

FORM 3 (AGENCY REPORT)

(Due on or before July 31, 2022)

Agency:	City of New York Office of Labor Relations		
Agency Privacy Officer:	Janet M. Insardi		
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Date of Report:	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)* <u>Biometric Information</u> <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* <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 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>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 type="checkbox"/> Internet protocol (IP) address* <input type="checkbox"/> Social media account information
<u>Other Types of Identifying Information</u> (list below): Status and demographic information as needed for treatment purposes, subject to applicable law and/or regulation and as collected and disclosed on a confidential basis to obtain appropriate services through the Employee Assistance Program.	
*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 City of New York Office of Labor Relations (OLR) has diversified functions including the negotiation and administration of labor contracts and legal services related thereto as well as the procurement and administration of all employee health and benefit programs. The collection and retention of the information specified above furthers the mission of the agency to obtain, deliver, assess and manage employee benefits for all City employees and retirees and to facilitate and promote labor relations, employee discipline, contract negotiation and contract administration. Like most City agencies, OLR uses identifying information (including through use of the Citywide systems like the City's Payroll Management System (PMS)) to conduct its own internal human resources, procurement, and other business functions.

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
Routine collection and disclosure in connection with employee benefits programs including general procurement, contracting, WorkWell and direct client services. Information is disclosed pursuant to contract to determine enrollment, eligibility, participation and for processing. Certain employee benefits information is routinely disclosed to and made part of the New York City Automated Personnel System (NYCAPS). OLR also exchanges relevant benefits-related information with other agencies and Unions as needed.	<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
Routine collection and disclosure to Unions in furtherance of labor contract negotiations and the advancement of labor relations including research and data analytics and disclosure to consultants and experts as needed.	<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 and disclosure in connection with the representation of the City in all labor proceedings including representation proceedings, improper practice proceedings, arbitrations, and in the context of providing general legal advice.	<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 and disclosure in connection with applicable laws, regulations and legal obligations including the Freedom of Information Law and records management obligations. The legal division collects and discloses information (or coordinates its collection and disclosure): in response to FOIL requests; requests from Unions and other agencies; and judicial/administrative requirements; and as required in disciplinary procedures. Some cases may be approved by the APO on a case-by-case basis, but most requests (including disclosure of information that is already made public) are pre-approved as routine.	<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 and disclosure of personnel related information and records required in the performance of core administrative and human resource functions including information related to payroll, employee benefits, necessary employment disclosures and 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 and disclosure of technology-related information necessary to manage the distribution, maintenance, and ultimate return of City-owned work-related electronic equipment used by agency personnel in their assigned duties.	<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
Not applicable at this time

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.

The City of New York Office of Labor Relations complies with the City's model protocol for handling third party requests for information held by City agencies. There are also procedures in place to facilitate disclosures in accordance with the Freedom of Information Law. In the context of employee benefits, disclosures are made pursuant to contracts with third parties solely within the scope of performing their obligations under the specific contract. These contracts include provisions which specifically addresses confidentiality obligations. Human service contracts the agency has entered into or renewed, and which are covered by the Identifying Information Law, contain an Identifying Information rider. OLR has obligations under Department of Records and Information Services policies relative to records and has adopted a Record Retention and Disposition Schedule. The Employee Assistance Program is governed by Executive Order #46 and the Agency complies with all regulations and guidelines on confidentiality. OLR follows all Citywide information and security policies applicable to data security, including secure file exchange processes.

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.**

Policies and procedures are implemented to minimize disclosure of identifying information to the greatest extent possible. Access to information is limited; users are granted access to systems using a role-based approach that limits access to only those functions needed to perform their job responsibilities. User access rights correspond to the specified role, and users have only those system privileges needed to perform their job responsibilities. These rights are authorized by the user's manager and are reviewed on a periodic basis. Existing policies and new provisions in the Identifying Information rider further minimize access while advancing the mission of the Agency.

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 City of New York Office of Labor Relations complies with the City's model protocol for handling third party requests for information held by City agencies. There are also procedures in place to facilitate disclosures in accordance with the Freedom of Information Law. In the context of employee benefits, disclosures are made pursuant to contracts with third parties solely within the scope of performing their obligations under the specific contract. All such contracts have confidentiality provisions. Specified human service contracts the Agency has entered into or renewed (including standard human services contracts, the discretionary fund contract for human services contracts less than \$100,000, other human service contracts and other contracts designated by the Chief Privacy Officer) contain an Identifying Information rider. OLR has obligations under the Department of Records and Information Services policies relative to records and has adopted a Records Retention and Disposition Schedule. Additional proposed, non-routine disclosures are considered on a case-by case basis with reference to any applicable contract(s) and/or governing law(s).

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.

Senior managers in all divisions and their designees make limited routine disclosures and those routine disclosures are made by duly authorized, supervised, and trained staff. The Employee Assistance Program is governed by Executive Order #46 and conforms to guidelines and regulations on confidentiality. Confidentiality requirements are incorporated into contracts with third parties. Requests for disclosure under exigent circumstances are reviewed by the Agency Privacy Officer in conjunction with the General Counsel typically in conjunction with relevant business and/or technical personnel as necessary, and with reference to any applicable contract(s) and/or governing law(s). If a contractor collects or discloses information due to exigent circumstances, it must send the Agency Privacy Officer information about the request and disclosure along with an explanation of why such exigent circumstances exist.

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.

Senior managers in all divisions make disclosures authorized by their job function, and only duly authorized, supervised and trained employees make routine disclosures designated by the privacy officer in the ordinary course of business, and in accordance with secure transmission protocols. Any requests that are outside the ordinary course of business are referred to the privacy officer and General Counsel. As noted previously, access rights correspond to the specified role, such that employees have only those system privileges needed to perform their job responsibilities. These rights are specifically authorized by the division manager and are reviewed on a periodic basis.

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.

OLR, in conjunction with the Office of the Chief Privacy Officer, is currently considering policies which may serve to better protect identifying information downstream. The majority of the flow of identifying information occurs programmatically and OLR collects, retains, and discloses only the identifying information relevant to the particular task or transactions performed. OLR follows all Citywide information and security policies applicable to data security, including secure file exchange processes as applicable. Beyond OLR's programmatic operations, as circumstances arise, OLR will implement alternative policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the mission of our agency.

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

As previously noted, Agency contracts have confidentiality provisions and contracts the agency has entered into or renewed (including standard human services contracts, the discretionary fund contract for human services contracts less than \$100,000, other human service contracts and other contracts designated by the Chief Privacy Officer) contain an Identifying Information rider to assure compliance with the Identifying Information Law. Confidentiality provisions prohibit the further disclosure or use of information, except under very limited circumstances (such as with OLR's express consent, or as required by law).

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
Insurance benefits contractors and providers	For enrollment in City sponsored insurance (including health, dental, vision, life and disability)	Effectuates the procurement and administration of employee health and benefit programs.
Investment Management entities and support	For enrollment and participation in retirement benefit programs	Effectuates the procurement and administration of employee benefit/retirement programs.
Consultants	For auditing, data analysis consulting on legal and other issues including actuarial accounting	Promotes labor relations and the administration of labor contracts and employee benefit programs.
Labor Unions	In the course of labor relations, contract negotiation, and information requests under the New York City Collective Bargaining Law. Data pertaining to membership and benefits.	Disclosure is necessary to meet the City's obligations under its collective bargaining agreements. Promotes contract negotiations and positive labor relations.
City Agencies	In the course of legal representation of the City and administration of labor contracts; in conjunction with ongoing collaborations with DOHMH related to health; and to permit agencies and to perform HR and financial processing or reporting as required for management of their agency or oversight of their respective Citywide function.	Promotes public health; the representation of the City in all labor relations proceedings before the OCB; and the administration of labor contracts.
Other municipal entities	In the course of labor contract negotiations.	Fundamental to negotiation of labor contracts.
Members of the public and the press and judicial/legal and investigative bodies	Information requests including Freedom of Information Law requests and subpoenas. This includes disclosure of any data that is legally mandated. The specific information requested varies for each situation.	In accordance with the Freedom of Information Law and other applicable laws. Disclosure is necessary to meet the City's administrative and legal obligations.
Law Enforcement agencies and the Department of Investigation	In connection with investigations authorized by the City Charter and governing law.	As necessary to core administration and human resource functions and in accordance with the City Charter and applicable law.
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).

The Identifying Information Law has focused attention on the Agency's practices in relation to 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).

To date, the Identifying Information rider, which reflects the requirements of the Identifying Information law, has improved the agency's practice in relation to the collection, retention and disclosure of identifying information involving third parties. The additional protocols issued by the Chief Privacy Officer, and the additional guidance and training, have better informed and refined the Agency's responsibilities and practices.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Janet M. Insardi		
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ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Daniel Pollak		
Title:	First Deputy Commissioner		
Email:	Daniel.Pollak@olr.nyc.gov	Phone:	212-306-7232
Electronic Signature:		Date:	July 28, 2022

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