

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:	Mayor's Office of Contract Services (MOCS)		
Agency Privacy Officer:	Gemayel Jean-Paul		
Email:	Gemayel.jean-paul@mocs.nyc.gov	Telephone:	212-676-3081
Date of Report:	July 31, 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 type="checkbox"/> Fingerprints <input type="checkbox"/> Photographs	<u>Government Program Information</u> <input checked="" type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input checked="" 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 checked="" 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 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 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 checked="" type="checkbox"/> Internet protocol (IP) address* <input checked="" type="checkbox"/> Social media account information
<u>Status Information</u> <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	<u>Other Types of Identifying Information</u> (list below): Vendors, City Agencies, and the general public may disclose to MOCS other unsolicited information via email correspondence.
<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>MOCS collects identifying information from employees, and candidates for positions within the agency, to perform core administrative human resources functions and other personnel related matters, including, but not limited to, new hire processing, retiree and benefits processing, payroll processing, equal employment opportunity matters, training, occupational health and safety matters, professional development, administrative matters, etc. MOCS also retains this information to remain in compliance with city-wide policies including records management, archiving, and preservation.</p>

Identifying Information Law

To comply with local procurement rules and laws, MOCS also collects and retains certain identifying information on officers, board members, principal owners, and managerial employees of vendors that do business with the City in PASSPort, formerly known as VENDEX, HHS Accelerator, and the Doing Business Database. MOCS also collects and retains identifying information to grant access to these systems and authenticate users.

In addition, MOCS collects identifying information from vendors, City agencies, and the general public to offer them procurement-related support, and guidance and technical assistance with Citywide procurement systems, such as PASSPort, HHS Accelerator, and the Doing Business Database, all of which are systems that MOCS maintains and oversees. MOCS also collects this information to conduct public hearings and City meetings, as required by local laws, various training workshops and surveys on services that MOCS provides. MOCS also retains the identifying information collected to remain in compliance with city-wide policies including records management, archiving, and preservation.

MOCS also collects identifying information from various city systems, including the Automated Procurement Tracking System (APT) and Financial Management System (FMS), to support procurement activities of City agencies, produce reports as required by local laws, and maintain the services that MOCS offers vendors and City agencies.

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
MOCS collects identifying information from employees as needed to schedule travel, verify travel expenses, and process reimbursements.	<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
MOCS collects resumes, which includes identifying information, from candidates to verify experience and expertise.	<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
MOCS enters into Non-Disclosure Agreements (NDA) with Consultants, as necessary, and discloses the agreement to City agencies. The NDAs contain identifying information on the consultant.	<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
MOCS collects various types of identifying information from MOCS personnel in the performance of core administrative and human resource functions. MOCS also discloses this information to agencies, as necessary.	<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
MOCS collects identifying information from vendors who deliver packages to MOCS’ office at 253 Broadway and discloses this information DCAS Police. DCAS Police provides security at 253 Broadway.	<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
MOCS collects identifying information from external mail correspondence and telephone messages to MOCS staff. MOCS also logs identifying information on all public visitors (name, agency and sometimes phone number).	<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
MOCS collects identifying information through emails from individuals with questions about, and feedback on, HHS Accelerator, PASSPort, and Nonprofit Assistance initiatives.	<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
MOCS collects identifying information on principal owners, officers, managerial employees, and board members of vendors and providers to conduct vendor integrity checks in PASSPort and HHS Accelerator.	<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
MOCS publicly discloses information in PASSPort and HHS Accelerator, including select identifying information, at MOCS’ Public Access Center terminal at 253 Broadway and other identifying information is made available via FOIL request.	<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>MOCS uses SurveyMonkey, an online survey platform, to collect information regarding vendors' and agency users' experience with PASSPort and HHS Accelerator platforms.</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>MOCS collects identifying information from vendors and agency users of PASSPort and HHS Accelerator through Eventbrite.com, an online event management and ticketing platform, to record attendees at MOCS training workshops.</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>MOCS collects identifying information from individuals requesting access to use PASSPort and HHS Accelerator.</p> <p>MOCS also discloses portions of this information (such as employer name and address) for audit and reporting purposes.</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>MOCS collects identifying information, including names, agency employers, emails, and work phone numbers during meetings and trainings between MOCS and 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>MOCS collects identifying information from entities filing Doing Business Data Forms. This information may also be uploaded to the Doing Business Database (DBDB) and submitted to the Campaign Finance Board (CFB).</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>MOCS collects sign in sheets and transcripts from public hearings and/or public meetings.</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>MOCS discloses the email and IP addresses of agency employees to a limited number of contract software vendors who provide technology services and products to 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>MOCS discloses identifying information of agency employees to NYC Cyber Command which allows MOCS to track employee progress in security awareness training programs.</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>MOCS discloses identifying information of agency employees to NYC Oversight Agencies to assist the City in emergency situations.</p>	<p><input type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p>MOCS collects and discloses identifying information about city employees who register and/or complete Professional Training Institute training sessions. MOCS also collects and discloses identifying information of trainers who lead Professional Training Institute training sessions.</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>N.Y.C. Admin. Code §23-1205(a)(1)(b)</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

To MOCS’ knowledge, the Chief Privacy Officer has not approved any type of collection and disclosure.

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.

MOCS’ approach to requests for disclosures from other City agencies, local public authorities or local public benefit corporations, and third parties is as follows:

1. Determine whether or not the request for disclosure is a non-routine request for information from other City agencies, local public authorities or local public benefit corporations, and third parties.
 - a. If YES, employee notifies the General Counsel or designee who will proceed with steps # 2-7 below and contact Corporation Counsel, as necessary. Employee acts only as directed by the General Counsel or designee.
 - b. If NO, does the employee receiving the request have authority to process the request on behalf of the relevant agency or agencies whose data is being requested?
 - i. If YES, proceed to step # 2 below.
 - ii. If NO, STOP HERE: employee refers matter to General Counsel or designee, who will coordinate with Records Access Officer as needed and will proceed with steps # 2-7. Employee acts only as directed by the General Counsel or designee.

2. Is the request a court order, judicial or administrative subpoena, or from a law enforcement agency?
 - a. If yes, employee refers matter to General Counsel or designee who will proceed with steps # 3-7.
 - b. If NO, proceed to step #3 below, unless it is a routine request that has been pre-approved by the Agency Privacy Officer. If it has been pre-approved, then an employee with authority to process the request on behalf of the agency may do so.
 - i. Note: Only authorized employees are permitted to access and use identifying information for a permitted purpose and in accordance with their job duties.

3. General Counsel or designee determines whether the request is for public data.
 - a. If the request is for a “Public Data Set” as defined by the NYC Open Data Law, STOP HERE: employee refers matter to agency’s designated Open Data Coordinator for response.

- b. If the request is submitted under the Freedom of Information Law (FOIL), the General Counsel proceeds with agency procedures and statutory guidelines for handling FOIL requests. The General Counsel also considers whether information requested is exempt from disclosure under FOIL and related considerations in steps # 4 and 5.
 - c. If NOT a request for “public data,” proceed to step # 4 before.
4. General Counsel or designee determines which agency/agencies owns or has an ownership or related interests in the requested information.
- a. Is there a contract, memorandum of understanding, or other agreement governing the use and/or disclosure of the data?
 - i. If YES, determine whether the contract, memorandum of understanding, or other agreement specifies how and by whom third party requests must be handled.
 - ii. If NO, proceed to next question
 - b. Does another agency or non-governmental entity have ownership interests in the requested information?
 - i. If MOCS created and/or owns the requested information, proceed to step # 5 below.
 - ii. If another agency or non-governmental entity has an ownership interest in the requested information (including datasets created through data integration projects), refer the request to the legal counsel at the relevant agency and/or entity to consult existing protocols regarding management of the information and to coordinate a response. The agency general counsel or designee at each agency whose data is requested is responsible for making independent determinations highlighted in step # 5 below.
5. General Counsel or designee determines applicable legal and related considerations.
- a. Is the requested information designated as “confidential” under any federal, state, local law or regulation, or City policy, or agency executive order, manual, or guidance documents? Consider each data category and data element.
 - b. Are there any statutory or regulatory restrictions on the redisclosure of the requested information?
 - c. Are there any statutory or regulatory requirements that disclosure be limited to the “minimum necessary”?
 - d. How did the agency receiving the request initially obtain the requested information?
 - e. Is the third party legally authorized to receive any, some, or all of the information for the purpose requested?
 - i. Consider preemption issues in third party authority to access the information requested (i.e., are there any federal or state laws governing the data that may supersede requestor’s authority under local law or executive order to access it?)
 - f. Does the agency have written consent on file to release the information for the purposes requested?
 - g. Can the request be satisfied without disclosing any personally identifiable information, or by minimizing the disclosure?
 - i. If YES, consult with agency counsel to discuss limiting scope of request.
 - h. Is there a legally or other mandated timeframe for response?
 - i. Is the request drawn sufficiently narrow such that disclosure of the requested information would not result in disclosure of personally identifiable information pertaining to individuals other than the individual or individuals to whom the request pertains?
 - i. If NO, consult with agency counsel to discuss limiting scope of request.
 - j. Are there any legal requirements to provide notice to individuals whose identifiable data is requested?

6. Based on applicable legal and related considerations in steps # 4 and 5, General Counsel or designee determines whether the third party must or may lawfully receive all or part of the information requested.
 - a. If third party request is by court order, judicial or administrative subpoena, and/or law enforcement agency, response may require review and approval by the Corporation Counsel.
 - b. If the agency cannot legally disclose requested information, DO NOT DISCLOSE.
 - i. General Counsel, Records Access Officer, or designee issues written response in consultation with agency head, as needed.
 - c. If the agency is permitted but not required by law to disclose the requested personally identifiable information, consult agency policies and senior officials to determine appropriateness and scope of disclosure.
 - i. If agency determines disclosure is not appropriate, DO NOT DISCLOSE.
 1. General Counsel, Records Access Officer, or designee issues written response, in consultation with agency head as needed.
 - ii. If agency determines disclosure is appropriate, in whole or in part, consider whether any redaction is required and proceed to step # 7 below.
 - d. If the agency is required by law to disclose the requested information, in whole or in part, consider whether any redaction is required and proceed to step # 7 below.

7. Determine method for securely transmitting data authorized for disclosure to third party, in consultation with senior agency IT personnel.
 - a. Confirm disclosure decision and transmission method with General Counsel or designee.
 - b. Employee authorized by General Counsel or designee coordinates data transfer using secure protocols.

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, all of MOCS' policies and practices require that identifying information only be accessed by certain employees when such access is necessary to perform their job duties.

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.

MOCS' approach to handling proposals for disclosures of identifying information to other City agencies, local public authorities or local public benefit corporations, and third parties is as follows:

1. Determine whether or not the proposed disclosure of identifying information is a non-routine disclosure for information to other City agencies, local public authorities or local public benefit corporations, and third parties.

- a. If YES, employee notifies General Counsel or designee who will proceed with steps # 2-7 below and contact Corporation Counsel, as necessary. Employee acts only as directed by the General Counsel or designee.
 - b. If NO, does the employee wishing to disclose the information have authority to process the request on behalf of the relevant agency or agencies whose data is being requested?
 - i. If YES, proceed to step # 2 below, unless it is a routine request that has been pre-approved by the Agency Privacy Officer. If it has been pre-approved, then an employee with authority to process the request on behalf of the agency may do so.
 1. Note: Only authorized employees are permitted to access and use identifying information for a permitted purpose and in accordance with their job duties.
 - ii. If NO, STOP HERE: employee refers matter to General Counsel or designee, who will coordinate with Records Access Officer as needed and will proceed with steps # 2-5. Employee acts only as directed by the General Counsel or designee.
2. General Counsel or designee determines which agency/agencies owns or has an ownership or related interests in the requested information.
- a. Is there a contract, memorandum of understanding, or other agreement governing the use and/or disclosure of the data?
 - i. If YES, determine whether the contract, memorandum of understanding, or other agreement specifies how and by whom third party requests must be handled.
 - ii. If NO, proceed to next question.
 - b. Does another agency or non-governmental entity have ownership interests in the requested information?
 - i. If MOCS created and/or owns the requested information, proceed to step # 3 below.
 - ii. If another agency or non-governmental entity has an ownership interest in the requested information (including datasets created through data integration projects), refer the request to the legal counsel at the relevant agency and/or entity to consult existing protocols regarding management of the information and to coordinate a response. The agency general counsel or designee at each agency whose data is requested must make independent determinations highlighted in step # 3 below.
3. General Counsel or designee determines applicable legal and related considerations.
- a. Is the information designated as “confidential” under any federal, state, local law or regulation, or City policy, or agency executive order, manual, or guidance documents? Consider each data category and data element.
 - b. Are there any statutory or regulatory restrictions on the redisclosure of the requested information?
 - c. Are there any statutory or regulatory requirements that disclosure be limited to the “minimum necessary”?
 - d. Is the third party legally authorized to receive any, some, or all of the information?
 - e. Does the agency have written consent on file to release the information for the purposes requested?
 - f. Can the request be satisfied without disclosing any personally identifiable information, or by minimizing the disclosure?
 - i. If YES, consult with agency counsel to discuss limiting scope of request.
 - g. Is there a legally or other mandated timeframe for the disclosure?
 - h. Are there any legal requirements to provide notice to individuals whose identifiable data is requested?

4. Based on applicable legal and related considerations in steps # 2 and 3, the General Counsel or designee determines whether the third party must or may lawfully receive all or part of the information.
 - a. If agency cannot legally disclose requested information, DO NOT DISCLOSE.
 - b. If the agency is permitted but not required by law to disclose the requested information, consult agency policies and senior officials to determine appropriateness and scope of disclosure.
 - i. If MOCS determines disclosure is not appropriate, DO NOT DISCLOSE.
 - ii. If MOCS determines disclosure is appropriate, in whole or in part, consider whether any redaction is required and proceed to step # 5 below.
 - c. If the agency is required by law to disclose the requested information, in whole or in part, consider whether any redaction is required and proceed to step # 5 below.

5. Determine method for securely transmitting data authorized for disclosure to third party, in consultation with senior agency IT personnel.
 - a. Confirm disclosure decision and transmission method with the General Counsel or designee.
 - b. Employee authorized by the General Counsel coordinates data transfer using secure protocols.

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.

Classification of Disclosures as Necessitated by Existence of Exigent Circumstances

If a collection or disclosure of identifying information is urgently necessary, and procedures that would otherwise be required cannot be followed, MOCS’ Agency Privacy Officer (APO) must immediately notify MOCS’ General Counsel regarding the circumstance. MOCS’ General Counsel will contact Corporation Counsel for guidance.

Classification of Disclosures as Routine

MOCS’ APO may give advance written approval for “routine” collections and disclosures to another City agency or to a third party. These “routine” collections and disclosures must meet a two-part test:

1. Made during the normal course of city agency business and
2. Furthers the purpose or mission” of the agency.

Collections and disclosures that occur between or among City agencies may be treated as routine even if they are not made in the normal course of the agencies’ business, if the privacy officers of the agencies involved agree that the collection or disclosure furthers the purpose or mission of their respective agencies.

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.

Division Heads of MOCS have been approved by the General Counsel and Agency Privacy Officer to disclose certain identifying information known to be routine. Division Heads have also been granted the authority to designate individuals within their division to disclose this information on their behalf.

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.

MOCS has considered implementing such policies. Any policy by MOCS is expected to be in compliance with or modeled after the citywide policies.

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 uses contracts, memorandums of understanding and agreements to limit the use and disclosure of personal identifying information by including confidentiality provisions restricting its use and disclosure as mandated by federal, state, local law or regulation, or City policy, or agency executive order, manual, or guidance documents.

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
Department of Citywide Administrative Services (DCAS)	<p>DCAS Police: Pursuant to DCAS’ building policies, MOCS must disclose identifying information of vendor delivery personnel to DCAS Security prior to delivery.</p> <p>DCAS Background Check Unit: All applicants for employment with the City of New York are subject to investigation to determine whether they meet the qualifications for their positions. MOCS discloses identifying information it collects from applicants to DCAS to perform a background check to determine whether they meet the qualifications for the position they applied for.</p> <p>DCAS Certification Unit: MOCS collects identifying information from employees and disclosing the information to DCAS to process civil service actions.</p> <p>DCAS EEO Office: MOCS EEO Officer collects identifying information from complainants and store it a secure EEO database that’s maintained by DCAS.</p>	<p>DCAS Police: MOCS discloses identifying information to DCAS Police, including personnel data, employee benefits, and other related employee information, for the purpose of attaining supplies and resources for MOCS employees to perform their duties. This is a core function that MOCS performs on behalf of the agency and its employees.</p> <p>DCAS Background Check Unit: MOCS discloses identifying information, including name, address, and contact information, to DCAS’ Background Check Unit and Certification Unit for the purpose of processing new hires to MOCS. This is a core function that the Human Resources Sub-Division performs on behalf of MOCS.</p> <p>DCAS Certification Unit: MOCS discloses identifying information, including name, date of birth, employee ID number, in order to process civil service actions. This is a core function of the Human Resources Sub-Division that furthers the mission of the agency.</p> <p>DCAS EEO Office: MOCS’ EEO Officer discloses identifying information of complainants, including employee name and address, in a secure EEO database maintained by DCAS. This is a core function of MOCS’ effort to provide a workplace that values diversity of thought and background.</p>
City Agencies	MOCS collects identifying information from Consultants included in Non-Disclosure Agreements (NDA), and discloses NDAs to City agencies. Consultants are under contract with City agencies and	MOCS’ discloses identifying information to City agencies for the purpose of acquiring consultants with expertise to assist in the performance of core functions within MOCS, including maintenance and development of HHS Accelerator and PASSPort. The efficiency and development of these systems

	the agency requires that MOCS provides these agreements.	are a core function that the Information Technology division performs on behalf of MOCS.
Management Benefits Fund (MBF)	MOCS discloses identifying information of employees and their relatives to the Management Benefit Fund in order to assist MOCS employees applying for Management Benefit Fund benefits.	MOCS discloses employee identifying information for purposes of processing employment benefits for personnel in MOCS. This is a core function that MOCS performs on behalf of the agency and its employees.
New York City Employee Retirement System (NYCERS)	MOCS discloses employee identifying information to NYCERS in order to assist MOCS employees in applying for deferred compensation plans.	MOCS discloses employee identifying information for purposes of processing employment retirement benefit accounts for personnel in MOCS. This is a core function that MOCS performs on behalf of the agency and its employees.
Department of Investigations (DOI)	MOCS discloses to DOI employee's Background Questionnaire Forms, which includes certain identifying information of new hires.	MOCS discloses identifying information, including but not limited to, employee name, address, and contact information, to DOI for the purpose of processing new hires. This is a core function that Human Resources performs on behalf of the agency and its employees.
Third-Party Entities	Upon receiving authorization from employees, MOCS discloses Employment Verification Forms, which includes certain identifying information, to third party requestors.	MOCS discloses certain identifying information to third party entities upon the request and authorization of its employees. This is a core function that MOCS performs on behalf of agency employees.
Jobsites (i.e. Indeed, Handshake, colleges/universities)	MOCS discloses identifying information of employees, such as email addresses and names, to certain online job sites in order for MOCS employees to acquire direct access to resumes uploaded to these sites by applicants for open positions.	MOCS discloses identifying information to online job sites upon the request and authorization of its by employees.
Conflict of Interest Board (COIB)	MOCS collects identifying information from new hires and its employees and discloses this information to the Conflict of Interest Board to address ethical question/issue, waive a conflict of interest, or to determine if a conflict exists.	MOCS discloses identifying information of new hires and employees to the Conflict of Interest Board to address various types of ethical questions/issues that arise. This is a core function that MOCS performs on behalf of agency employees and to preserve its integrity in City government.
City of New York Agencies	MOCS discloses employees Travelling Personnel File (TPF), which includes identifying information, to the employee's new agency employer.	MOCS discloses identifying information to comply with the Personnel Rules and Regulations of the City of New York.
Federal, State, and Local Investigating Agencies & NYC Oversight Agencies	Upon request, MOCS may disclose information regarding principal owners, officers, or managerial employees of vendors or providers to the NYC Oversight Agencies and Investigating Agencies.	Investigating Agencies Identifying information may be disclosed, subject to applicable law, to local, state, or federal law enforcement authorities for purposes of law enforcement activities, which

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		<p>may include the investigation, prosecution, or enforcement of a law, regulation, rule, or order.</p> <p>NYC Oversight Agencies Subject to local rules among City agencies, MOCS may disclose identifying information regarding individuals at vendors and providers to NYC Oversight Agencies.</p>
NYC Agencies	MOCS may disclose identifying information on vendors, city employees, and non-city employees in order to seek advice regarding a request for information under FOIL, or as part of information released in response to a FOIL request.	MOCS may disclose identifying information in order to seek advice regarding a request for information under FOIL, or as part of information released in response to a FOIL request, provided the General Counsel and Records Access Officer determine that disclosure of such information is permissible under applicable law.
Agencies, Committees, Boards, and Non-City Groups	<p>MOCS conducts various meeting among agencies and non-City groups, and on behalf of City committees and boards, and may disclose certain identifying information on meeting attendees and vendors online for the public to view.</p> <p>MOCS may disclose the email addresses of email recipients in its email communication with agencies, committees, boards, and non-City groups to facilitate email discussions.</p>	<p>To develop strategic policy ideas and engage external stakeholders to advance MOCS’ overall mission of streamlining and transforming procurement for the City of New York, MOCS engages in various types of meetings among agencies, committees, boards and non-City groups where it must disclose certain identifying information to meeting attendees, including their names, email addresses, and employers.</p> <p>Additionally, MOCS may disclose certain identifying information in order to comply with local, state, and federal laws.</p>
General Public	MOCS publicly discloses information, which may include select identifying information on vendors, providers, and employees, at MOCS’ Public Access Center terminal at 253 Broadway and other identifying information is made available via Freedom of Information Law (FOIL) request.	To comply with local laws and the Freedom of Information Law, MOCS may be required to disclose identifying information contained in PASSPort and HHS Accelerator to the general public, upon request.
Government Agencies	MOCS may disclose identifying information to government agencies as part of the procurement process.	To advance MOCS’ mission to support the procurement activities of agencies, MOCS may be disclose identifying information to government agencies.
NYC Oversight Agencies	MOCS may disclose identifying information regarding individual employees to NYC Oversight Agencies to assist the City in emergency situations.	To comply with local laws among City agencies and executive orders, MOCS may disclose identifying information regarding individual employees to NYC Oversight Agencies in emergency situations.

Identifying Information Law

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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.

Since the Identifying Information Law's enactment and the citywide policies issued by the CPO, MOCS has made protecting identifying information an important part of all agency policies and procedures.

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.

The Chief Privacy Officer's guidance documents have been helpful in explaining and interpreting the Identifying Information Law. They have also helped MOCS become more diligent in protecting identifying information and guarding against unlawful collections/disclosures of identifying information.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Gemayel Jean-Paul		
Title:	Deputy General Counsel and Agency Privacy Officer		
Email:	Gemayel.Jean-Paul@mocs.nyc.gov	Phone:	212-676-3081

Agency Head (or designee):

Name:	Dan Symon		
Title:	MOCS Director		
Email:	Dan.Symon@mocs.nyc.gov	Phone:	212-788-0010

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