

FORM 3

Agency Report Template

(Revised April 2022)

INSTRUCTIONS

The Identifying Information Law requires City agencies to submit comprehensive biennial agency reports (Form 3) related to their collection, disclosure, and retention of identifying information and their privacy protection practices.

To complete a 2022 Form 3:

- Update the agency's 2020 Form 1 (Inventory Form) with new information (including from any new or updated Forms 2 and 5 completed by the agency since 2020);
- Update or complete new Form 2s (APO Designation of Collections and Disclosures as "Routine") based on new information in the updated 2022 Form 1;
- Update or complete new Form 5s (Agency Privacy Officer Approval of Collections and Disclosures on a "Non-Routine" Basis) based on new information in the updated 2022 Form 1;
- Make sure all updated or new Forms 2 and 5 are consistent with the updated 2022 Form 1;
- Use the updated or new Forms 1, 2, and 5 to complete a new Form 3.

Before submission, Form 3 must be signed by the agency head or their designee. It is strongly recommended that agency counsel conduct a final review and approval before submission.

Submit Form 3 to:

- CPO at PrivacyOfficer@cityhall.nyc.gov
- Mayor at MOReports@cityhall.nyc.gov
- City Council Speaker at reports@council.nyc.gov
- Citywide Privacy Protection Committee at NYCPrivacyCommittee@cityhall.nyc.gov
- Department of Records and Information Services's (DORIS) online submissions 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.

DO NOT SUBMIT PAGES 1-3

VERSION CONTROL

Version	Description of Change	Approver	Date
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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FORM 3 (AGENCY REPORT)

(Due on or before July 31, 2022)

Agency:	Office of Chief Medical Examiner		
Agency Privacy Officer:	Vaughn Browne		
Email:	vabrowne@ocme.nyc.gov	Telephone:	212-323-1904
Date of Report:	7-25-22		

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)* <input checked="" type="checkbox"/> Taxpayer ID number (full or last 4 digits)* Biometric Information <input checked="" type="checkbox"/> Fingerprints <input checked="" type="checkbox"/> Photographs <input type="checkbox"/> Palm and handprints* <input type="checkbox"/> Retina and iris patterns* <input type="checkbox"/> Facial geometry* <input type="checkbox"/> Gait or movement patterns* <input type="checkbox"/> Voiceprints* <input checked="" type="checkbox"/> DNA sequences* Contact Information <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number Demographic Information <input checked="" type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input checked="" type="checkbox"/> Marital or partnership status <input checked="" type="checkbox"/> Nationality <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Religion <input checked="" type="checkbox"/> Sexual orientation Status Information <input type="checkbox"/> Citizenship or immigration status <input 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	Work-Related Information <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address Government Program Information <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input checked="" 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 Law Enforcement Information <input checked="" type="checkbox"/> Arrest record or criminal conviction <input 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 Technology-Related Information <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
Other Types of Identifying Information (list below): <ul style="list-style-type: none"> NYPD complaint number and Property Clerk number Medical Examiner case number 	
<small>*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).</small>	

2. Explain why the collection and retention of identifying information described in Question 1 furthers the purpose or mission of your agency.

The New York City Office of Chief Medical Examiner (OCME) serves public health and the criminal justice system through forensic science. Our independent investigations of deaths and analysis of evidence provide answers to families and communities during the most challenging of times.

OCME collects and retains identifying information in the regular course of such mission-based sensitive and wide-ranging activities as conducting death scene investigations in public and private locations, performing autopsies and external examinations to determine the cause and manner of death of individual decedents within OCME's Charter-specified jurisdiction (see City Charter § 557), working closely with families and other representatives of decedents, interacting with stakeholders in law enforcement and the criminal justice system, testing DNA for criminal proceedings and to identify missing persons (including victims of the September 11, 2001 attacks on the World Trade Center), and emergency response preparations.

Internally, OCME engages in standard necessary personnel functions and implements continuity of operations plans, which also require the collection and retention of identifying information.

3. Describe the following types of collections and disclosures: (1) pre-approved as routine, (2) pre-approved as routine by the APOs of two or more agencies, or (3) approved by the APO on a case-by-case basis. Appendix B of the Agency Guidance on the 2022 Biennial Compliance Process includes examples of routine and non-routine collections and disclosures.

Add additional rows as needed.

Describe the Collection or Disclosure	Classification Type
Identifying information relating to decedents for use in death investigations, autopsies, external examinations, outreach to decedents' next of kin, identification of unidentified human remains or missing persons, and legal matters.	<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
DNA and other forensic scientific data and analysis relating to criminal matters (suspect and evidence samples, including victim samples), identification of unidentified human remains or missing persons, quality control.	<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
Employee identifying information for personnel purposes, including compensation, time & leave, benefits, employee discipline, training, and recruitment, and for continuity of operations and legal matters.	<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)	
N.Y.C. Admin. Code §23-1205(a)(1)(f)	

4. If applicable, describe the types of collections and disclosures of identifying information involving your agency that have been approved by the Chief Privacy Officer as being in the best interests of the City.

Add additional rows as needed.

Describe Type of Collection or Disclosure
n/a
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. Be as specific as possible.

NOTE: For questions 5 – 11, refer as necessary to the Model Citywide Protocol for Handling Third Party Requests for Information Held by City Agencies (on file with the Office of Information Privacy) and the Identifying Information Rider.

Agency confidentiality policies and laboratory protocols protect identifying information.

Disclosure of known decedent information is made only to next of kin or authorized representatives, to law enforcement, pursuant to court order or statute, or pursuant to litigation with appropriate protections. Additionally, disclosure of decedent information is made to the NYC Department of Health and Mental Hygiene as a routine matter for both agencies, in connection with OCME's determination of cause and manner of death and both agencies' completion of death certificates.

Disclosure of DNA testing and analysis is made only in accordance with New York State Executive Law Article 49-B and other applicable statutes, pursuant to court order, or in other legal proceedings as properly authorized. Additionally, results of DNA testing and analysis may be provided pursuant to appropriate request to the individual whose DNA was tested and analyzed.

Employee information is disclosed to other government agencies as required in the normal course of agency business for such purposes as those identified in section 3 above.

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
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7. If YES, do those policies specify that access to identifying information must be necessary to perform their duties?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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8. Describe whether the policies are implemented in a manner that minimizes access to the greatest extent possible while furthering the purpose or mission of the agency.	Access to identifying information is generally limited to employees who require access to such information to perform their job duties. Contractor and subcontractor access is similarly limited, and those individuals are required to execute non-disclosure agreements.
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N.Y.C. Admin. Code §§23-1205(a)(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. Be as specific as possible.

Most such disclosures are made only as described above; any non-routine requests for disclosure are reviewed by General Counsel's office to determine if they may properly be fulfilled.

N.Y.C. Admin. Code §23-1205(a)(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. Be as specific as possible.

Guided by the Identifying Information Law and legal advice from the NYC Law Department, OCME has classified as routine only those disclosures that are made in the normal course of agency business and that further the mission and purpose of the agency. A finding of exigent circumstances would be made on a case by case basis, taking into consideration not only the asserted need for the identifying information but also all applicable legal constraints on its disclosure.

11. Describe the agency's current policies regarding which divisions and categories of employees have been approved by the agency privacy officer to disclose identifying information. Be as specific as possible.

Disclosures of identifying information are made only by those employees whose job functions require them to make such disclosures in the normal course of their duties and responsibilities, and in keeping with the mission and purpose of the agency. Because so much of the agency's work necessarily involves the collection, review, retention, or disclosure of identifying information in a variety of contexts, many of the agency's employees participate in one or more of those activities as a routine matter.

12. Describe whether the agency has considered or implemented, where applicable, any alternative policies since 2020 that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the agency's purpose or mission.

OCME believes that it is maximally sensitive to the confidentiality of identifying information and highly respects the need for the protection of such information; accordingly, current agency policies already minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while permitting OCME to continue to perform its core functions in keeping with its purpose and mission.

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

OCME includes mandatory non-disclosure agreements in all memoranda of understanding and contracts that do or may involve access to identifying information. Agreements are not used or necessary in circumstances in which both agencies share the same goal, for example, OCME's interaction with DOHMH's Bureau of Vital Statistics in connection with the creation of death certificates.

14. Using the table below, describe the types of entities requesting the disclosure of identifying information or proposals for disclosures of identifying information. For each entity, describe (1) why the agency discloses identifying information to the entity, and (2) why any disclosures further the purpose or mission of the agency.

Add additional rows as needed.

Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the agency's purpose or mission
Decedents' next of kin or other authorized representatives	Disposition of remains of decedent, medical information of potential value to survivors	One of OCME's core missions is to ascertain cause and manner of death in cases within OCME jurisdiction, and to provide answers and information to families and communities in times of need.
Prosecutors and other stakeholders within the criminal justice system, including law enforcement and other City agencies	Identifying information relating to cause and manner of death and to DNA and other forensic scientific testing and analysis are critical to criminal matters, and the disclosure of certain forms of such information is specifically contemplated in the NYS Executive Law, Article 49-B, and in City Charter § 557.	Among OCME's responsibilities and authorized functions under City Charter § 557 are the determination of cause and manner of death in specified categories of cases within the City of New York, performing the functions of the city mortuary, providing forensic and related testing and analysis, and approving requests for cremation of remains. OCME is also required to keep full and complete records of its activities.
Other City agencies relating to employee matters, including compensation and discipline	Sharing information with the necessary City agencies is critical to maintaining prompt and smooth processing of human resources functions for the agency's workforce.	OCME's Human Resources Department supports the agency's operating units in meeting the Agency's objectives by providing a full range of human resource services such as recruitment/onboarding, payroll and Citytime management, labor relations, performance management, professional development and employee discipline.
Outside or other City agency scientific researchers	Research and surveillance of disease, substance overdose patterns, and other medical trends contributes significant value to the public health of the community.	Furthering the public health of the community is squarely within the purpose and mission of the OCME.

N.Y.C. Admin. Code §23-1205(a)(1)(c)

- Proceed to Next Question on Following Page -

15. Describe the impact of the Identifying Information Law and other local, state, or federal laws upon your agency's practices in relation to collecting, retaining, and disclosing identifying information (i.e., if such practices would differ in the absence of these laws).

In part because identifying information is such an integral part of OCME's core purpose and mission, this agency has always held the highest respect for the privacy of decedents, crime victims, and others whose remains or tissues the agency investigates and analyzes. When the Identifying Information Law was enacted, OCME was already enforcing the protection of confidential information by its employees, contractors, and other partners. Accordingly, the Identifying Information Law has not effected any change in OCME's policies, other than to formalize the routine nature of the collection, retention, and disclosure of such information.

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 collecting, retaining, and disclosing identifying information (i.e., if they have affected such practices).

n/a

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Name: Vaughn Browne

Title: Agency Attorney

Email: vabrowne@ocme.nyc.gov

Phone: 212-323-1904

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):


Name: Jason K. Graham, MD

Title: Chief Medical Examiner

Email: jgraham@ocme.nyc.gov

Phone: 212-447-2321

Electronic
Signature:



Date: 07/29/2022

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