

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:	Board of Standards and Appeals		
Agency Privacy Officer:	Yaa Sarpong		
Email:	ysarpong@bsa.nyc.gov	Telephone:	212-386-0076
Date of Report:	July 31, 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)* Biometric Information <input type="checkbox"/> Fingerprints <input 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* Contact Information <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	Work-Related Information <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address Government Program Information <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 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
Demographic Information <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 type="checkbox"/> Sexual orientation	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
Status Information <input type="checkbox"/> Citizenship or immigration status <input checked="" type="checkbox"/> Employment status <input type="checkbox"/> Status as victim of domestic violence or sexual assault <input type="checkbox"/> Status as crime victim or witness	
Other Types of Identifying Information (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.

Visitor names are collected for building security to provide access to the Board's offices. Application materials include applicant contact information to provide Board staff with a point of contact for future application-related communications. Applications also include names and addresses of individuals located within 400 feet of a particular site in order to provide those individuals with notice of the application's filing pursuant to agency rules, as well as letters of support or in opposition from neighbors that often include their names, contact information and home and/or work addresses. Student intern names and contact information is collected and shared with the Department of Education to ensure that the students meet internship program requirements. Identifying information is collected at public hearings, where applicants present their applications and members of the public provide testimony in support of or in opposition to those applications, and videos of these hearings are recorded and maintained on the agency YouTube page as an agency record and to provide greater public access to the Board's decision-making process. Applicant information, including names and employers, are disclosed to City Land and the City Record for purposes of providing the public with notice of new filings, new decisions and public hearings. Applicant information, application materials and public hearing records are retained for purposes of maintaining agency records, providing valuable research materials to the general public and defending the agency in future litigation. Staff names and contact information is collected and disclosed annually for publication in the NYC Green Book. Identifying information—including dates of birth, social security numbers and arrest records—is also collected from operators of facilities applying to the Board for special permits to operate a health and fitness establishment and such information is disclosed to the Department of Investigation, when health and fitness establishments submit applications for Board reviews.

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/Disclosure of names of visitors to the Board offices.	<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 applicant's contact information in application forms. Application materials also collect names and addresses of neighbors and persons who have made submissions in opposition to or in support of the application. Disclosure of these materials when requests are made for public research 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 a case-by-case basis
Collection of names and contact information of students participating in summer and school-term internships and disclosure to New York City Department of Education.	<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 application materials, scheduled appointments and agency records (which may include names, contact information, employer information and employer addresses), which are disclosed in response to requests submitted pursuant to the Freedom of Information Law.	<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 names, employer affiliations and contact information at public hearings, which are recorded and maintained on the agency's YouTube page.	<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 applicant names, employer information and employer addresses to City Land and the City Record for purposes of providing notice to the public of new filings, decisions and public hearings.	<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 application information for purposes of completing comptroller's audit.	<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 names, employer information and employment addresses disclosed to the Mayor's Office in compliance with that office's directive to disclose agency meetings with lobbyists on a monthly 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
Disclosure of staff name and contact information annually disclosed for publication in the NYC Green Book.	<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 Board Commissioner names and motor vehicle information, which is then disclosed to the New York City Department of Transportation in order to obtain parking permits.	<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 demographic information of full-time and per diem employees and interns collected and disclosed annually to the Department of Citywide Administrative Services. Names and contact information of executive staff and EEO officer also disclosed.	<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
Names, employment information, contact information, employer and/or home addresses collected in application materials and public hearing records are disclosed to the New York City Law Department to aid in their defense of the agency in Article 78 proceedings.	<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 application materials to other NYC agencies (including FDNY, DOT, DEP and DOB), Community Boards and public officials to solicit their recommendations on applications.	<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 names, home and/or employer addresses, date of birth, taxpayer id numbers, social security numbers and arrest records of persons proposing to operate a health and fitness establishment for disclosure to the NYC Department of Investigation.	<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)	

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

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.

If the request does not fall into one of the categories described above and pre-approved as routine, the request is directed to the APO

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.

By requiring that any request for a disclosure not pre-approved as routine be immediately routed to the APO, access to information responsive to the request is deferred until such time that the APO can approve it.

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.

All proposals will be routed to the APO for a determination as to whether the proposed disclosure is exempt and may still be made in compliance with the Identifying Information Law.

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 only classified as routine those collections and/or disclosures that occur on a regular basis and are vital to its capacity to effectively accomplish its directive under the Charter to hear and decide, in a public forum, applications for exemptions from the Zoning Resolution, among other regulations relating to the built environment. The agency does not anticipate classifying many of its disclosures, particularly those outside of a legal context (i.e., a federal/state subpoena), as exempt due to the existence of exigent circumstances.

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 employee/s who obtained the authority to disclose the identifying information following APO approval is/are the only employees authorized to make that particular disclosure. Disclosures identified as routine tend to be made (repeatedly and solely) by the same divisions/categories of employees.

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.

Since the agency's hearings are all recorded, put on its website and available for viewing via the agency's website, and for the moment are all via Zoom, the agency is considering requiring residents and property owners who wish to testify at our public hearings to register. If those providing public testimony register with the agency before the date of testimony, it will minimize how much of their private information (parts of phone number, home address, and relationship to applicants) will be made available at the public sessions and to the general public thereby minimizing the collection and disclosure of certain identifying information noted in the "Other" in response to Question 1.

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.

N/A

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
NYC Department of Education	Record purposes.	Confirms that students have met internship program requirements.
NYC Comptroller	To complete audit.	Confirms that the agency's financial practices are proper.
Mayor's Office	To disclose meetings with lobbyists on a monthly basis.	Maintains government transparency.
NYC Green Book	For publication in the NYC Green Book.	Maintains government transparency.
NYC Department of Transportation	To obtain parking permits.	Enables Commissioners to perform site visits, which aid in consideration of pending applications.
NYC Department of Citywide Administrative Services	To report on diversity of agency staff.	Confirm compliance with EEO law and directives.
NYC Law Department	To aid in defense of agency in Article 78 proceedings.	Maintains the integrity of the agency's decision-making process. Defends finality of agency determinations.
Affiliated agencies (Departments of Environmental Preservation, Transportation, Buildings, Fire Department, et al.), Community Boards and public officials	To facilitate the review of applications pending at the Board for environmental and other safety impacts	Ensures that agencies can identify and avoid potential adverse impacts of Board approvals.

N.Y.C. Admin. Code §23-1205(a)(1)(e)		

- 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 Identifying Information Law has made us more sensitive to the fact that we collect valuable information and more diligent in ensuring that it is not released unnecessarily.

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).

The BSA finds these policies, procedures, and protocols to be very helpful in guiding our agency's practices.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Name: Yaa Sarpong

Title: Deputy Counsel, Agency Privacy Officer

Email: ysarpong@bsa.nyc.gov

Phone: 212-386-0076

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

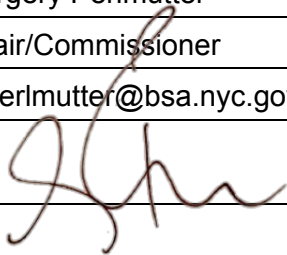
Name: Margery Perlmutter

Title: Chair/Commissioner

Email: MPerlmutter@bsa.nyc.gov

Phone: 917 968 6381

Electronic Signature:



Date: July 25, 2022

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