

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

Agency:	Equal Employment Practices Commission (EEPC)		
Agency Privacy Officer:	Jennifer Shaw, Esq.		
Email:	jeshaw@eepc.nyc.gov	Telephone:	212-615-8942
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)*	<p><u>Work-Related Information</u></p> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<p><u>Biometric Information</u></p> <input type="checkbox"/> Fingerprints <input checked="" type="checkbox"/> Photographs <input type="checkbox"/> Palm and handprints* <input type="checkbox"/> Retina and iris patterns* <input type="checkbox"/> Facial geometry* <input type="checkbox"/> Gait or movement patterns* <input type="checkbox"/> Voiceprints* <input type="checkbox"/> DNA sequences*	<p><u>Government Program Information</u></p> <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 checked="" type="checkbox"/> Income tax information <input type="checkbox"/> Motor vehicle information
<p><u>Contact Information</u></p> <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<p><u>Law Enforcement Information</u></p> <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
<p><u>Demographic Information</u></p> <input type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input type="checkbox"/> Marital or partnership status <input checked="" type="checkbox"/> Nationality <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Religion <input checked="" type="checkbox"/> Sexual orientation	<p><u>Technology-Related Information</u></p> <input checked="" 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 checked="" type="checkbox"/> Internet protocol (IP) address* <input checked="" type="checkbox"/> Social media account information
<p><u>Other Types of Identifying Information</u> (list below):</p> 	
<p>*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).</p>	

2. Explain why the collection and retention of identifying information described in Question 1 furthers the purpose or mission of your agency.

The Equal Employment Practices Commission (EEPC) is an independent, non-mayoral oversight agency tasked with ensuring that New York City maintains an effective equal employment program for women and minority employees and applicants. The EEPC fulfills its mission predominantly through the audit, review, and monitoring of the employment practices, policies, and programs of city agencies, entities, CUNY community colleges, and offices of elected officials at least once every four (4) years; conducting studies on citywide underutilization and producing an annual report of its findings; and conducting public hearings, which include informational symposiums.

The collection and retention of identifying information specified in Question 1 furthers the purpose and mission of the EEPC as follows:

Audits: The collection and retention of identifying information during audits enables the EEPC to fulfill its Charter mandate to audit, evaluate, and monitor the employment practices, policies, and programs of City agencies, entities, CUNY community colleges, and offices of elected officials.

Budget and Finance: The collection and retention of identifying information when managing the EEPC's budget and finance functions ensures a balanced agency budget and facilitates agency procurements and payments.

Equal Employment Opportunity (EEO): The collection and retention of identifying information permits the EEPC's EEO professionals to administer the agency's EEO program, which includes policy and procedure formation, investigation of discrimination or harassment complaints, processing of Reasonable Accommodation requests, and development of the EEPC's Annual Diversity and EEO Plan.

Human Resources: The collection and retention of identifying information when performing the human resources' function permits the EEPC to administer personnel responsibilities necessary for agency operations, including, but not limited to, new hire processing, leave and benefits processing, payroll processing, equal employment opportunity matters, training, occupational health and safety matters, professional development, and retiree and separation processing.

Information Technology (IT): The collection and retention of identifying information related to information technology enables the EEPC's Administrator of Computer Systems and Support to manage the technology needs of the agency, including maintaining hardware, software, policies, access to confidential systems, remote access, and the EEPC Incident Response Plan.

Legal: The collection and retention of identifying information to provide legal counsel/advice enables the EEPC to maintain the agency's legal compliance with laws, policies, and best practices, and prevent fraud, waste, and abuse. The collection and retention of identifying information to ensure legal compliance enables the EEPC to retain and disclose information in response to oversight entities during audits of the EEPC. The collection and retention of identifying information when addressing Freedom of Information Law (FOIL) requests enables the EEPC to respond to requests for agency documents pursuant to FOIL. The collection and retention of identifying information during investigations/litigation enables appropriate representation of the EEPC in litigation, administrative investigations, and other legal proceedings.

Research: The collection and retention of identifying information when performing the research function enables the EEPC to conduct studies, analyze data, and produce reports regarding EEO topics; host public hearings including symposiums for City EEO and human resources professionals; establish advisory committees on pertinent EEO issues, and engage with relevant parties to further the mission of the agency.

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
Audits are conducted at least once every four (4) years. During the data collection phase of audits, the EEPC collects information and documents via Preliminary Interview Questionnaires (PIQs), which are completed by EEO professionals and others involved in EEO program administration. IP addresses are collected via Survey Monkey during the PIQs completion. Contact information is collected and retained throughout the audit process. Additionally, the EEPC collects and retains demographic information of audited agencies obtained from Citywide Equal Employment Database System (CEEDS) reports.	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
Budget and Finance collects, retains, and discloses budgetary information to manage the EEPC budget. The unit maintains records pertaining to budget modification and reduction, purchase requisitions, and purchase orders for the agency's purchase of office supplies, office equipment and its servicing, and other services such as external training and Commissioners' compensation.	<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
Equal Employment Opportunity (EEO) collects, retains, and discloses demographic and status information during the investigation of EEO complaints filed internally and when evaluating and processing reasonable accommodation requests.	<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
Human Resources (HR) collects, discloses, and retains various personnel-related information and records in the performance of core administrative and human resource functions, including, but not limited to, new hire processing, leave and benefits processing, payroll processing, training, occupational health and safety matters, professional development, and retiree and separations processing.	<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
Information Technology (IT) collects, retains, and discloses technology related information to perform its core function of providing technological and computer systems' support, including hardware (e.g., computers, monitors, cameras, laptops), software (e.g., Microsoft and Adobe access), internal databases (e.g., TeamMate and DEED), remote access, and maintenance of the EEPC website and social media pages.	<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
Legal Counsel/Advice collects, retains, and discloses information to maintain compliance with federal, state, and local laws and regulations. It prevents fraud, waste, and abuse by ensuring compliance with the Conflicts of Interest Board (COIB) and Department of Investigation's (DOI) annual financial disclosure requirements through the collection and disclosure of agency policymakers' identifying information. Legal Counsel/Advice collects employees' medical information when advising on Reasonable Accommodation Requests.	<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
Legal Compliance collects, retains, and discloses information to comply with requests made in connection with the Office of the New York City Comptroller's audits of the EEPC.	<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

Freedom of Information Law (FOIL) collects, retains, and discloses agency records in response to FOIL requests including information voluntarily disclosed by requestors via OpenRecords.	<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
Investigations/Litigation collects, retains, and discloses information to adjudicative or administrative bodies, arbitrators, New York City Law Department, labor organizations, and counsel while representing the agency in litigation, administrative investigations, and other legal 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
Research retains and analyzes demographic information of city employees contained in Citywide Equal Employment Database System (CEEDS) reports and collects, retains, and discloses contact information of study/survey participants, symposium attendees and participants, and advisory committee members.	<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

To date, the Chief Privacy Officer has not approved any specific collections or disclosures for the EEPC. The EEPC is an independent oversight entity that is not public-facing.

N.Y.C. Admin. Code §23-1202(b)(2)(b); 23-1205(a)(1)(b)

5. Describe the agency’s current policies regarding requests for disclosures from other City agencies, local public authorities or local public benefit corporations, and third parties. Be as specific as possible.

NOTE: For questions 5 – 11, refer as necessary to the Model Citywide Protocol for Handling Third Party Requests for Information Held by City Agencies (on file with the Office of Information Privacy) and the Identifying Information Rider.

Only authorized employees may process routine requests for information disclosure on behalf of the EEPC. Requests for non-routine disclosures are referred to the Executive Agency Counsel, who will confer with the Law Department and the City’s Chief Privacy Officer as appropriate.

EEPC employees must execute a *Non-Disclosure of Confidential Information* upon hire and the EEPC *Code of Conduct* prohibits employees from “[disclosing] to any unauthorized party, in violation of the EEPC’s Non-Disclosure Agreement, proprietary information, or information relative to EEPC’s records, operations, or activities.”

The EEPC handles request for disclosure from third parties in accordance with the Freedom of Information Law (FOIL) and *Citywide Privacy Protection Policies and Protocols*. The EEPC Executive Agency Counsel, who is also the Records Officer, is the primary liaison for FOIL requests.

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 those policies specify that access to identifying information must be necessary to perform their duties?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.	<p>The purpose and mission of the EEPC as an independent oversight entity requires the agency to balance the need for transparency in audits/studies/research reports and the need to protect sensitive information collected during the audit and research processes. Other records, such as budget and finance, EEO, human resources, IT, and legal are not accorded the same level of transparency and access is limited to what is needed for the EEPC to carry out its mission and mandates.</p>
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.
<p>The EEPC does not generally receive proposals for disclosures of identifying information. Any proposals for disclosures to other City agencies, local public authorities or benefit corporations, and third parties will be reviewed by the Executive Agency Counsel and Executive Director. If the EEPC determines that the disclosure is required by law, the EEPC will disclose the information only to the extent that the relevant law requires.</p>
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.
<p>The EEPC classifies disclosures as routine in accordance with the definition of routine under the Identifying Information Law and the <i>Citywide Privacy Protection Policies and Protocols</i>. A routine disclosure is “made during the normal course of city agency business” and “further the purpose or mission” of the EEPC. The EEPC’s Agency Privacy Officer is responsible for designating disclosures as routine.</p> <p>The EEPC classifies disclosures as necessitated by exigent circumstances when they are non-routine, disclosed under urgent circumstances, and written approval is not obtained in advance from the Agency Privacy Officer. If identifying information is disclosed under exigent circumstances, the Agency Privacy Officer will report this disclosure to the Chief Privacy Officer in accordance with the Identifying Information Law and <i>Citywide Privacy Protection Policies and Protocols</i>.</p>
N.Y.C. Admin. Code §23-1205(a)(1)(c)(3)

11. Describe the agency's current policies regarding which divisions and categories of employees have been approved by the agency privacy officer to disclose identifying information. Be as specific as possible.

EEPC employees have access to sensitive information and disclose identifying information in accordance with their specific job functions. All employees consult with the Executive Agency Counsel for additional guidance.

The following individuals make disclosures in accordance with their job functions and relevant policies, procedures, and applicable law:

Audits: The EEPC's Executive Director, Executive Agency Counsel/Director of Compliance, Administrator of Audits and Executive Services, Audit Unit Managers, and EEO Program Analysts

Budget and Finance: The EEPC's Executive Director, Director of Finance and Human Resources Management, and Administrator of Audits and Executive Services

Equal Employment Opportunity (EEO): The EEPC's Executive Director, Executive Agency Counsel, Principal EEO, Diversity, & Inclusion Officer, Alternate (Deputy) EEO Officer, and Disability Rights Coordinator

Human Resources: The EEPC's Executive Director, Director of Finance and Human Resources Management, Administrator of Audits and Executive Services, Executive Agency Counsel, Principal EEO, Diversity, & Inclusion Officer, Alternate (Deputy) EEO Officer, and Disability Rights Coordinator

Information Technology (IT): The EEPC's Executive Director, Executive Agency Counsel, Administrator of Computer Systems and Support, and Administrator of Audits and Executive Services

Legal: The EEPC's Executive Director, Executive Agency Counsel, Administrator of Audits and Executive Services, Principal EEO, Diversity, & Inclusion Officer, Alternate (Deputy) EEO Officer, and Disability Rights Coordinator

Research: The EEPC's Executive Director, Director of Research Initiatives and Public Hearings, Data Scientist, Research Specialist, Administrator of Audits and Executive Services, Principal EEO, Diversity, & Inclusion Officer, and Alternate (Deputy) EEO Officer

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.

No alternative policies have been considered.

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.

Not applicable.

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
DOI/COIB	Information regarding agency policymakers	Facilitate required annual financial disclosures
DCAS/DOI	Information disclosed to administer personnel services	Ensure administration of the EEPC's personnel functions
City and non-city employers	Information disclosed for employment verification purposes	Facilitate employment verification as requested
DCAS Human Capital	Information is disclosed to conduct audits and during studies of City workforce data	Ensure the accurate completion of EEPC audits and research reports
Comptroller	Information is disclosed in response to audits	Facilitate audit of the EEPC's practices by the Comptroller
Public	Information is disclosed in response to FOIL requests	Compliance with Freedom of Information Law requirements
City employees	Information is disclosed regarding attendance and participation	Execution of public hearings, surveys, studies, and advisory committees to further the EEPC's research initiatives
DCAS/Vendors (including MWBEs)/OMB/FISA	Information is disclosed for procurement	Facilitation of payments for goods and services required to maintain EEPC operations
Labor Organizations/OLR	Information is disclosed to address employee labor issues	Enable the performance of duties as the collective bargaining representative of union employees
DORIS/Open Data	Information is disclosed during the required submission of EEPC audit files and reports	Ensure compliance with applicable laws, charter mandates, and the EEPC record retention schedule
Adjudicative/Administrative bodies/Law Department/Counsel/Arbitrators/Labor organizations	Information is disclosed in the investigation and defense of agency labor issues	Ensure proper legal defense of the EEPC and interpretation of the law
OMB/FISA/OTM/NYCC	Information disclosed to manage the EEPC budget	Correspondence regarding budget requests and modifications and other associated justifications
Third parties	Information to providers to facilitate employees' professional development	Ensure EEPC employees' subject matter expertise
City/State/Federal agencies	Disclosures for health and safety prevention	Prevent or combat threats to public health and safety (e.g., COVID)
FISA/OPA	Disclosures pertaining to employees' time and leave	Facilitate employees' payroll
OTI	Disclosures to provide IT support	Ensure functioning of EEPC IT systems, software, and hardware

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 required the EEPC to conduct an inventory of its collections and disclosures of identifying information, determine which collections and disclosures can be designated as "routine", review applicable policies and law, and prepare a biennial report on the agency's practices. This process has guided the EEPC in an assessment of agency operations and a better understanding of the information being collected, retained, and disclosed to further the agency's purpose.

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).

Not applicable.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Table with 3 columns: Name (Jennifer Shaw, Esq.), Title (Executive Agency Counsel/Director of Compliance), and Email (jeshaw@eepc.nyc.gov) and Phone (212-615-8942).

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Table with 4 columns: Name (Jeanne M. Victor), Title (Executive Director), Email (jvictor@eepc.nyc.gov), and Phone (212-615-5933). Includes an Electronic Signature field with a handwritten signature and a Date field (July 28, 2022).

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