

AGENCY REPORT

(due on or before July 31, 2020)

Agency:	Department of Records & Information Services		
Agency Privacy Officer:	Kenneth R. Cobb		
Email:	kcobb@records.nyc.gov	Telephone:	212 788-8604
Date of Report:	August 3, 2020		

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)*	<u>Work-Related Information</u> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<u>Biometric Information</u> <input checked="" type="checkbox"/> Fingerprints <input checked="" type="checkbox"/> Photographs	<u>Government Program Information</u> <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input type="checkbox"/> Any scheduled court appearances <input type="checkbox"/> Eligibility for or receipt of public assistance or City services <input type="checkbox"/> Income tax information <input type="checkbox"/> Motor vehicle information
<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>Law Enforcement Information</u> <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
<u>Demographic Information</u> <input type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input type="checkbox"/> Marital or partnership status <input type="checkbox"/> Nationality <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Sexual orientation	<u>Technology-Related Information</u> <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
<u>Status Information</u> <input checked="" type="checkbox"/> Citizenship or immigration status <input 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	
<u>Other Types of Identifying Information</u> (list below):	
<u>The Administration Division collects information to process hiring, payroll, etc. as listed on page 7.</u>	
<small>*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).</small>	

2. Specify the reasons why collection and retention of identifying information specified above furthers the purpose or mission of your agency.
<p>The mission of the NYC Department of Records and Information Services is to foster civic life by preserving and providing access to the historical and contemporary records of New York City government, to ensure that City records are properly maintained following professional archival and record management practices and to make materials available to diverse communities both online and in person.</p> <p>Identifying information is collected by the agency's Municipal Archives (MA) and Municipal Library (ML) divisions to process purchases of products or services that are offered as part of the agency's mission to provide</p>

access to the historical records of the City. The Charter-mandated agency mission also includes accessioning historical records from other City agencies. In some instances, these records may include identifying information that is retained and “disclosed” in the sense that patrons might view the information when conducting research in the records. However, it must be emphasized that this information is historical in nature.

The Administration division furthers the agency mission by onboarding employees and maintaining adequate staffing levels to do the work of the agency. The division also prepares and administers the agency’s budget and allocates/monitors revenue; ensures materials and supplies needed are available when needed; and ensures all resources needed for the agency to run and fulfill its mission are provided for. This division’s collections and retentions focus on employee information and procurement/vendor information.

The IT division is responsible for running the OpenRecords portal and ensuring the other platforms (Government Publications, Eventbridge Emergency Notification System; TimeClock; e-payments) through which the agency collects and retains information, including identifying information, are running smoothly. All of these platforms through which DORIS collects and retains information are utilized in furtherance of the agency mission to preserve and make accessible the City’s records. All adhere to the security protocols established by NYC Cyber.

The Legal unit’s collection of identifying information during internal investigations and collection and disclosure of such information during litigation and the discovery process furthers the agency’s mission by protecting the agency from legal threats so that the agency can continue to carry out its important work providing access to records.

N.Y.C. Admin. Code §23-1205(a)(1)(f)

3. Describe the types of collections and disclosures classified as: (1) pre-approved as “routine,” (2) pre-approved as routine by APOs of two or more agencies, or (3) approved by the APO on a case-by-case basis. Appendix B of the 2020 Agency Guidance includes detailed examples of routine and non-routine collections and disclosures, with descriptions.

Add additional rows as needed.

Describe the Collection or Disclosure	Classification Type
<p>Public Programs: Outreach/e-mail list sign ups The public provides their own contact information if they choose to sign-up/ opt-in to the DORIS e-mail list. Full name and email address is collected and then members of the public are added (retained) to the email list per their request.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Public Programs: Event Sign-ups/RSVPs using Eventbrite The public provides information/signs up through the Eventbrite platform. Event information collected includes: Who is going (name); if the user’s account is linked to Facebook, then it might pull in data from Facebook. Name, email, sometimes phone #. Eventbrite might show to other members (disclose) of the public who use Eventbrite, how a user RSVP’d.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Public Programs: Women’s Activism Project Name and story about the woman activist. Members of the public tell their own stories and the stories of women who have made a difference in their lives. The Women’s Activism website allows members of the public to type and submit stories of women activists--their own story or the story of a friend or family member or the story of another woman who has made a difference but whom they do not know. The Womens’ Activism site collects, retains and discloses the first and last name of the activist (required), year of birth and year of death; a narrative story about the activist describing the person’s impact on other lives/their community (required); and the submitter’s name (optional). Once submitted (collected), these stories are retained and displayed (disclosed) publicly on the Women’s Activism website.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Public Programs: Bed Stuy/Community Garden Oral History Project Oral Histories are collected from members of the public. Story collectors interview members of the public from specific neighborhoods and record oral histories. The story teller’s first and last name are collected and the name of their community or neighborhood and how long they have lived there. Collecting: memories of neighborhood; notable events; early life in the neighborhood; notable changes in the neighborhood; whatever else they provide. This collection is neighborhood-focused and is intended to facilitate an understanding of the neighborhood through time. This information is retained as part of the Municipal Archives collection. Participants sign informed consent documents before sharing their stories and identifying information, as detailed above. This information may be disclosed in accordance with the Municipal Archives Access Policy.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Administration /Human Resources: Hiring Process, Personnel, other employee information</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p>

<p>Collection and retention of name, place of birth, date of birth, current and previous address; gender; race (optional); contact information; citizenship/immigration status; languages spoken; nationality; country of origin; employment status; employment address; motor vehicle information; biometric information; tax withholdings and exemptions; arrest record; social security number. Disclosures are limited to: (1) the DOI for investigations; and (2) other disclosures are only made after a release is signed and the disclosure confirms that an employee worked at DORIS for reasons such as the employee is applying for a mortgage or affordable housing; or a former employee is applying for another job.</p>	<p><input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Administration/ Procurement: Contractor/vendor information Contractor or vendor provides information and sets up a profile through the vendor system. The vendor system then collects contractor name and address; Social security number (or federal employee ID number) is entered by contractor into system. In order to comply with applicable federal, state, and local procurement rules, certain identifying information may be collected, retained and disclosed, such as bidders' and contractors' names and contact information.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Administration/Time Clock Employee or intern/consultant time punches. Time Clock records (collects) sign-in and sign-out times for interns and consultants and keeps track of (retains) their time worked. It is also used as a backup to City Time for agency employees.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Administration/Human Resources: Disclosure to Labor Unions Name, employment status, contact information, addresses, and other identifying information of agency employees may be disclosed, subject to applicable law, to labor organizations when such information is needed by the labor organization to perform its duties as the collective bargaining representative of Agency employees in an appropriate bargaining unit.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Administration/ IT: Everbridge Emergency Notification System As part of COOP, the Everbridge Emergency Notification System is the agency's online mass notification system that is used for quickly and accurately communicating with agency staff regarding emergency situations and business disruptions. The agency collects and retains employee home contact information on this portal for use in emergencies and testing of the emergency notification system</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>IT: OpenRecords Application The OpenRecords (FOIL) portal collects: Social media account information (optional); employer information including title and organization name (optional); Name; current and previous home address. Various agencies (not DORIS) or the patrons enter the information into the portal as part of their response or comments pertaining to the request. Additionally, if a requestor chooses to sign-in to the Open Records portal using a social media account then the OpenRecords application pulls the email associated with that social media account. Open Records is a "one-stop" simplified way for individuals to submit FOIL requests to a NYC agency. The web application also allows government employees to manage, respond to, and fulfill incoming requests. DORIS manages the OpenRecords Portal but does not request or</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis</p>

<p>collect the information exchanged on the portal. However, DORIS runs the application for all City agencies.</p> <p>The agencies using the OpenRecords portal decide whether and which, if any, parts of the request should be made public. Agency FOIL officers will have access to information collected from the user through the Open Records portal for the benefit of the public user and the other agency. In OpenRecords there is a field called “Description” that is an open-ended blank text box. The Requestor can type anything there-including Identifying Information if they choose to.</p>	
<p>e-payments /Municipal Archives: Facilitating public access to records by providing copies of records for purchase.</p> <p>Information collected from members of the public related to their purchase. Customers/members of the public purchase services or products from the MA- generally, copies of historical documents such as birth, death, or marriage certificates. Purchaser name, address, and payment information (credit card or check) is collected to fulfill orders. The information is not disclosed to third parties. The DORIS Reference room collects and IT collects; and IT stores (retains) information on servers at DOITT.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Municipal Archives and Municipal Library: Reference and Research Services</p> <p>The Reference and Research team collects and retains names, dates of inquiry, purpose of inquiry, subject of inquiry, and geographic location of requestor. The information is used to gather statistics on primary user groups that include understanding patron needs. Statistics are used to assist in prioritizing collections for archival processing projects, digitization projects, conservation/preservation projects and outreach and communication initiatives. The demographic and user data is often requested by and may be disclosed to granting agencies, e.g. National Endowment for the Humanities.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>Legal: Collection during internal investigations and Collection and Disclosure in Litigation</p> <p>i.e., Employee information or information related to FOIL requests and responses.</p> <p>Hypothetical only as there is no current pending litigation. When the Department has been involved in litigation in the past, the matters concerned employment disputes, FOIL and intellectual property rights. Collection, retention and disclosure are pre-approved as routine, but may also be reviewed by the APO when a need for disclosure in litigation arises.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input checked="" type="checkbox"/> Approved by APO on a case-by-case basis</p>

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.

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.	
DORIS handles proposals for disclosure on a case-by-case basis as this is not a frequent occurrence at the agency. There is no written policy, but any agreement or MOU entered into by DORIS includes a provision regarding identifying information when appropriate. MOUs between DORIS and other agencies are published on the agency website, as required by law.	
6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.	Yes, the agency ensures that sensitive information is rarely if ever handled by employees of other agencies, or contractors/subcontractors. When access is required by law or falls within a designated routine function, such as in litigation. Access is given only to the type and amount of records needed and access is restricted to only the access required.
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.
DORIS handles proposals for disclosure on a case-by-case basis as this is not a frequent occurrence at the agency.
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 APO and agency attorney review the request for disclosure as necessitated by the existence of exigent circumstances and the agency attorney provides a recommendation appropriate for the circumstances. The APO makes the final decision and the agency attorney documents the decision and any gathers and attaches any supporting documents.
For routine classifications and disclosures, the APO and agency attorney met with the CPO and Law Department to solicit advice on the application of routine disclosures to the Municipal Archives collections.

The agency attorney met with the director of each division of the agency to ensure all types of disclosures made by employees of each division are documented. The agency attorney reviewed and analyzed each disclosure to determine if sufficient justification or law requires disclosure such that it should be classified as routine. The agency attorney prepared recommendations regarding which disclosures meet the requirements for classification as routine and documented them on forms 1 and 2: the Agency Inventory Form and APO Designation of Collection and Disclosures that are "Routine." The APO reviewed these forms/recommendations and met with the agency attorney to discuss them. The APO made any necessary final edits.

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.

It is the DORIS policy that:

Disclosures of identifying information collected and retained as part of a collection of the Municipal Archives or Municipal Library is made by the agency attorney (non-routine) or a professional librarian or archivist (routine) following approval by the APO. The Municipal Archives Access policy is a formal written policy that librarians and archivists strictly adhere to when making routine disclosures. DORIS has developed a written policy that all employees, consultants, and interns are required to adhere to

Following the approval of the APO, only the APO makes FOIL disclosures.

The Director of Administration makes human resources/employee-related disclosures following approval by the APO.

The agency attorney makes legal-related disclosures and disclosures of record types that are strictly regulated by law following approval by the APO. Requiring the agency attorney to be involved in certain types of disclosures and that the agency attorney be notified immediately when certain types of records requests are made (for example, police personnel orders) ensures that such disclosures are strictly controlled and documented by the agency attorney.

The Public Programs unit's staff may be involved in adding patrons to the events e-mail list; and those employees may be involved in specific disclosures for the purposes listed in question 3 on this form and or following approval by the APO. Informed consent and other legal forms may be required before information is collected and disclosed.

The Procurement Officer in consultation with the agency attorney makes disclosures of procurement/vendor-related information.

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 agency implemented a solution to the problem of requesters entering their identifying information into the title of FOIL requests on the Open Records Platform which are viewable by the public. The requests, including titles, are not published for five business days after receipt so the recipient agency can redact any PII that the requester entered.

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 does not have any agreements in place for any use or disclosure of identifying information.

In the future, the agency plans to utilize the *Identifying Information Law Contract Rider*, drafted and circulated by the Law Department, when entering into agreements that concern records which include identifying information.

Digitization contracts, and agreements with the Law Department and/or other agencies regarding temporary transfer of archival records to LAW for use in discovery and litigation are two examples of agreements DORIS may execute in the future and which would include an identifying information rider.

N.Y.C. Admin. Code §23-1205(a)(1)(d)

14. 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.

Add additional rows as needed.

Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the purpose or mission of the agency
Public patrons of the Municipal Archives and Municipal Library	Research and Reference	When appropriate and permissible by law, access furthers the agency's charter-mandated mission of providing access to records.
Private citizens	FOIL request	Disclosure complies with FOIL; and furthers the agency's charter-mandated mission of providing access to records.
Vendors	FOIL request to learn which vendor won/was selected for a particular bid	Disclosure complies with FOIL; contracting rules and furthers the agency's charter-mandated mission of providing access to records.
Mayor's Office of MWBE	Monthly reporting regarding all agency purchases; bids; planned procurements and which vendors under consideration; have won etc.	Local law requires the agency to submit detailed monthly reports.
Mayor's Office of Contract Services	Respond to audit inquiries regarding agency procurements and past purchases	Local law requires the agency to respond to audit inquiries regarding MWBE/procurements utilizing or not utilizing MWBE vendors.
NYPD	Inspection of police personnel orders during the course of an investigation.	Required by law.
Department of Investigation	Inspection of police personnel orders during the course of an investigation.	Required by law.
Prospective, current or former employees	To verify employee's employment status and dates of employment when applying for a job	Human resources functions are necessary to maintain a fully staffed agency where employees want to work and contribute to furtherance of the agency's mission.
Mortgage company	Verify employee income for mortgage	Human resources functions are necessary to maintain a fully staffed agency where employees want to work and contribute to furtherance of the agency's mission.
Labor unions	Required by law to disclose new employee information so that the union may solicit/educate new members.	Human resources functions are necessary to maintain a fully staffed agency where employees want to work and contribute to furtherance of the agency's mission.
NYC Housing	To verify employee's employment status and dates of employment when applying for certain housing programs.	Human resources functions are necessary to maintain a fully staffed agency where employees want to work and contribute to furtherance of the agency's mission.

- Proceed to Next Question on Following Page -

15. 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.

Agency Business does not require collection of substantial amounts of identifying information.
 DORIS collects only very minimal information to serve customers. Should anything additional be needed in the future, then the agency will take the Identifying Information Law and policies into consideration.

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 the collection, retention, and disclosure of identifying information.

There are no plans to substantially change agency policies because agency policies were already in line with the new identification law and policies and protocols issued to implement the law.
 However, for increased clarity, the agency has drafted a written policy to formally document current policies that have not previously been formally written and circulated.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:			
Name:	Kenneth R. Cobb		
Title:	Assistant Commissioner		
Email:	Kcobb@records.nyc.gov	Phone:	212 788-8604

SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW			
Agency Head (or designee):			
Name:	Pauline Toole		
Title:	Commissioner		
Email:	ptool@reords.nyc.gov	Phone:	212 788-8607
Signature:	<i>Pauline Toole</i>	Date:	August 3, 2020

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