

FORM 3 (AGENCY REPORT)
(Due on or before July 31, 2022)

Agency:	Law Department		
Agency Privacy Officer:	Kathryn Conway		
Email:	Kaconway@law.nyc.gov	Telephone:	212-356-2383
Date of Report:	July 8, 2022		

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)* <u>Biometric Information</u> <input checked="" type="checkbox"/> Fingerprints <input checked="" type="checkbox"/> Photographs <input checked="" type="checkbox"/> Palm and handprints* <input checked="" type="checkbox"/> Retina and iris patterns* <input checked="" type="checkbox"/> Facial geometry* <input checked="" type="checkbox"/> Gait or movement patterns* <input checked="" type="checkbox"/> Voiceprints* <input checked="" type="checkbox"/> DNA sequences* <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>Demographic Information</u> <input checked="" type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input checked="" type="checkbox"/> Languages spoken <input checked="" type="checkbox"/> Marital or partnership status <input checked="" type="checkbox"/> Nationality <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Religion <input checked="" type="checkbox"/> Sexual orientation <u>Status Information</u> <input checked="" type="checkbox"/> Citizenship or immigration status <input checked="" type="checkbox"/> Employment status <input checked="" type="checkbox"/> Status as victim of domestic violence or sexual assault <input checked="" type="checkbox"/> Status as crime victim or witness	<u>Work-Related Information</u> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address <u>Government Program Information</u> <input checked="" type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input checked="" type="checkbox"/> Any scheduled court appearances <input checked="" type="checkbox"/> Eligibility for or receipt of public assistance or City services <input checked="" type="checkbox"/> Income tax information <input checked="" type="checkbox"/> Motor vehicle information <u>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 checked="" type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD <u>Technology-Related Information</u> <input checked="" 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 checked="" type="checkbox"/> Internet protocol (IP) address* <input checked="" type="checkbox"/> Social media account information
<u>Other Types of Identifying Information</u> (list below):	

*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).

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

Administration: the Administration function of the Law Department collects, discloses and retains various identifying information for the purpose of managing a range of personnel services necessary to staff ongoing agency operations and deliver the agency’s programs and services.

Contracts: the Contracts function of the Law Department collects, discloses and retains various identifying information for the purpose of carrying out the legal business of the City of New York by overseeing City-wide contracting and Law Department-specific procurements.

Counseling: the Counseling function of the Law Department collects, discloses and retains various identifying information for the purpose of carrying out the legal business of the City of New York by counseling and advising our clients on legal issues in litigation, transactional, and legislative contexts.

Family Court-specific Function: the Family-Court specific function of the Law Department collects, discloses and retains various identifying information for the purpose of carrying out the legal business of the City of New York by promoting the well-being of the City's children and protecting the general public.

Litigation and Pre-litigation Activities: the Litigation and Pre-Litigation function of the Law Department collects, discloses and retains various identifying information for the purpose of carrying out the legal business of the City of New York by representing the City, and its employees, agents and assigns.

Public Relations: the Public Relations function of the Law Department collects, discloses and retains various identifying information for the purpose of carrying out the legal business of the City of New York, promoting the efforts of the Law Department, and complying with New York State’s Freedom of Information Law.

Tax & Bankruptcy-specific Function: the Tax & Bankruptcy-specific function of the Law Department collects, discloses and retains various identifying information for the purpose of carrying out the legal business of the City of New York by enabling notice, ownership, and encumbrance determinations to be made.

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
Administration: Operations: The Law Department’s Operations sub-function (including our mail room, processing center, courier service, help desk, facilities management, etc.) collects, discloses and retains various information and records, including, but not limited to legal mail, court records, and agency employee data, for the purpose of supporting the Law Department in its mission of representing and carrying out the legal business of the City of New York.	<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)(f)

<p>Administration: Employee Services and Management: The Law Department’s Employees Services and Management sub-function (including human resources, recruiting, professional development, EEO, the Department Advocate, etc.) collects, discloses and retains various personnel-related information and records, including, but not limited to personnel information, employee benefits, payroll, employment histories, resumes, requests for accommodation, onboarding and separation information, FMLA, leave and retirements requests, applications for the practice of law, backgrounds checks, EEO Complaints, evaluation and disciplinary records, biometrics, educational background information, birth/death/marriage certification, citizenship/immigration information, and other related employee information, in the performance of core administrative and human resource functions.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Administration: Internal and External Audits, Investigations, Compliance: The Law Department’s Internal and External Audit sub-function collects, discloses and retains various information and records, including, but not limited to agency employee data, contract information, vendor information, and financial and operational information, for the purpose of ensuring the integrity of internal operations, complying with federal/state/local law, and responding to subpoenas, inquiries from oversight agencies, grant compliance requests, etc..</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Contracts: Contracts and Transactional Work: The Law Department’s contract and transactional work sub-function (including oversight of City contracting and Law Department procurements) collects, discloses and retains various information and records, including, but not limited to, contractor and vendor financial information, bids, proposals, contracts, title records, real property information and records, bonds, vouchers, and invoices, for the purpose of furthering the legal business of the City of New York.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Counseling: Counseling and Advising: The Law Department’s counseling and advising sub-function collects, discloses and retains various information and records, including, but not limited to, contractor and vendor financial information, bids, proposals, contracts, title records, real property information and records, bonds, vouchers, invoices, court records, medical records, employment records, immigration records, marriage/birth/death records, contracts, criminal justice information, social media information, biometric information, surveillance records, tax information, resumes, and other litigation records, for the purpose of advising and counseling City clients, agents and assigns.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Family Court-specific Function: Juvenile Delinquency Prosecutions: The Law Department’s Juvenile Delinquency Prosecution sub-function collects, discloses and retains various information and records, including, but not limited to, criminal records, employment records, educational records, court records, federal/state/local government records, medical records, and juvenile histories, for the purpose of investigating and presenting juvenile delinquency cases to the Family Court in the five boroughs of New York City.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Family Court-Specific Function: Support Cases: The Law Department’s Support Cases sub-function collects, discloses and retains various information and records, including, but not limited to, financial information of custodial and non-custodial parents, employment records, medical records, information on the</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies</p>

<p>subject children, litigants, other family members, family histories, court records, child support records, insurance records, and federal/state/local/international records, for the purpose of litigating or handling international and inter-state child support cases, including incoming and outgoing cases, pursuant to an MOU with the Human Resources Administration and in support of the national child support program.</p>	<p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Litigation and Pre-litigation Activities: Representing the City & City Clients: The Law Department’s Representation sub-function (including all our litigating divisions) collects, discloses and retains various information and records, including, but not limited to, court records, medical records, employment records, immigration records, marriage/birth/death records, contracts, criminal justice information, social media information, biometric information, surveillance records, tax information, resumes, and other litigation records, for the purpose of representing the City of New York, and its employees, agents and assigns in litigation.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input checked="" type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Litigation: Pre-litigation Investigations: The Law Department’s Pre-litigation Investigations sub-function collects, discloses and retains various information and records, including, but not limited to, court records, medical records, employment records, immigration records, marriage/birth/death records, contracts, criminal justice information, social media information, biometric information, surveillance records, tax information, resumes, and other litigation records, for the purpose of representing the City of New York, and its employees, agents and assigns in litigation.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input checked="" type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Public Relations: FOIL: The Law Department’s FOIL sub-function (including requests and responses) collects, discloses and retains various information and records, including, but not limited to, court records, medical records, employment records, contracts, criminal justice information, social media information, surveillance records, tax information, resumes, and other litigation records, for the purpose of complying with New York State’s FOIL, and includes use of the NYC Open Records Portal.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Public Relations: Press Statements, Correspondence: The Law Department’s Press sub-function (including responses to inquiries and correspondence, as well as affirmative releases) collects, discloses and retains various information and records, including, but not limited to, press releases, court records (specifically, pleadings and motions), and photographs, for the purpose of furthering the legal business of the City of New York and promoting the efforts of the Law Department.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Public Relations: Newsletter: The Law Department’s Newsletter sub-function collects, discloses and retains various current and former employee-related information and court records to agency employees and alumni, City agencies, strategic partners at New York Law School, and certain specially-designated individuals for the purpose of promoting employee morale and the efforts of the Law Department.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Tax & Bankruptcy-Specific Function: Closings: The Law Department’s Closings sub-function collects, discloses and retains various property-related information and records, including, but not limited to, tax information, real property information and records, title reports, and affidavits of title, in order to</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input checked="" type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>

Identifying Information Law

make notice and ownership determinations, as well and determine the existence of encumbrances.	case-by-case basis
Tax & Bankruptcy-Specific Function: Title Bureau: The Law Department's Title Bureau sub-function collects, discloses and retains various property-related information and records, including, but not limited to, tax information, real property information and records, title reports, and affidavits of title, in order to make notice and ownership determinations, as well and determine the existence of encumbrances.	<input checked="" type="checkbox"/> Pre-approved as routine <input checked="" type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
Community Service Committee's COVID Vaccine Ambassador Project (March 2021): collection and disclosure of certain identifying information of Law Department employees, their family, and/or members of their household for the purpose of assisting said individuals, at their request, in obtaining online vaccine appointments.	<input type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis
N.Y.C. Admin. Code §23-1205(a)(1)(b)	

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.

- Ethics Rules and Agreement: required to be read and signed by non-employees (volunteers, interns, consultants, etc.) of the Law Department, it prohibits disclosing confidential information obtained in the course of their service with the agency.
- HIPAA Business Associate Agreement
- Law Department Identifying Information Law (IIL) Policy and Procedure: a yearly, or as needed, agency-wide email is sent to all Law Department employees informing them of the IIL, their obligations under it, and what has been designated as Law Department routine collections, retentions, and disclosures. Employees are informed that, if they receive any requests for disclosure or need to disclose identifying information in a manner that has not been designated as routine, they are to contact the Law Department APO. The APO will then assess and determine, using the text of the IIL, as well as the guidance issued by the CPO to date, whether collection/disclosure is permitted. Employees are also informed of their obligation to notify the Law Department APO in cases of exigent circumstances or violations of the IIL. The Law Department APO also conducts as needed trainings for staff, and all new staff are informed of the aforementioned IIL obligations during the onboarding process.
- Law Department Office Manual: outlines standards of conduct to which all Law

<p>Department employees are held, as well as policies which all employees are required to follow, including, <i>inter alia</i>, a specific provisions on “Confidentiality and Privacy,” requiring employees to “maintain the confidentiality of information to which they have access in the course of performing their duties,” prohibiting employees from attempting to “access or obtain confidential material for any purpose other than what is necessary for the performance of that employee's job duties,” and making inappropriate disclosure or use of such information grounds for immediate disciplinary action.</p> <ul style="list-style-type: none"> ○ Model Citywide Protocol for Handling Third Party Request for Information Held by City Agencies ○ NYC Charter: Chapter 68, §2604(b)(4), prohibits City employees from disclosing any confidential information concerning the “property, affairs or government of the city which is obtained as a result of the official duties” of such employee, and which is not otherwise available to the public. ○ NYC Charter: Chapter 68, §2603(b)(2) Certification: required to be read and signed by employees of the Law Department, it, <i>inter alia</i>, highlights §2604(b)(4)’s prohibition on the disclosure of confidential information. ○ NY State Rules of Professional Conduct: state ethical rules on attorney conduct, including specific provisions regarding confidentiality of client information. <i>See</i> Rule 1.6. 	
<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 those policies specify that access to identifying information must be necessary to perform 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 access to the greatest extent possible while furthering the purpose or mission of the agency.</p>	<p>Yes. <i>See</i>, in particular, descriptions of the Law Department Office Manual and Law Department Identifying Information Law Policy and Procedure, above.</p>
<p>N.Y.C. Admin. Code §§23-1205(a)(1)(c)(1), and (4)</p>	

<p>9. Describe the agency’s current policies for handling proposals for disclosures of identifying information to other City agencies, local public authorities or local public benefit corporations, and third parties. Be as specific as possible.</p>
<p>See response to Question 5.</p>
<p>N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)</p>

<p>10. Describe the agency’s current policies regarding the classification of disclosures as necessitated by the existence of exigent circumstances or as routine. Be as specific as possible.</p>
<p>See response to Question 5.</p>

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.

The Law Department's APO, in consultation with appropriate Division Chiefs, staff, and the agency's Managing Attorney, have inventoried the collection, disclosure, and retention of identifying information at the agency, and determined which collections, disclosures, and retentions are considered routine and/or to be done on a case by case basis (*see* response to Question 3). As stated in the response to Question 5, agency employees have been instructed on the agency's routine designations, and that if disclosure of identifying information is required to be made in a manner not designated as routine, they must contact the APO for approval.

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 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.

See response to Question 5.

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.

- Appendix A §5.08: (typically applies to contracts > \$100,000)
- Discretionary Funds Contract, §7E (applies to contracts < \$100,000)
- DOITT's Cloud Services Agreement (when Law Department is purchasing cloud products/services where Law Department data will be uploaded into the cloud product/service)
- HIPAA Provisions (when the Law Department is acting as a Business Associate of a covered entity and is subcontracting in a manner subject to the HIPAA privacy rules)
- Identifying Information Law Rider (if the Law Department enters into any human services contracts, contracts for technology services involving sensitive identifying information, or contracts for outreach services involving the identifying information of another agency)
- Privacy Protection Rider (if the Law Department enters into other contracts where contractor will access sensitive identifying information)
- Law Department Cloud Services Agreement (when Law Department is purchasing cloud products/services where Law Department data will be uploaded into the cloud product/service)

N.Y.C. Admin. Code §23-1205(a)(1)(d)

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
Administration: employers, medical providers, federal/state/local/international government agencies, vendors, contractors, educational institutions	Disclosure is made to the aforementioned entities if the subject employee has requested or consented to the disclosure, it's required by law, or it's needed for Law Department or City operations.	Disclosure for the aforementioned reasons enables the Law Department to manage a range of personnel services necessary to staff ongoing agency operations and deliver the agency's programs and services.
Contracts: vendors, contractors, private corporations, federal/state/local government agencies, courts	Disclosure is made to the aforementioned entities if it's needed to bid, enter into, carry out obligations of, or oversee the operation of Law Department and/or City agency contracts.	Disclosure for the aforementioned reasons enables the Law Department to carry out the legal business of the City of New York.
Counseling: federal/state/local government agencies, private corporations.	Disclosure is made to the aforementioned entities if it's necessary to provide advice or counsel to City clients, agents or assigns.	Disclosure for the aforementioned reasons enables the Law Department to carry out the legal business of the City of New York.
Family-Court: subject juvenile, family members, courts, federal/state/local government agencies, custodial and non-custodial parents, litigants, witnesses	Disclosure is made to the aforementioned entities if it's required by law (including court rules), or is necessary to carry out the Family Court function of the Law Department.	Disclosure for the aforementioned reasons enables the Law Department to carry out the legal business of the City of New York.
Litigation: litigating parties, witnesses, courts, experts, employers, federal/state/local/international government agencies, private companies, vendors, mediators, administrative tribunals	Disclosure is made to the aforementioned entities if it's required by law (including court rules), or is necessary to carry out the Litigation function of the Law Department.	Disclosure for the aforementioned reasons enables the Law Department to carry out the legal business of the City of New York.
Public Relations: citizens,	Disclosure is made to the aforementioned entities	Disclosure for the aforementioned reasons enables the

federal/state/local government agencies, press, educational institutions	if it's required by law or necessary to carry out the Public Relations function of the Law Department.	Law Department to carry out the legal business of the City of New York, promote the efforts of the Law Department, and comply with New York State's Freedom of Information Law.
Tax & Bankruptcy: property owners, title companies, federal/state/local/international government agencies	Disclosure is made to the aforementioned entities if it's required by law (including court rules), or is necessary to carry out the Tax & Bankruptcy function of the Law Department.	Disclosure for the aforementioned reasons enables the Law Department to carry out the legal business of the City of New York.
N.Y.C. Admin. Code §23-1205(a)(1)(e)		

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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).

Due to the sensitive nature of the information the agency works with on a daily basis, and the ethical mandates associated with the practice of law, the agency's policies and procedures for protection of identifying information were already comprehensive and robust (see response to Question 5), prior to the effective date of the IIL. However, compliance with the IIL and all associated guidance has ensured that these policies and procedures are regularly reviewed and updated, as necessary.

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).

See response to Question 15.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Kathryn Conway		
Title:	Senior Counsel, APO		
Email:	Kaconway@law.nyc.gov	Phone:	212-356-2383

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Steve Louis		
Title:	Division Chief, Legal Counsel Division		
Email:	SLouis@law.nyc.gov	Phone:	212-356-4020
Electronic Signature:	/S/	Date:	July 8, 2022

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