

FORM # 3
Agency Report Template

(Revised April 2020)

INSTRUCTIONS

The Identifying Information Law requires City agencies to submit comprehensive biennial reports related to their collection, disclosure, and retention of identifying information and their privacy protection practices. Agencies should review their 2018 reports, and begin collecting any updated information as soon as possible. The agency's updated and completed Inventory Form (Form #1), together with the Routine Designation Forms (Form #2) and Forms for the Agency Privacy Officer Approval of Collections and Disclosures on a Case-by-Case Basis (Form #5), should contain a significant amount of the information necessary to complete the report. While the Law does not specify who must complete the report, the APO is best positioned to do so, with final review and approval before submission by either the agency's General Counsel, or other counsel to the agency.

Agencies should review their 2018 versions of Form #3: Agency Report Template, and using this information and any updates to this report since 2018, complete a new Form #3 for 2020. This Form must be submitted to the CPO at PrivacyOfficer@cityhall.nyc.gov. The report must also be submitted to the Mayor, at MOReports@cityhall.nyc.gov, City Council Speaker, at reports@council.nyc.gov and the Citywide Privacy Protection Committee, at NYCPrivacyCommittee@cityhall.nyc.gov. Additionally, per N.Y.C. Charter §1133(a), agencies must submit their report to the City's Department of Records and Information Services online submissions portal at <https://a860-gpp.nyc.gov> within ten days of submission to the CPO, the Mayor, the City Council Speaker, and the Citywide Privacy Protection Committee. **Agency reports must be signed by the agency head or designee prior to submission.**

NOTE: For questions requesting information about existing agency policies relating to the disclosure of identifying information, agencies should describe their specific agency policies, and may also reference the Model Citywide Protocol for Handling Third Party Requests for Information Held by City Agencies, issued as City policy in April 2017, and the Identifying Information Law Rider.

IMPORTANT NOTE

THE INFORMATION CONTAINED IN THE AGENCY REPORT WILL BE PUBLIC INFORMATION. PREPARERS OF THIS REPORT SHOULD CONSULT WITH THEIR AGENCY'S GENERAL COUNSEL OR THE CHIEF PRIVACY OFFICER REGARDING ANY QUESTIONS AS TO WHETHER THE AGENCY'S RESPONSES TO QUESTIONS IN THE REPORT ARE PROVIDED IN ACCORDANCE WITH APPLICABLE LAW AND CITY POLICY.

**THESE INSTRUCTIONS AND VERSION CONTROL INFORMATION
ON THE FOLLOWING PAGE SHOULD BE DETACHED
FROM THE REPORT BEFORE SUBMISSION**

VERSION CONTROL

Version	Description of Change	Approver	Date
2.0	Updated completion date; miscellaneous clarifying revisions.	Laura Negrón Chief Privacy Officer, City of New York	April 2020
1.0	First Version	Laura Negrón Chief Privacy Officer, City of New York	April 2018

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AGENCY REPORT

(due on or before July 31, 2020)

Agency:	New York City Civil Service Commission		
Agency Privacy Officer:	Metom Bergman, Esq.		
Email:	mbergman@nyccsc.nyc.gov	Telephone:	(212) 615-8914
Date of Report:	July 27, 2020		

1. Specify the type of identifying information collected or disclosed (check all that apply):*	
<input checked="" type="checkbox"/> Name <input type="checkbox"/> Social security number (full or last 4 digits)*	<u>Work-Related Information</u> <input type="checkbox"/> Employer information <input type="checkbox"/> Employment address
<u>Biometric Information</u> <input type="checkbox"/> Fingerprints <input 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 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 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 type="checkbox"/> Citizenship or immigration status <input checked="" 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): <p>* The above categories of identifying information are collected, retained, and disclosed by the agency in the course of all agency functions <i>other than</i> internal human resources functions. The categories of identifying information collected for internal human resources functions are identified in box number two immediately below.</p> <p>** The Commission may inquire whether an Appellant is employed as a provisional employee with the City.</p>	
*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.

The Commission's primary function is to adjudicate appeals brought either by candidates to competitive civil service positions ("disqualification appeals") or permanent civil service employees in competitive titles who have been subject to discipline ("disciplinary appeals"). The collection and retention of the identifying information specified above is necessary for the administration of such appeals before the Commission.

The Commission, as a quasi-judicial body, has an internal policy of avoiding communications with one party in the absence of the opposing party. As such, any submission or communication by one party to the Commission which does not include the opposing party is forwarded by the Commission to the opposing party. Such supporting documents or communications may contain identifying information not listed here. The Commission's Legal and Administrative / Clerical Divisions coordinate to fulfill this task.

For the purposes of core administrative and human resource functions concerning the Commission's employees, the following identifying information is collected and retained: Name, Date of Birth, Place of Birth, Current and/or previous home addresses, Gender identity*, Race*, Marital or partnership status, Contact information (e.g., phone or email), Citizenship/immigration status, Nationality, Country of origin, Languages spoken, Employment status, Employer information, Employment address, Biometric information, Income tax information, Arrest record or criminal conviction, and Social Security Number.

* Applicants are invited to provide this information on a voluntary basis by NYCAPS's "Equal Employment Opportunity Self-Identification Form."

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
The collection and disclosure of identifying information specified in box number one for the purposes of adjudicating an appeal before the Commission has been designated as pre-approved as routine. Similarly pre-approved as routine is any clerical action taken to ensure one party’s submission is circulated to all parties to an appeal.	<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
The collection and disclosure of identifying information specified in box number two for the purposes of core administrative and human resource functions has been designated as pre-approved as routine.	<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
Not Applicable.
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 Commission will respond to any requests from Local, State, or Federal oversight agencies, third parties, or auditors, to the extent necessary for the performance of their duties and required by law. Further, the Commission discloses information as required by the Freedom of Information Law (FOIL). The Commission’s General Counsel/Legal division is the primary liaison in such cases.	
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.	Information collected by the Commission is not disclosed to entities that are not involved in the appeal unless required by law. The above policy is implemented in a manner that minimizes access to identifying information to the greatest extent possible while furthering the purpose or mission of the agency.

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.

Any proposals for disclosures of identifying information to other City agencies, local public authorities or local public benefit corporations, and third parties, will be reviewed by the Commissioners Division and General Counsel / Legal Division. If the Commission determines that the disclosure is required by law, the Commission will disclose the information to the extent the relevant law requires. Unless required by law, the Commission will not disclose identifying information to parties that are not part of the appeal.

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 Commission’s Agency Privacy Officer has been tasked with designating disclosures as routine. In exigent circumstances, the Commission’s Commissioners Division, in consultation with the Commission’s General Counsel / Legal Division, coordinates disclosures.

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.

The Commission’s Director of Administration / Human Resources Division makes disclosures of identifying information to the extent necessary for the performance of core human resources and other personnel related matters.

The Commission’s Clerical / Administrative Division, in consultation with the Commission’s General Counsel / Legal Division, coordinates disclosures necessary for the administration of appeals before the Commission.

The Commission’s Commissioners Division supervises all disclosures done by the agency.

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 has reviewed its collection, retention, and disclosure policies and has implemented a policy whereby the agency only collects, retains, and discloses, the identifying information necessary for the adjudication of civil service appeals.

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 Commission requests that Appellant's provide their email and phone number in order for the Commission to effectively communicate with all parties regarding the appeal.

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
The Parties Appearing Before the Commission (i.e. the Appellant and the opposing City agency)	As part of the appeals process all parties appearing before the Commission are requested to include the opposing party on all submissions or communications with the Commission.	The Commission, as a quasi-judicial body, has an internal policy of avoiding communications with one party in the absence of the opposing party. As such, any submission or communication by one party to the Commission which does not include the opposing party is forwarded by the Commission to the opposing party. The Commission's Legal and Administrative / Clerical Divisions coordinate to fulfill this task.
New York City Law Department	When a lawsuit is brought against the Commission, the NYC Law Department will represent the Commission in litigation and will request the Commission's case file(s) that pertain to the litigation. All such disclosures are necessary for defending the Commission's determinations in court and may be protected by attorney-client privilege. The Commission's General Counsel/Legal division is the primary liaison in such cases.	Such disclosures are in furtherance of defending the agency's decisions in court.
DCAS/Office of Payroll Management	All of the Commission's human resources functions are done per the City's standard practices through the centralized NYCAPS system. The Commission's payroll is administered through the Office of Payroll Administration's Payroll Management System and related sub-systems. The Commission shares identifying information with such agencies to the extent required to administer human resource services. The Director of Administration / Human Resources Division is the primary liaison for all HR matters.	Such disclosures are necessary for the core human resources and personnel functions of the agency.
Employee Unions	Employee unions, such as the Civil Service Bar Association, represent certain employees employed by the Commission and may request identifying information for the administration of union benefits. The Director of Administration / Human Resources Division is the primary liaison in such cases.	Such disclosures are necessary for the core human resources and personnel functions of the agency.

Department of Records and Information Services (DORIS)	DORIS administers the retention of the Commission's files and identifying information will be disclosed for the purposes of complying with any required retention schedules. The Director of Administration / Human Resources Division is the primary liaison with DORIS.	Such disclosures are required by law.
Oversight agencies	The Commission will respond to any requests from Local, State, or Federal oversight agencies, or auditors, to the extent required by law. The Commission's General Counsel/Legal division is the primary liaison in such cases.	Such disclosures are required by law.
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.

The Commission remains committed to the agency's policy of collecting, retaining, and disclosing identifying information only to the extent necessary for the administration of appeals before the Commission and for internal human resources and personnel functions.

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.

Not applicable.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Metom Bergman, Esq.		
Title:	Agency Attorney & Agency Privacy Officer		
Email:	mbergman@nyccsc.nyc.gov	Phone:	(212) 615-8915

Agency Head (or designee):

Name:	Nancy G. Chaffetz		
Title:	Commissioner, Chair		
Email:	nachaffetz@nyccsc.nyc.gov	Phone:	(212) 615-8915

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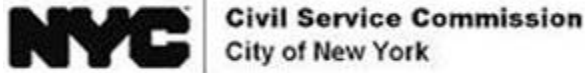
From: [Chaffetz, Nancy \(NYCCSC\)](#)
To: [Bergman, Metom](#)
Cc: [Amanda Wismans](#)
Subject: Re: For NGC Review: Identifying Information Law Biennial report v1
Date: Tuesday, July 21, 2020 1:16:58 PM

I have reviewed this report and agree that it represents CSC policy. Please consider this email to be my signature on this report. Nancy G Chaffetz, Chair

From: Bergman, Metom <mbergman@nyccsc.nyc.gov>
Sent: Tuesday, July 21, 2020 11:16 AM
To: Chaffetz, Nancy (NYCCSC) <NaChaffetz@nyccsc.nyc.gov>
Subject: FW: For NGC Review: Identifying Information Law Biennial report v1

Sincerely,

Metom Bergman | Agency Attorney & Agency Privacy Officer
☎ (212) 615-8914 | F: (212) 669-2727 | ✉ mbergman@nyccsc.nyc.gov



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