

AGENCY REPORT (due on or before July 31, 2020)

Agency: Department of Correction			prrection		
Agency Privacy Officer:		Officer:	Laura Mello		
Email:	il: Laura.mello@doc.nyc.gov		Telephone:	718-546-0952	
Date of Report: J		July 17, 2	020		

⊠Name	Work-Related Information			
⊠Social security number (full or last 4 digits)*	Employer information			
	⊠Employment address			
Biometric Information	Government Program Information			
⊠Fingerprints	Any scheduled appointments with any employee, contractor, or			
⊠Photographs	subcontractor			
Contact Information	Any scheduled court appearances			
Current and/or previous home addresses	Eligibility for or receipt of public assistance or City services			
⊠Email address	⊠Income tax information			
⊠Phone number	Motor vehicle information			
Demographic Information	Law Enforcement Information			
⊠Country of origin	Arrest record or criminal conviction			
⊠Date of birth*	☑ Date and/or time of release from custody of ACS, DOC, or NYPD			
⊠Gender identity	Information obtained from any surveillance system operated by, for the			
⊠Languages spoken	benefit of, or at the direction of the NYPD			
⊠Marital or partnership status				
⊠Nationality				
⊠Race				
⊠Religion				
Sexual orientation				
Status Information	Technology-Related Information			
Citizenship or immigration status	Device identifier including media access control MAC address or			
⊠Employment status	Internet mobile equipment identity (IMEI)*			
Status as victim of domestic violence or sexual assault	\boxtimes GPS-based location obtained or derived from a device that can be used			
Status as crime victim or witness	to track or locate an individual*			
	⊠Internet protocol (IP) address*			
	Social media account information			

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

2. Specify the reasons why collection and retention of identifying information specified above furthers the purpose or mission of your agency.

As part of the criminal justice system, the New York City Department of Correction is dedicated to enhancing public safety by maintaining a safe and secure environment for our staff, while providing incarcerated individuals with the tools and opportunities they need to successfully re-enter their communities. Identifying Information is collected from employees and incarcerated individuals in the process of managing and overseeing the daily operations of all DOC facilities. Appropriate identification of all individuals – all incarcerated individuals, all staff, and all visitors to incarcerated individuals and departmental property is necessary to ensure the proper care, custody, and control of incarcerated individuals.

N.Y.C. Admin. Code §23-1205(a)(1)(f)

Describe the Collection or Disclosure	Classification Type
 Central Warehouse Operations Division collects, retains, and discloses where appropriate employee and limited incarcerated individual information in the furtherance of its duties of ordering and distributing general supplies, food, and maintenance supplies for the Department. Correction Industries Division: The Correction Industries Division collects limited identifying information of incarcerated individuals for the purpose of managing work details outside of housing areas. 	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Correction Intelligence Bureau: Identifying information of incarcerated individuals and employees is collected from and disclosed to other law enforcement agencies and District Attorney offices in conjunction with field intelligence operations and investigations with the goal of violence reduction and prevention in furtherance of the Department's core function of care, custody and control of incarcerated individuals. As appropriate, disclosures to appropriate parties are made pursuant to legal subpoena, have been designated as routine by the APO, and/or reviewed by the Department's Legal Division prior to disclosure. Custody Management: The Custody Management Unit collects, discloses and retains various	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
incarcerated individuals related information and records. The purpose is to ensure appropriate admission into custody, transfer or release from custody, or correct jail time calculations, all in the safe, legal, and appropriate furtherance the Department's core function of care, custody, and control of incarcerated individuals. As appropriate, disclosures to appropriate parties have been designated as routine by the APO and/or are reviewed by the Department's Legal Division prior to disclosure.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
EEO: The Office of EEO collects, discloses, and retains various personnel-related information and records in the performance of core administrative, quasi-human resource and investigatory functions. The maintenance and disclosure of these records are prescribed by city, state and federal law (EX: quarterly reports to CDEEO, City Council and the Mayor's Office, etc.).	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Facility Maintenance and Repair: The Facility Maintenance and Repair Division collects and retains limited identifying information of sign-in sheets and visitor logs primarily for hiring pools and construction and other maintenance workers.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Facility Operations: Employee and Incarcerated individuals Identifying Information is collected in the process of managing and overseeing the daily operations of all DOC facilities and ensuring compliance with all departmental policies in the care, custody, and control of incarcerated individuals.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis

Financial Services Division: The Financial Services Division collects, retains, and where appropriate discloses certain identifying information of incarcerated individuals and members of the public for the purpose of facility cashier, commissary, and bail payments. FSD also collects and retains identifying information of employees in furtherance of its duties of personal expense reimbursement and accounts payable functions for departmental purchases.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Fleet Maintenance and Operations Unit: The Fleet Maintenance and Operations Unit collects, retains, and where appropriate discloses limited identifying information of employees for the purposes of fulfilling its role of acquisition, maintenance, and relinquishment of agency vehicles and motor equipment.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Headquarters: Headquarters Office Manager Unit collects and retains limited identifying information of departmental employees in its role between departmental offices and the physical headquarters building and its management office, including vehicle information for parking permits, office equipment and supply management, and physical plant issues.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Health Affairs Division: Health Affairs collects and discloses basic employee data, and various incarcerated individual data, in furtherance of its role as the liaison between the correctional health service provider and the Department, thereby ensuring that all persons in custody have appropriate access to health services.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Health Management Division. The Health Management Division collects and retains employee identifying information in its responsibility for medical and psychological evaluations of staff to determine fitness of duty for their job title.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Human Resources: The categories of information covered by this designation include personnel, employee benefits, payroll, and other related employee information. The Human Resources division collects such identifying information for the purposes of processing new hires, payroll, and employment benefits for personnel in offices, divisions, and units within the DOC.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Investigations Division: The Investigations Division collects and retains identifying information from staff and incarcerated individual participants in and witnesses to incidents for the purpose of investigating incidents.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Information Technology Division/Technical Services: The Information Technology division retains all electronic data pertaining to incarcerated individuals, employees, and visitors, in furtherance of the DOC's core function of care, custody, and control of incarcerated individuals. Some data sets are collected from and disclosed to other government agencies.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Legal Division/Legal Representation: The Legal Division collects and discloses various identifying information and records of incarcerated individuals, employees, visitors, attorneys, government representatives, and members of the general public in the performance of its representation of the Department and all of its internal divisions in all legal affairs, and promulgation and interpretation of departmental policies and procedures. Information disclosed pursuant to subpoena or court order has been designated as routine to the extent it is consistent with legal requirement and procedures and subject to internal legal review. The purpose of this collection and disclosure is in furtherance of the Legal Division's mandate to represent the Department in all legal matters and is made in the course of normal agency business.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis

Office of Administration: The Office of Administration collects, retains, and discloses where appropriate identifying information of employees in furtherance of its duties to monitor overtime and reconcile work schedules, distribute information regarding employment, work assignments and transfers department-wide, and review of disciplinary filings.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Office of Chief of Staff and Intergovernmental Affairs Unit: The Office of Chief of Staff and Intergovernmental Affairs Unit collect and disclose where appropriate identifying information in response to inquiries from elected officials and oversight bodies, and as required in order to comply with legally required reporting.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Office of Constituent and Grievance Services: OCGS collects and discloses identifying information that relates to incarcerated individuals and employee complaints. This information is collected and/or disclosed as part of the service provided to the complainant, whether the complainant is an incarcerated individual, employee, or member of the public. Resolving incarcerated individuals and staff complaints is integral to the safe care, custody, and control of incarcerated individuals.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
PREA: The PREA Unit of DOC collects and retains various employee and incarcerated individuals identifying information necessary for the goal of compliance with Federal PREA regulations.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Procurement/Central Office of Procurement: In order to comply with applicable federal, state, and local procurement rules, certain Identifying Information may be collected and disclosed, such as bidders' and contractors' names and contact information.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Programs and Community Partnerships: Certain Identifying Information of incarcerated individuals is collected and may be disclosed in furtherance of counseling services, programs, or educational services provided to the incarcerated population. Identifying Information is also collected and disclosed where appropriate to monitor individuals who are out on a community release program.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Public Information/Press Office: The Department's Press Office arranges for media visits and incarcerated individuals interviews pursuant to the Department's Media Access Policy. It collects and discloses limited identifying information of incarcerated individuals that is already publicly available pursuant to the N.Y.C. Admin. Code §9-121, in furtherance of transparency about the Department's core function of care, custody, and control of incarcerated individuals.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Quality Assurance Division: The Quality Assurance Division receives identifying information of incarcerated individuals in furtherance of its responsibilities to develop policies and procedures to ensure sustained compliance with existing city, state, and federal regulations, mandates of oversight agencies, and federal monitors on issues of housing conditions.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis
Training and Development: The Training and Development Division collects, retains, and discloses identifying information for the purposes of training uniform and non-uniform personnel in the performance of their job functions. Training and Development also retains and discloses where appropriate identifying information in order to track, monitor, and report on training as may be required by other government agencies, including state verification of eligibility for peace officer status.	 Pre-approved as routine Approve as routine by two or more agencies Approved by APO on a case-by-case basis

Trials Division: The Trials Division receives and discloses personnel information and records of alleged employee misconduct, which it reviews to make a determination concerning the administration of discipline of Members of Service to ensure continued safe care, custody, and control of incarcerated individuals.

 Pre-approved as routine
 Approve as routine by two or more agencies
 Approved by APO on a case-by-case basis

N.Y.C. Admin. Code §23-1205(a)(1)(b)

4. If applicable, specify the types of collections and disclosures that have been approved by the Chief Privacy Officer as being "in the best interests of the City" which involve any collections and disclosures of identifying information relating to your agency.

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.

The Department of Correction follows the Citywide Privacy Protection Policies and Protocols in considering requests for disclosures from other City agencies, local public authorities or local public benefit corporations, and third parties.

The Department takes a thoughtful approach to disclosures of identifying information in response to requests from other City agencies, local public authorities or local public benefit corporations, and third parties. Such requests have been identified as routine by the Agency Privacy Officer, and/or are reviewed by the Legal Division and/or the APO prior to disclosure. Not all employees, contractors, and subcontractors have access to identifying information, and those who disclose identifying information do so only as authorized as a function of their official duties. The Department of Correction also provides guidance to media and other public requestors for identifying information in its Media Access Policy. This policy addresses what identifying information may be disclosed.

Certain identifying information retained by the Department of Correction is required to be disclosed, including, but not limited to identifying information about incarcerated individuals (N.Y.C. Admin. Code §9-121) and about individuals buried on Hart Island (N.Y.C. Admin. Code §9-132).

6.	Do the above policies address access to or a contractors, and subcontractors?	🛛 Yes 🗌 No	
7.	If YES, do such policies specify that access to performance of their duties?	o such information must be necessary for the	🛛 Yes 🗌 No
8. Describe whether the policies are implemented in a manner that minimizes such access to the greatest extent possible while furthering the purpose or mission of the agency. The Department takes a thoughtful and protective approach disclosure of identifying information and does so in a mann minimize disclosure to the extent possible.			
	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.

The Department of Correction works with other City agencies, local public authorities, and third parties to structure agreements, including Memoranda of Understanding, that address the confidentiality and non-disclosure of identifying information. Proposals for disclosure, including research requests, are reviewed by the APO and/or the General Counsel or her designee. The Department has developed template language for data-sharing MOUs based on the CPO's Citywide Privacy Policies to protect the confidentiality and non-disclosure of identifying information.

N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)

10. Describe the agency's current policies regarding the classification of disclosures as necessitated by the existence of exigent circumstances or as routine.

The Department of Correction follows the Citywide Privacy Protection Policies and Protocols in considering what disclosures are classified as routine. Pursuant to the Identifying Information Law, the APO classifies certain disclosures as routine and follows requisite notification requirements set forth in N.Y.C. Admin Code §23-1202(c). To address urgent public health or safety issues, the Department may disclose identifying information in emergency circumstances relating to the care, custody, and control of incarcerated individuals.

N.Y.C. Admin. Code §23-1205(a)(1)(c)(3)

11. Describe the agency's current policies regarding which divisions and categories of employees within an agency make disclosures of identifying information following the approval of the privacy officer.

Press officers, program staff, human resources staff, IT/database administrators, uniformed staff, and legal staff may make disclosures of identifying information in accordance with their specific job functions and for a permitted purpose.

N.Y.C. Admin. Code §23-1205(a)(1)(c)(4)

12. Describe whether the agency has considered or implemented, where applicable, any alternative policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of such agency.

The Department of Correction follows standardized policy referenced throughout this report. The Department has adopted the Citywide Privacy Protection Policies and Protocols issued by the CPO in January 2019, in order to minimize the collection, retention, and disclosure of identifying information to the greatest extent possible, while furthering the purpose or mission of the Department.

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 Department's Legal Division works with other Divisions as necessary to promulgate agreements with other city agencies, local public authorities or local public benefit corporations, and third parties, including Memoranda of Understanding, to ensure the confidentiality of identifying information and to minimize the disclosure of identifying information to the greatest extent possible. The Department of Correction includes the Identifying Information Law rider in its contracts for human services, and in other contracts to the extent applicable. The Department also incorporates the revised Appendix A for general contracts for vendors.

N.Y.C. Admin. Code §23-1205(a)(1)(d)

1. Using the table below, specify the types of entities requesting the disclosure of identifying information or proposals for disclosures of identifying information, and for each entity, describe (1) the reasons why an agency discloses identifying information to such entity, and (2) why any such disclosures furthers the purpose or mission of such agency.

Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the purpose or mission of the agency
Contracted Program Providers, Contractors, and other vendors.	Contractors and other vendors may request disclosure of identifying information in order to fulfill the terms of their contract, which may include obtaining identifying information of employees to gain access to a building or other location within DOC jurisdiction or obtaining identifying information of incarcerated individuals in order to provide contracted services. External program providers have contracts with DOC which require them to administer discharge planning services to individuals in custody to begin developing individualized reentry plans. The providers have discharge plans which they administer to clients and program participants directly. This ensures that incarcerated individuals who are discharged are connected to appropriate support services.	To the extent applicable, disclosure of identifying information to contracted program providers, contractors, and other vendors furthers the core agency mission of care, custody, and control of incarcerated individuals.
Government (city, state, federal) agencies	The Department discloses certain identifying information of incarcerated individuals to other City agencies in furtherance of the provision of services to incarcerated individuals (such as medical care), investigation of incidents (DOI), procurement of goods and services. Letters of incarcerations, which include dates of custody. Law enforcement in recruitment and hiring of past/present employee; law enforcement in relation to an investigation; state agency to verify unemployment insurance eligibility; state agency to verify eligibility for peace officer status (upon separation); state agency to verify appropriate pay rates; state agency to determine benefits under WTC (9/11) Program; local government agency to verify earnings for housing eligibility. Permitted identifying information about current or former incarcerated individuals may be disclosed to city, state, federal, and foreign governments in response to requests and in furtherance of provision or termination of benefits, termination of parental rights, prospective employment, constituent visits, and immigration or detention reasons. All such disclosures are done in accordance with and approved to the extent that internal review is consistent with applicable law.	To the extent applicable, disclosure of identifying information to government agencies furthers the core agency mission of care, custody, and control of incarcerated individuals.
Federal Monitors	This information is disclosed in order for the NYC Department of Correction to be in compliance with applicable consent judgments and settlements.	To the extent applicable, disclosure of identifying information to the federal monitor furthers the core agency mission of care, custody, and control of incarcerated individuals.

Identifying Information Law

Legal Counsel or representative for employee charged with misconduct	Information is disclosed in order to discuss a resolution of the resulting disciplinary charges.	To the extent applicable, disclosure of identifying information to legal counsel of employees ensures a safe and secure work environment, furthering the core agency mission of care, custody, and control of incarcerated individuals.
Media	Disclosure is limited to confirmation of disclosable facts, including employment status, custody status, and in order to arrange for incarcerated individual interviews, in accordance with applicable law.	To the extent applicable, disclosure of identifying information to media representatives provides transparency to the core agency mission of care, custody, and control of incarcerated individuals.
General public	Incarcerated individuals, family members and attorneys contact the Legal Division seeking information about stays of incarceration, release, or other information. Members of the public, family members, and attorneys file FOIL requests, lawsuits, comptroller claims, subpoenas, and other requests for information relating to incarcerated individuals.	To the extent applicable, disclosure of identifying information to the general public provides legally required information to family members and legal representatives of current and former incarcerated individuals and provides transparency to the core agency mission of care, custody, and control of incarcerated individuals.
Advocacy groups	The name, identifying Book & Case and NYSID numbers of incarcerated individuals are disclosed to advocacy groups and public defenders in furtherance of their legal representation.	To the extent applicable, disclosure of identifying information to advocacy groups assists in legal representation of incarcerated individuals, which furthers the core agency mission of care, custody, and control of incarcerated individuals.
		N.Y.C. Admin. Code §23-1205(1)(e)

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14. Describe the impact of the Identifying Information Law and other applicable laws upon your agency's practices in relation to collection, retention, and disclosure of identifying information.

The Department of Correction has taken the opportunity to inventory its collections, retention, and disclosure of identifying information, and has strengthened departmental privacy practices by adopting the Citywide Privacy Protection Policies and Protocols and will further work with the CPO to ensure appropriate staff and contractors receive citywide privacy training upon implementation. The Department is required by law to maintain certain identifying information public, including identifying information of incarcerated individuals currently in its custody. The Department may also disclose certain identifying information pursuant to the City's Open Data law.

N.Y.C. Admin. Code §23-1205(a)(2)

15. Describe the impact of the privacy policies and protocols issued by the Chief Privacy Officer, or by the Citywide Privacy Protection Committee, as applicable, upon your agency's practices in relation to the collection, retention, and disclosure of identifying information.

The Citywide Privacy Protection Policies and Protocols have assisted the Department of Correction in ensuring the confidentiality and appropriate collection, retention, and disclosure of identifying information of incarcerated individuals, staff, vendors, and visitors. The policies and protocols provide guidance in analysis of the Identifying Information Law relationships to other laws, including FOIL and Open Data, and have enhanced the Department's protection of identifying information in agreements, including MOUs, with other city agencies and third party entities.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL FOR AGENCY REPORT

Preparer of Agency Report:				
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