

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

<b>Agency:</b>	NYC Administration for Children's Services		
<b>Agency Privacy Officer:</b>	Jenelle Boyd, Esq.		
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<b>Date of Report:</b>	July 28, 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)*	<b><u>Work-Related Information</u></b> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<b><u>Biometric Information</u></b> <input 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 type="checkbox"/> DNA sequences*	<b><u>Government Program Information</u></b> <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
<b><u>Contact Information</u></b> <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	
<b><u>Demographic Information</u></b> <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	<b><u>Law Enforcement Information</u></b> <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
<b><u>Status Information</u></b> <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	<b><u>Technology-Related Information</u></b> <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 checked="" type="checkbox"/> Social media account information
<b><u>Other Types of Identifying Information</u></b> (list below): CIN, ACCIS Case#, Fraud Referral source number, Child Care License number, ACS Case Number, EIN, Bank Account Information, CNX Case Id Numbers, medical information, DMV information	
*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.**

The mission of ACS is to protect and promote the safety and well-being of the city's children and families by providing child welfare, juvenile justice, early care and education services. The collection and retention of identifying information is necessary for the protective function of the agency. Information is used during investigations, and for obtaining services to keep families together and children safe. The information is also used to assess the quality and benefits of the services provided to the families and children.

N.Y.C. Admin. Code §23-1205(a)(1)(f)

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
Collection of identifying information related to investigation of SSL § 422 reports.	<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
Disclosure of HIPPA forms to service providers, hospitals to obtain information in furtherance of child protective investigations.	<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
Collection of identifying information from schools and daycare facilities as part of child protective investigations and monitoring	<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
Disclosure of identifying information related to proceedings in family court. This includes the disclosure petitions and court orders.	<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
Disclosure of identifying information on cases that involve a criminal investigation or prosecution	<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
Disclosure of identifying information to apply for services for families involved in child protective investigations. Information is also disclosed to assist families and children with obtaining vital documentation.	<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
Collection of identifying information of children placed in the custody of ACS for foster care services or for supervision in a juvenile delinquency case.	<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
Disclosure of identifying information of children placed in the custody of ACS for foster care services or for supervision in a juvenile delinquency case. This includes to obtain vital documentation, community services and for medical services.	<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
Collection of identifying information for persons interested in becoming a foster parent.	<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

Disclosure of child protective case investigation records to persons or entities who make requests pursuant to SSL § 422.	<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
Disclosure of child protective case investigation records pursuant to litigation and discovery request on family court proceedings and fair hearings. Child protective case records may also be released to the NYC Law Department related to pending litigation	<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
Collection of identifying information of ACS staff related to HR, EEO and critical incident reporting.	<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
Collection of identifying information is used for families to apply for childcare and educational services. Identifying information is also used for monitoring of those services.	<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
Disclosure of identifying information for administrative hearings for child care payments	<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
Collection of health information for purposes EEO purposes	<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
Collection of health information related to COVID-19	<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
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.

Most requests for disclosures of identifying information from other city agencies are covered by memorandum of understanding (MOUs) which address the exchange for information between ACS and those agencies. This includes the New York City Police Department, Department of Homeless Services, Department of Probation, Department of Youth and Community Development, Department of Education, and the Human Resources Administration. The disclosures to other city agencies which are not covered under a specific MOU, are not related to litigation, or are not governed by any applicable law are directed to the Office of the General Counsel for review and response.

Requests from local public authorities or local benefit corporations, if they are not governed by law, should be directed to the Office of the General Counsel. If they are not governed by law, they are treated as Freedom of Information (FOIL) requests.

Requests from third parties, if they are not pursuant to a valid subpoena or governed under any applicable law, they are directed to the Office of the General Counsel and are generally treated as FOIL requests.

6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors? ☒ Yes ☐ No

7. If YES, do those policies specify that access to identifying information must be necessary to perform their duties? ☒ Yes ☐ No

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.

Yes, all policies implemented minimize access to personally identifying law to the greatest extent possible. Employees are to collect identifying information as minimally necessary to complete their jobs.

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.

The agency has a committee in place which reviews requests and proposals from external researchers. The committee has research proposal submission guidelines and a form which must be submitted for these proposals. The Research Review Committee reviews all proposals for research involving children and families served by ACS, as well as research involving staff, foster parents and contract agencies. Proposal submissions must include a clear statement of the purpose of the study and demonstrate the promise of producing, confirming or otherwise advancing the knowledge base of

child welfare. They must also include a description of procedures that will maintain anonymity of respondents, describe security procedures for both storing data and preventing unauthorized access, and include assurances that data will be presented only in aggregate form or in another manner that prevents the identification of any individual.

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.**

The agency has adopted the Instant Response Team Protocol which defines specific types of cases which are exigent circumstances and require the disclosure of information. The policy contains a checklist for the type of criteria which must be evaluated in each type of case to determine if the protocol should be followed. The policy designates that all cases must be reviewed by an IRT coordinator. It also lists all the involved parties who can receive information and what information can be disclosed.

Additionally, the Administration for Children's Services strictly adheres to federal, state, and local laws which govern disclosure of many of the categories under which ACS collects identifying information

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 have been approved by the agency privacy officer to disclose identifying information. Be as specific as possible.**

All divisions and/or their employees can be responsible for the release of identifying information requested once the disclosure is approved by the privacy officer. Employees are provided with specialized employee identification numbers for computer and electronic database access. The agency uses the identification numbers to limit and monitor access to all database and computer files containing identifying information. Employees are also trained on the importance maintaining confidentiality and the disclosure of identifying information. They are also provided with written policies which discuss the confidentiality of the identifying information collected, disclosed and retained by this agency. These policies are also available on our website for review by all employees. All disclosures of identifying information made by the divisions are pursuant to the appropriate federal, state or local law.

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.**

The agency has not implemented any new policies since 2020 to minimize the collection, retention or disclosure of identifying information. The agency periodically re-evaluates its policies.

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.**

The agency has instituted a non-disclosure (confidentiality) agreement which is provided to participants in meetings where identifying information is discussed and is used evaluate the performance of the agency and our contracted providers. Additionally, MOU's entered into by the agency contain sections which specifically addresses which types of identifying information needs to be collected and reported pursuant to the MOU agreement. Notification provisions are also included in MOUs in case of improper disclosure or breach of any identifying information. The confidentiality agreement and MOUs are consistent with local, state, and federal laws governing the disclosure, retention and collection of information.

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
City Agencies	<ul style="list-style-type: none"> <li>In furtherance of investigating allegations of child abuse and neglect.</li> <li>Assist with the provision of benefits and services to families involved with the agency.</li> <li>In compliance with investigations of city employees</li> <li>Handling of employment related complaints</li> <li>To conduct investigations as mandated by law related to the provision of city services</li> </ul>	The cooperation between agencies allows for a more seamless process with child protective investigations and for providing services.
Contract Agency (Foster Care and Preventive Services)	<ul style="list-style-type: none"> <li>Used to monitor and provide care to children who are in care of the agency.</li> <li>To assist with obtaining necessary services.</li> </ul>	Assist with placement and provision of services for children placed in the care of the Commissioner. Used to provide services for families involved in child protective investigations
Law Firms, Legal Defense Organizations	<ul style="list-style-type: none"> <li>Entitled to the records pursuant to SSL § 422 in furtherance of representation of their clients in legal matters</li> </ul>	Entitled to the records pursuant to SSL § 422 in furtherance of representation of their clients in legal matters
State Agencies (OCFS, Unified Court System)	<ul style="list-style-type: none"> <li>Used for monitoring the functioning of the agency</li> <li>Assist with maintaining information when court intervention is deemed necessary in child protective investigations.</li> <li>Aids with protection of children and servicing families.</li> </ul>	To ensure the adequate functioning of our agency.



*- 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).**

The implementation of the Identifying Information Law directly impacts this agency as much of our daily operations involves the collection, retention and disclosure of identifying information. The agency already ensures the strict compliance with all local, state, and federal laws which are applicable to the collection, retention and disclosure of identifying information of the families and children served by this agency. The information obtained by ACS during its confidential child protective investigations contain identifying information, under which the collection, retention and disclosure is governed by state law. The law requires strict adherence regarding disclosure of these records to entities and individuals entitled to these records. The agency already has many safeguards in place, and continually addresses the issues of confidentiality of identifying information with all employees. The agency will continue to implement policies and practices which safeguard the collection, retention and disclosure of identifying 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).**

Given that the agency has in place many protocols in place regarding the collection, retention and disclosure of identifying information, the policies do not severely impact the agencies practices of collection, retention and disclosure of identifying information. The agency welcomes the opportunity to continue strengthen and improve its practices for the collection, retention and disclosure of identifying information. The information obtained by ACS during its confidential child protective investigations contains identifying information, under which the collection, retention and disclosure is governed by state law. The law requires strict adherence regarding disclosure of these records to entities and individuals entitled to these records.

N.Y.C. Admin. Code §23-1205(a)(3)

### APPROVAL SIGNATURE FOR AGENCY REPORT

**Preparer of Agency Report:**

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ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW			
Agency Head (or designee):			
Name:	Jess Dannhauser		
Title:	Commissioner		
Email:	jess.dannhauser@acs.nyc.gov	Phone:	212-341-0903
Electronic Signature:	Jess Dannhauser	<small>           Digitally signed by Jess            Dannhauser            Date: 2022.07.29 13:21:18            -04'00'         </small>	Date: 07/29/2022

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