Mission (a-j) as set out below:

- 1 The collection and retention of the identifying information specified below allows for the performance of core administrative and human resource functions within the agency.
2. The collection and retention of the name, current home address, employer information and employment address and status of CITY AGENCY EMPLOYEES allows for NYC EMD to expeditiously call upon city agency employee volunteers to support and implement citywide emergency preparedness, response and recovery plans and allows for NYC EMD to contact them as needed.
- 3 .The collection and retention of the identifying information specified above, in particular, the collection and retention of the name, current home address, employer information and employment address of CITY AGENCY EMPLOYEES allows for NYC EMD to maintain the City's Continuity of Operations Plans, which allow for continuity of government functions post emergency and or disaster.
- 4.The collection and retention of the identifying information specified above, in particular, the collection and retention of the name, current home address, employer information and employment address and status allows for NYC EMD to perform core administrative and human resource functions on behalf of Urban Search and Rescue team members, a federally funded program, sponsored through NYC EMD. The Urban Search and Rescue Team members are comprised of NYPD, FDNY, DSNY and NYC EMD personnel.
- 5.The collection and retention of the identifying information specified above, in particular, name, address and preferred contact information of private citizen who self-register and subscribe to Notify NYC, the City of New York's official source of information about emergency events and important City services, increasing public awareness.
- 6.The collection and retention of the identifying information specified above, in particular, name and contact information of NYC EMD employees and other City Agency employees so as to distribute information, communicate and call upon Coastal Storm Staffing and NYC EMD staff pre disaster, during the event and post disaster.
- 7.The collection and retention of the identifying information specified above, in particular, name, address, employer information and employment address allows for NYC EMD to contact City Agency employees to offer trainings to them relevant to emergency preparedness, response and recovery.

N.Y.C. Admin. Code §23-1205(l)(f)

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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
Human Resources – NYC EMD personnel related information and records – any records collected by our HR unit for its performance of core administrative and human resource functions within the agency	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
Other City Agency employee employment information/contact information – NYC EMD engages in agreements with other City agencies for citywide support in emergency planning, response and recovery. City employees may be called upon to volunteer to work to support the City’s response to an emergency – the employment and contact information is collected and retained for emergency support purposes. This information is utilized for training purposes as well and to contact the employees to keep information current	<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
Other City Agency employee contact information for planning efforts – NYC EMD works with other City Agency and City agency employees in the development of the citywide Emergency Response Plans. We collect and retain the contact information of these employees for planning purposes. This information is utilized for training purposes as well	<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
Non City Health Care Facility employee information for planning efforts/emergency response – NYC EMD retains contact information and subject matter expert contact information as we rely upon these subject matter experts (smes) in the creation of emergency response plans where public health or public safety is impacted. These sme’s support the emergency response as well.	<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
Public Utilities – contact information - emergency planning and response – NYC’s public utilities are NYC EMD’s planning partners to create response plans for emergency events that impact the provision of utility services. NYC EMD collects and retains contact information for our utility partners who plan with us.	<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
State/Federal Partners – for planning efforts/ emergency support/response - NYC EMD works closely with our State and Federal Partners particularly during major disasters/events. We collect and retain contact information for these partners – such as the Federal Emergency Management Agency (FEMA), Department of Homeland Security - State Emergency Management (DHSES-SEMO); State Department of Health	<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
Responses to Subpoena – NYC EMD has pre-approved any disclosure of information in response to a court ordered subpoena as a routine disclosure. However, each response is thoroughly vetted and released documentation is reviewed on a case by case basis prior to release.	<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.

Describe Type of Collection or Disclosure
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Not applicable
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.	
<p>Any request for disclosure of identifying information, or internal NYC EMD documents and/or information, whether by another City agency, local public authority or local public benefit corporation or third party is brought to the attention of the agency's legal counsel(s). An analysis is performed by the agency counsel: is the information necessary? Can the information be limited in some way? Is a confidentiality agreement or non disclosure agreement necessary? How will the data be stored by the recipient? Shared? Destroyed after use? Is there a law or rule requiring the disclosure or non disclosure?</p> <p>NYC EMD enters in to Data Set Use Agreements with other City or governmental entities when anticipating or requiring identifying information from our partners, or providing information to our partners in support of an emergency response.</p> <p>NYC EMD protects identifying information shared with contractors who support our City employee volunteer database and our public volunteer database. Our contracts include all Appendix "A" provisions as well as require strict compliance with DoITT IT security standards and policies. In addition, our contracts when relevant, require limited access to the data and limit the use of the data to the fulfillment of the purpose of the contract.</p> <p>With regard to Third Party requests for information held by NYC EMD, NYC EMD via its counsel will determine whether the request is a non-routine request for information. If yes, then NYC Corporation Counsel's office will be contacted for guidance prior to responding.</p>	
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.	<p>Due to the confidential nature of many of the NYC EMD's plans and processes, and the agency's mission to protect public safety, the agency takes all measures to minimize access to ANY information collected and retained.</p>
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.
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NYC EMD will not disclose identifying information without either a Data Set Use Agreement; Non Disclosure Agreement and/or Confidentiality Agreement. As previously stated, the agency staff meet with the legal unit PRIOR to the release of information to confirm the necessity and terms of the disclosure. With regard to Third Party requests for information held by NYC EMD, NYC EMD via its counsel will determine whether the request is a non-routine request for information. If yes, then NYC Corporation Counsel's office will be contacted for guidance prior to responding. If the proposal for disclosure of identifying information to other City agencies, local public authorities or local public benefits corporations was not in furtherance of the agency's mission and purpose, a further analysis would take place and all steps would be taken to determine the appropriateness of the disclosure and what Data Set Agreement; Non-disclosure or Confidentiality Agreement was warranted to protect the information.

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.

Any disclosure of identifying information that supports NYC EMD's emergency response, preparedness and recovery planning (pre disaster planning or emergency response and recovery) would be limited to our city and other governmental partners and stakeholders on a need to know basis – that exchange would be a "routine" exchange, made during the normal course of agency business and in furtherance of the mission and purpose of the agency. To the extent that NYC EMD engages in a unique multiagency project – the information collected and disclosed would meet the definition of routine.

Any disclosure of identifying information that is necessitated "in the moment" due to the nature of the emergency and the need for life safety or to protect vulnerable affected persons would be classified as an exigent disclosure. Appropriate approval of this disclosure will be obtained, if time permits, as will the documenting of this disclosure.

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.

NYC EMD has divisions, based on competencies. Within each of the divisions, there are lines staff, managerial staff and Executive level staff. The long standing and current policy of the agency with regard to the disclosure of any information, is that staff consult with NYC EMD legal at the commencement of a project or program, to outline how information is to be exchanged, retained and/or disclosed. In compliance with Local Laws 245 and 247 of 2017 the APO has performed an inventory of the collection and disclosure(s) of identifying information by NYC EMD and has designated disclosures which are in furtherance and support of the mission and purpose of the agency as "routine".

A policy has been developed whereby this information will be posted on the agency intranet. The policy requires that personnel contact the agency's legal unit immediately if there is any doubt or question as to the designation of a collection or disclosure as being routine, PRIOR to the collection or disclosure.

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.

NYC EMD's current policies seek to minimize the collection, retention and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of the agency.

N.Y.C. Admin. Code §23-1205(4)

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

NYC EMD enters into Non Disclosure Agreements, Data Set Agreements and Confidentiality Agreements to restrict the use and dissemination of information and in particular identifying information, to a need to know basis. This is a routine policy of the Agency.

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
Other City Agencies (exchange of employee contact information & status)	In support of emergency preparedness, response, recovery and the development of the city's citywide emergency response plans and strategies	NYC EM coordinates the City's emergency preparedness, response and recovery plans with all city agencies – we rely upon other City employees and staff to volunteer to support the response and recovery and/or to maintain the City's continuity of operations and continuity of government services; trainings; identification of vulnerable populations to provide support post emergency event
State & Federal Gov't	In support of emergency preparedness, response, recovery	Intrastate; interstate mutual aid – FEMA response & recovery post disaster – identification of tenants utilizing state rent rolls post building collapse
Utility Stakeholders	In support of emergency preparedness, response, recovery	Identification of vulnerable populations to provide support to them during utility outages; extreme weather events
Non City Health Care Facilities	In support of emergency preparedness, response, recovery	Emergency Planning and response – preparation for public health emergencies; hospital surge – quarantine planning -
Vendors	In support of communication platforms/public warning systems/Notify NYC	Maintaining a list of public volunteers; city employee volunteers; for communication pre event, response & recovery; all in support of the City's preparation for, response to and recovery from an emergency
		N.Y.C. Admin. Code §23-1205(1)(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 impact of the Identifying Information Law and other applicable laws upon our agency's practices in relation to collection, retention and disclosure of identifying information is minimal, as NYC EMD employees follow restrictive policies as a day to day practice. That said, because of Local Laws 245 and 247 the agency has taken a full inventory of the types of collections and disclosures and has recognized the need to develop more formal written policies.

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.

None to date.

N.Y.C. Admin. Code §23-1205(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report: Stella J. Guarna

Name:

Stella J. Guarna

Title:

Deputy Commissioner Legal Affairs

Email:

[REDACTED]

Phone:

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SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:

JOSEPH ESPOSITO

Title:

Commissioner, NYC Emergency Management Department

Email:

[REDACTED]

Phone:

[REDACTED]

Signature:

Joseph J. Esposito

Date:

July 31, 2018

- End of Document