



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

**EXECUTIVE ORDER 86**

November 10, 2021

Amendment of Executive Order No. 16 (July 16, 1978), as amended by Executive Order No. 72 (April 23, 1984), No. 78 (October 5, 1984) and No. 105 (December 26, 1986)

**COMMISSIONER OF INVESTIGATION, INSPECTORS GENERAL AND  
STANDARDS OF PUBLIC SERVICE**

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Section 4 of Executive Order No. 16 (July 16, 1978) is amended to read as follows:

- (a) Within the scope of the general responsibility of the Commissioner set forth in Section 1 of this Order, the Commissioner shall have authority to examine, copy or remove any record prepared, maintained or held by any agency, including records described in subdivision (h) of this section, except those records which may not be so disclosed according to law. Inspectors General shall have the same authority in their respective agencies.

§ 2. Section 4 of Executive Order No. 16 (July 16, 1978), as amended by Executive Order No. 78 of 1984 (October 5, 1984), is amended by adding new subdivisions (h) and (i) to read as follows:

(h) The Department of Investigation shall have access to email records of City agencies maintained by the Department of Information Technology & Telecommunications (DOITT), provided that:

- (i) Any search of such records must be made for the purpose of a specific investigation; and
- (ii) Access may only be permitted after the relevant agency Inspector General sends a written request to the DOI First Deputy Commissioner for approval, which request must include information concerning the background of the investigation, the relevance of the search, the employee

email account to be searched, the proposed search terms (if applicable), and the time frame of the search.

To protect attorney-client and work product privileges, the Department of Investigation shall not have direct access to the email records of the Law Department but shall consult with the Corporation Counsel to obtain Law Department emails when necessary.

(i) Records of requests made pursuant to subdivision (h) of this section shall be maintained for at least 5 years. By December 15 of each year, the General Counsel of the Department shall certify in writing to the Mayor and the Corporation Counsel that access to email has been conducted in accordance with the above procedures or, if not, the specific incidents of violations and any corrective actions taken. Beginning July 1, 2022 and every third year thereafter (unless otherwise agreed to by Corporation Counsel and the Commissioner of the Department of Investigation) an outside auditor, chosen by agreement between the Corporation Counsel and the Commissioner, shall be retained to conduct a confidential audit of the Department of Investigation's compliance with these procedures and any other law enforcement practices as agreed by the Corporation Counsel and the Commissioner. The audit report shall be submitted to the Mayor, the Commissioner, and the Corporation Counsel. No audit report generated by these procedures shall reveal confidential information about specific DOI investigations.

§ 3. This Order shall take effect immediately.



---

Bill de Blasio,  
MAYOR