

FORM # 3
Agency Report Template

(Revised July 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's 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 (on file with the CPO), as well as 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 Emergency Management		
Agency Privacy Officer:	Stella Guarna, Chief Counsel		
Email:	[REDACTED]	Telephone:	[REDACTED]
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 checked="" 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 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 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 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>Other Types of Identifying Information</u> (list below): Taxi and Limousine Identification Numbers	
*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.

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 NYCEM 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 NYCEM to expeditiously call upon city agency employee volunteers to support and implement citywide emergency preparedness, response and recovery plans, and allows for NYCEM 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 NYCEM 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 NYCEM to perform core administrative and human resource functions on behalf of Urban Search and Rescue team members, a federally funded program, sponsored through NYCEM. The Urban Search and Rescue Team members are comprised of NYPD, FDNY, DSNY, and NYCEM 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 NYCEM employees and other City Agency employees so as to distribute information, communicate and call upon Coastal Storm Staffing and NYCEM 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 NYCEM to contact City Agency employees to offer trainings to them relevant to emergency preparedness, response and recovery.

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
Human Resources - NYCEM personnel related information and records - any records collected by our Bureau of Human Capital 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 – NYCEM 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 - NYCEM 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 - NYCEM 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 NYCEM's planning partners to create response plans for emergency events that impact the provision of utility services. NYCEM 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 - NYCEM 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 (OHS ES-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 - NYCEM 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
COVID-19 Emergency Programs	
New York City Air Conditioning (“Get Cool”) Program – NYCEM works closely with the City’s Chief Privacy Officer on the authorization and collection of air conditioner recipient information. NYCEM is a signatory to a City Data Sharing Agreement with various agencies to utilize said information to assist in the coordination and implementation of the Get Cool Program.	<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
New York City Food Distribution Program – for program support and coordination - NYCEM works with DSNY and TLC to collect food recipient and delivery driver information.	<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 <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>New York City Hotel Program – The program allows the following persons to isolate safely: (1) patients who were confirmed or suspected COVID positive; (2) healthcare workers and other frontline workers who were at high risk of being exposed to COVID; and (3) individuals released through the MOCJ Program. An intake form was developed to collect and track the clients in the hotel program.</p> <p>Vendors and contractors collecting this data were held to the standards of the Identifying Information Rider created and were contracted to comply with the DoITT Cloud Policy.</p>	
N.Y.C. Admin. Code §23-1205(a)(1)(b)	

<p>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.</p> <p>Add additional rows as needed.</p> <p>Describe Type of Collection or Disclosure</p> <p>N/A</p>
N.Y.C. Admin. Code §23-1202(b)(2)(b); 23-1205(a)(1)(b)

<p>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> <p>Any request for disclosure of identifying information, or internal NYCEM 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>NYCEM 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>NYCEM 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 NYCEM, NYCEM 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>	
<p>6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties?</p>	<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>Due to the confidential nature of many of the NYCEM'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(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.

NYCEM 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 NYCEM, NYCEM 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(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.

Any disclosure of identifying information that supports NYCEM'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 NYCEM 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(a)(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.

NYCEM has Bureaus, based on competencies. Within each of the bureau, there are line 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 the agency's legal unit 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 NYCEM 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(a)(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.

NYCEM'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(a)(4)

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

NYCEM 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. Additionally, certain vendors and contractors collecting PII are held to the standards of the Identifying Information Rider and were contracted to comply with the DoITT Cloud Policy.

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
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	NYCEM 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.
City, State, Federal, and Quasi-Governmental	In support of Citywide COVID-19 Operations	NYCEM is involved in a number of City Operations (NYC Air Conditioner Program, NYC Food Delivery Program, and NYC Hoteling Program) in response to the COVID-19 Pandemic.
State & Federal Gov't	In support of emergency preparedness, response, recovery	Intrastate; interstate mutual aid - FEMA response & recovery post disaster.
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.
Vendors	In support of communication platforms/COVID-19 Operations	Maintaining a list of public/City volunteers; city response & recovery; support of the City's COVID-19 Operations. <small>N.Y.C. Admin. Code §23-1205(a)(1)(e)</small>

- Proceed to Next Question on Following Page-

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 NYCCEM employees follow restrictive policies as a day to day practice. However, we still work closely with the City's Chief Privacy Officer (CPO) on various matters.

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.

The privacy policies and protocols issued by the CPO and the CPPC are invaluable. These policies and protocols have created greater awareness for the legal unit and program units within our agency.

N.Y.C. Admin. Code §23-1205(a)(3)


APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Stella Guarna		
Title:	Chief Counsel		
Email:	[REDACTED]	Phone:	[REDACTED]

SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Deanne Criswell		
Title:	Commissioner, New York City Emergency Management		
Email:	[REDACTED]	Phone:	[REDACTED]
Signature:		Date:	7/28/2020

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