

# AGENCY REPORT

## (due on or before July 31, 2020)

<b>Agency:</b>	Department of Investigation (DOI)		
<b>Agency Privacy Officer:</b>	Erin Schultz		
<b>Email:</b>	DOIAPO@DOI.NYC.GOV	<b>Telephone:</b>	212-825-5900
<b>Date of Report:</b>	July 29, 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)*	<b><u>Work-Related Information</u></b> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<b><u>Biometric Information</u></b> <input checked="" type="checkbox"/> Fingerprints <input checked="" type="checkbox"/> Photographs	<b><u>Government Program Information</u></b> <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
<b><u>Contact Information</u></b> <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<b><u>Law Enforcement Information</u></b> <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
<b><u>Demographic Information</u></b> <input checked="" type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input checked="" type="checkbox"/> Languages spoken <input checked="" type="checkbox"/> Marital or partnership status <input checked="" type="checkbox"/> Nationality <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Religion <input checked="" type="checkbox"/> Sexual orientation	<b><u>Technology-Related Information</u></b> <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 checked="" type="checkbox"/> Internet protocol (IP) address* <input checked="" type="checkbox"/> Social media account information
<b><u>Status Information</u></b> <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	
<b><u>Other Types of Identifying Information</u></b> (list below):  	
<small>*Type of identifying information designated by the CPO (see CPO Policies &amp; 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>DOI investigates corruption, fraud, conflicts of interest, mismanagement, and other abuses involving the City. DOI investigations result in the arrest and prosecution of individuals and entities found to have engaged in criminal activity, as well as recommendations to agencies to improve City operations. DOI's Inspector General units, operationally called Squads, span all City agencies.</p> <p>DOI's investigations impact every city agency, numerous state and federal government offices, and many private businesses and individuals doing business with the city. While conducting investigations into waste, fraud, and abuse, DOI routinely collects</p>

information from both public and private sources, securely retains that information, and may disclose that information on a need to know basis when DOI believes that criminal, civil, or administrative action is appropriate.

DOI's authority derives from Chapter 34 of the City Charter and executive orders issued pursuant thereto, most notably Executive Order 16 of 1978, as amended.

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>The investigations units (Squads) within DOI may collect and disclose information related to and received in the course of law enforcement investigations. Collection of identifying information is necessary to the successful investigation of cases because investigators must identify the relevant subjects and witnesses, follow investigatory leads, and collect relevant evidence. Investigatory records are retained indefinitely pursuant to DOI's Records Management Policy and Record Retention Schedule.</p> <p>Disclosure of investigatory records generally occurs when a criminal case is jointly investigated with a prosecutor or other law enforcement agency; a criminal matter is referred to prosecutors or other law enforcement agencies; a case is referred to civil authorities for administrative action; or a case is referred to City agencies for possible disciplinary or other agency action.</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>DOI's Department of Investigation-Complaint Unit (CU) is the central unit responsible for receiving and disseminating complaints filed with DOI. DOI performs investigations to root out corruption, identify mismanagement, and stop fraud perpetrated by a City agency, employee, or people who receive funding or benefits from the City.</p> <p>The CU collects information that is reported to it, or found on internal database reviews. The information may be disclosed to the oversight unit or agency as part of referring the complaint for any action deemed appropriate.</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>DOI's Background Investigation Unit (BIU) conducts confidential background investigations of high level New York City employees, or persons selected to work in decision-making or sensitive City positions, which helps hiring/appointing agencies determine if the candidate is suited to serve the public trust.</p> <p>The BIU collects personal information regarding City employees and temporary personnel and may disclose the information to the hiring/appointing agency and other law enforcement agencies.</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>DOI's Fingerprint Unit (FPU) is responsible for fingerprinting individuals who work at child care, home care, and family care facilities that are under contract with the City of New York to assist the employer and oversight agency in making hiring/retention decisions.</p> <p>The FPU collects personal information that is reported to it, or received from government resources. This information may be disclosed to governmental agencies, the employer, the oversight unit, or agency.</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>DOI's VENDEX unit reports adverse DOI case history regarding potential city vendors to city agencies during the contracting process.</p> <p>The VENDEX unit collects information that is reported by vendors seeking city contracts. The majority of the information is not routinely disclosed, and what is disclosed is often available to the contracting entities through their own information access.</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>DOI's General Counsel's Office provides legal analysis and guidance regarding legal and compliance matters.</p> <p>The work of the General Counsel's Office touches every aspect of agency operations and can include the collection information, whether sourced from an investigation, a contract, a complaint, an internal investigation, or other such source. While collection of identifying information is generally sourced directly from DOI files, the General Counsel's Office may additionally collect and retain such information as is referred to or submitted directly to the Office by other agencies or members of the public.</p> <p>The General Counsel's Office may disclose information where required when referring matters to appropriate agencies, pursuant to a lawful order, where the law otherwise requires such disclosure, or where it is determined that disclosure is permissible by law and in the best interest of the agency.</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>DOI's Peace Officer Program is dedicated to providing training to assist all NYC Department of Investigation Peace Officers in achieving higher standards in safety and efficiency. The Program</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p>

coordinates with the New York State Municipal Police Training Council to conduct Academy classes, annual trainings and certifications. This unit also provides all necessary administrative and operational support to its officers and other personnel in the agency. Information may be disclosed to the NYPD or contracted third parties in order to process applications, licenses, training certification, or to assist in medical care.	<input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
DOI's Human Resources unit routinely collects and discloses personnel information related to the performance of core administrative and human resource functions.	<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, 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**

At the time of this submission, no collections or disclosures have been approved by the Chief Privacy Officer, other than the Guidance on Privacy Considerations Related to the City’s Efforts to Combat Covid-19. This guidance informs all Covid-19 disclosures made by DOI.

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.**

DOI investigations, and thus many routine collections and disclosures of information, are governed by DOI's investigative manual which provides guidance on complaint intake, investigative techniques and procedures, investigative operations, search and seizure, procedures for the collection, retention, and disposition of evidence, post-investigation, the Freedom of Information Law (FOIL), peace officers, and fleet operations.

DOI takes the confidentiality of its investigations seriously. The collection and disclosure of information is typically subject to numerous tiers of review and oversight from within the individual Inspector General's Office, from the DOI General Counsel's Office, and from the DOI Executive Staff. Given the sensitivity of its work, DOI releases information only in situations where the release has been deemed to be within the scope and purpose of the agency, where such information is of material benefit to the public, or where disclosure is otherwise required by law.

**6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?**

Yes  No

**7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties?**

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.**

DOI, as part of its investigative function, routinely accesses a variety of law-enforcement databases. It is the policy of the agency that certain databases, specifically those which contain sensitive information, may only be accessed by specific employees and only for the purposes of furthering an investigation. Some databases require further approval from DOI's General Counsel's Office and the Chief of Investigations. All sensitive information collected from a law-enforcement database is to be treated confidentially.

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.**

Disclosures already designated as routine and necessary to the agency's function by the Agency Privacy Officer, such as the results of background investigations, will continue. Any non-routine disclosures will be reviewed on a case-by-case basis by the Agency Privacy Officer. Where applicable, third parties may be directed to submit a Freedom of Information Law (FOIL) request.

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.**

Designation of routine collections and disclosures are reviewed and approved by the DOI Agency Privacy Officer and the Agency General Counsel. Any non-routine disclosure will require authorization from the Agency Privacy Officer and the Agency General Counsel.

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.**

DOI is committed to keeping its investigations confidential. Employees are not authorized to disclose information without executive approval. Exceptions may include where the agency is working in partnership with or at the behest of another agency, or where DOI has already entered into an agreement to share 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.**

DOI actively works to minimize the collection and disclosure of information unrelated to its core mission to investigate waste, fraud, and abuse.

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.**

DOI has entered into numerous agreements with government agencies, database providers, and third parties in order to fulfill the agency's mission, provide investigatory services, or assist in the screening of applicants and the medical treatment of DOI Peace Officers.

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
Prosecutor's Offices and Law Enforcement Agencies	Investigatory records may be disclosed in connection with a joint investigation or referral of a criminal matter for prosecution.	Pursuant to Executive Order 16 and Chapter 32 of the New York City Charter, DOI investigates corruption, fraud, conflicts of interest, mismanagement, and other abuses involving the City. Where appropriate, DOI refers the results of its investigations to prosecutor's offices for prosecution of criminal misconduct.
Conflicts of Interest Board (COIB)	Investigatory records may be disclosed along with the referral of potential violations of Chapter 68 of the New York City Charter.	Pursuant to Executive Order 16 and Chapter 32 of the New York City Charter, DOI refers investigations to COIB in cases where DOI believes a City employee may have violated Chapter 68 of the New York City Charter. In addition, DOI may investigate an allegation at the request of COIB.
City Agencies	At the conclusion of an investigation (regarding an allegation of wrongdoing, a background investigation request, a fingerprint request by DOHMH for childcare services, or a Vendor Name Check request as part of a contract review), a summary letter or investigatory records may be disclosed to the relevant city agency.	Pursuant to Executive Order 16 and Chapter 32 of the New York City Charter, DOI refers the results of its investigations to city agencies for any disciplinary action deemed appropriate. The Background, Fingerprint and VENDEX Units also routinely respond to requests for information necessary for city agencies to determine eligibility for employment or to award a contract.
Private Companies	When requesting records pursuant to a subpoena or search warrant, DOI may disclose personal information to a private company in order for the private company to locate responsive records.	Pursuant to an authorized investigation, DOI may disclose information to allow a private company to identify records sought by a DOI subpoena or search warrant. Such records often include telephone or banking records.
Investigative Operations Vendor	DOI may share personal information with companies who maintain various proprietary law enforcement software programs that are used during investigations.	Pursuant to an authorized investigation, DOI may provide some personal information, such as a name, in order to assist in querying a law enforcement database pursuant to an investigation.
Medical Service Providers and Mental Health Professionals	DOI may disclose employee information in order to provide medical care or assist in psychological screening for DOI's Peace Officer Program.	It is necessary for DOI to disclose employee information order for contracted parties to provide appropriate medical care and to assist in the psychological screening of applicants for DOI's Peace Officer Program.

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 applicable laws upon your agency's practices in relation to collection, retention, and disclosure of identifying information.**

DOI has always taken confidentiality seriously. The introduction of the Identifying Information Law has reinforced DOI's long-standing commitment to providing effective oversight while being respectful of personal privacy and limiting 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 the collection, retention, and disclosure of identifying information.**

DOI reviews all policies and protocols issues by the Chief Privacy Officer and the Citywide Privacy Protection Committee. The Guidance on Privacy Considerations Related to the City's Efforts to Combat Covid-19 informs all Covid-19 disclosures made by DOI. As confidentiality is a core attribute of our work, no additional changes to DOI practices are necessary at this time.

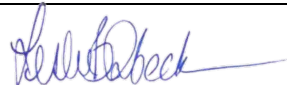
N.Y.C. Admin. Code §23-1205(a)(3)

**APPROVAL FOR AGENCY REPORT**

**Preparer of Agency Report:**

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**Agency Head (or designee):**

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<b>Signature:</b>		<b>Date:</b>	7/29/2020

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