FORM # 3
Agency Report Template

The Identifying Information Law requires each agency to submit a **report** regarding, among other items, the collection, retention, and disclosure of identifying information by such agency and their "human services" contractors or subcontractors, **by no later than July 31, 2018**, and every two years thereafter by July 31. This report must be completed by the agency and submitted to the Mayor, at reports@cityhall.nyc.gov; City Council Speaker, at reports@council.nyc.gov; Chief Privacy Officer ("CPO"), at PrivacyOfficer@cityhall.nyc.gov; and Identifying Information Protection Committee ("Committee"), at NYCPrivacyCommittee@cityhall.nyc.gov. While the Law does not specify who at the agency must complete the report, the Agency Privacy Officer ("APO") is likely best positioned to do so. Reports completed by APOs who are not lawyers should be reviewed and approved by the agency's General Counsel or other counsel to the agency before submission by the agency. Agency reports, to be reviewed by the CPO and Committee, will help to inform citywide policies and procedures promulgated by the CPO and new agency requirements for the protection of identifying information, in a manner consistent with the Law. **Agency reports <u>must</u> be signed by the agency head or designee prior to submission.**

The answers provided in the Inventory and Routine Designation Form should provide a significant amount of information needed to complete this Report Form. Each question or prompt includes references to specific requirements in the Law.

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 (on file with the CPO).

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<u>IMPORTANT NOTE</u>

THE INFORMATION CONTAINED IN THE AGENCY REPORT <u>WILL BE PUBLIC INFORMATION</u>. 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.

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Agency:	FISA-OPA		
Agency Privacy Officer:		Maureen A. Murphy	
Email:	mmurphy@fisa-opa.nyc.gov	**Telephone:**	212-857-1120
Date of Report:	July 31, 2018		

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1. Specify the types of identifying information collected, retained, and disclosed by the agency

Check all that apply.

☒ Name	☒ Date of Birth
☒ Current and/or previous home addresses	☐ Place of Birth
☒ Gender identity	☒ Race
☐ Sexual orientation	☒ Marital or partnership status
☒ Contact information (e.g., phone or email)	☒ Citizenship/immigration status
☐ Religion	☒ Nationality
☒ Employment status	☐ Country of origin
☒ Employer information	☒ Languages spoken
☒ Employment address	☐ Social media account information
☒ Motor vehicle information	☒ Income tax information
☐ Biometric information	☒ Any scheduled court appearances
☒ Eligibility for/receipt of public assistance or city services	☒ Arrest record or criminal conviction
☒ Status as victim of domestic violence or sexual assault	☒ Status as crime victim or witness
☒ Date and/or time of release from custody of ACS, DOC, or NYPD	☐ Any scheduled appointments with any employee, contractor, or subcontractor
☐ Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD	☒ Social Security Number
☒ Other: Bank account information	

N.Y.C. Admin. Code §23-1205(1)(a)

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2. Specify the reasons why collection and retention of identifying information specified above furthers the purposes or mission of your agency.

FISA-OPA's collection and retention of identifying information takes place within three different contexts:

A. FISA-OPA's principal mission to administer, host, and maintain the primary enterprise systems used by most City agencies (and, in some cases, certain third parties).

Users at agencies across the City perform everyday transactions on these systems without any active involvement by FISA-OPA. These routine transactions account for the vast majority of the identifying information that flows into and out of FISA-OPA.

These systems include the Financial Management System (FMS), New York City Automated Personnel System (NYCAPS), Workers' Compensation System (WCS), and the CityTime timekeeping system, among others. FISA-OPA makes these systems and supporting services available to City agencies and officers, and vendors, as applicable.

While these systems reside at FISA-OPA, our role is limited to the technical activities necessary to implement their business functions and to provide reliable and secure access and support to users. Those business functions, as well as the policies governing system access and use, are determined by other agencies (for example, OMB and Comptroller's Office for FMS, DCAS for NYCAPS, and so on).

B. FISA-OPA's specific role as the agency that manages payment of the City's employees and retirees.

FISA-OPA operates the City's Payroll Management System (PMS) and Pension Payroll Management System (PPMS), which also reside at FISA-OPA. In conjunction with other relevant City agencies (primarily OLR and DCAS), FISA-OPA uses identifying information to process the City's payroll for over 300,000 active employees (most on a biweekly basis) and over 300,000 pensioners (most on a monthly basis), and manages the corresponding payments and related transactions that occur via the City's third-party banks.

C. FISA-OPA's own internal agency operations.

Like most City agencies, FISA-OPA uses identifying information (including by means of the Citywide systems described above) to conduct its own internal human resources, procurement, and other business functions.

<div align="right">N.Y.C. Admin. Code §23-1205(1)(f)</div>

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.	

Describe the Collection or Disclosure	Classification Type
Citywide: personnel functions. NYCAPS users across the City store and retrieve personnel-related information and records (e.g., manpower planning, performance appraisals, salary modifications, timekeeping) as part of their agencies' routine processing and reporting of human resources (HR) information. Internal users across the City submit job application information for vacant City positions.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Citywide: benefits processing. NYCAPS users across the City store and retrieve benefit-related information and records as part of their agencies' routine processing and reporting of HR information. City health plans and unions also exchange relevant benefits-related information with NYCAPS.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Citywide: workers' compensation claims. WCS users across the City store and retrieve workers' compensation-related information and records as part of the routine processing and reporting of workers' compensation matters.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Citywide: budgeting, accounting, and procurement capabilities. FMS users across the City, and City vendors (who, in some cases, are individuals) that have been granted access to FMS, store and retrieve financial-related information and records as part of the routine processing and reporting of financial data. FMS also exchanges relevant information with the City's bank to manage payments to City vendors.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Citywide: user access processing for FISA-OPA-administered systems. Personnel at agencies that use the Citywide applications maintained by FISA-OPA provide FISA-OPA support personnel limited information regarding their actual and prospective individual users to add, deletes, and modify access to those systems. This information is disclosed to the applicable user agencies as part of the routine process of maintaining accurate access records. Individual users provide limited personal information to FISA-OPA support personnel to resolve issues with their system access.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis

City debt underwriters, financial advisors, and bond counsel must provide the name, address, email, and related information for a responsible individual as part of the process of being granted access to the Debt Management System (DMS). This information is not disclosed.	
Citywide: E-hire (online job listing and application portal). External users submit job application information (for vacant City positions) through a portal into NYCAPS. NYCAPS users at relevant City agencies retrieve and store this and related information to process job applications and undertake other employment-related tasks.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
FISA-OPA payroll: active NYC staff. NYCAPS and PMS system users across the City store and retrieve payroll-related information and records as part of their agencies' routine processing and reporting of payroll data. The City's payroll banks, and federal and state tax and other authorities, also exchange payroll information with PMS.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
FISA-OPA payroll: retired NYC staff. NYCAPS and PPMS system users across the City store and retrieve pension payroll-related information and records as part of their routine processing and reporting of pension data. The City's pension plans, the City's pension payroll bank, and federal and state tax and other authorities also exchange pension payroll-related information with PPMS.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
FISA-OPA Internal: HR. The HR division collects, discloses, and retains personnel, employee benefits, payroll, and other related agency employee information and records in the performance of core administrative and human resource functions.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
FISA-OPA Internal Legal. The legal division collects and discloses information (or coordinates its collection and disclosure): in response to FOIL requests; requests from other agencies; and judicial/administrative requirements; and as required in disciplinary procedures. Most cases are approved by the APO on a case-by-case basis, but some requests (such as for disclosure of information that is already made public) are pre-approved as routine.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☒ Approved by APO on a case-by-case basis
FISA-OPA Internal: Procurement. The procurement division collects VENDEX and other required information from vendors and contractors who, in some cases, are individuals. The division also occasionally receives extracts from criminal background checks on proposed individual consultants.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
	N.Y.C. Admin. Code §23-1205(1)(b)

4. If applicable, specify the types of collections and disclosures approved by the Chief Privacy Officer.
Describe Type of Collection or Disclosure
N/A
N.Y.C. Admin. Code §23-1205(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.		
FISA-OPA follows all Citywide information and security policies applicable to data security, including secure file exchange processes.		

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.	FISA-OPA users are granted access to systems using a role-based approach that limits access to only those functions needed to perform their job responsibilities. The process assigns user access rights corresponding to the specified role, such that users have only those system privileges needed to perform their job responsibilities. These rights are authorized by the user's manager, and are reviewed on a periodic basis. All modifications are tracked, providing a record of a user's access rights from onboarding until termination. Access policy for the Citywide systems we operate is determined by the respective business owners of those systems.	

N.Y.C. Admin. Code §§23-1205(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.
The vast majority of FISA-OPA's "disclosures" of identifying information occur as part of routine transactions conducted by agencies across the City without FISA-OPA's active involvement. Further, the policies governing access to, and use of, the systems involved are set by agencies other than FISA-OPA (which only administers the technical aspects of the systems), and any proposals for additional disclosure via those systems is addressed at that level. Where appropriate, proposals for disclosures of identifying information via the payroll systems are addressed by FISA-OPA and the other agencies that set payroll policy (OLR and DCAS). In addition, like most proposed disclosures made as part of FISA-OPA's internal business, these are considered on a case-by case basis with reference to any applicable contract(s) and/or governing law(s).

N.Y.C. Admin. Code §23-1205(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.
Citywide disclosures that are part of the regular functioning of the systems that FISA-OPA operates are designated as routine by the respective division mangers. The Agency Privacy Officer evaluates other disclosures on a case-by-case basis, typically in conjunction with relevant business and/or technical personnel, and with reference to any applicable contract(s) and/or governing law(s).

N.Y.C. Admin. Code §23-1205(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.

In the routine operation of the Citywide systems that FISA-OPA administers, it is the users at other agencies who initiate transactions resulting in the disclosure of identifying information; FISA-OPA employees play no active role in these disclosures. Access policy for those systems is determined by the respective business owners of those systems.

Disclosures that are a regular part of FISA-OPA's payroll operations are "made" by the payroll systems as administered by authorized FISA-OPA personnel. FISA-OPA employees make routine disclosures in connection with internal agency business when authorized by their job function. For both payroll operations and internal agency business, FISA-OPA system users are granted system access using a role-based approach that limits access to only those functions needed to perform their job responsibilities. The process assigns user access rights corresponding to the specified role, such that users have only those system privileges needed to perform their job responsibilities. These rights are authorized by the user's manager, and are reviewed on a periodic basis.

Approval by the Agency Privacy Officer for any other disclosures includes specification of what employee(s) or functional group(s) are authorized to make the disclosure.

N.Y.C. Admin. Code §23-1205(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 vast majority of the flow of identifying information occurs programmatically via the Citywide systems that FISA-OPA administers, and those systems have been designed to collect, retain, and disclose only the identifying information relevant to the particular transactions performed. In addition, FISA-OPA already follows all Citywide information and security policies applicable to data security, including secure file exchange processes. Beyond our programmatic operations, as appropriate circumstances arise, FISA-OPA will implement alternative policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the mission of our agency.

N.Y.C. Admin. Code §23-1205(4)

13. Describe the agency's use of agreements for any use or disclosure of identifying information.

With regard to FISA-OPA's operation of the City's enterprise systems, it is the Citywide users of those systems who use and disclose the vast majority of the identifying information resident at FISA-OPA. Since the City is a single entity, there is no need for FISA-OPA to enter into agreements with those other agencies.

In the conduct of FISA-OPA's payroll operations and internal agency business, FISA-OPA enters into external partner agreements with external entities for the use and/or disclosure of identifying information only as necessary for the furtherance of FISA-OPA's mission. For example, FISA-OPA has entered into agreements with the banks that process payroll and pension payments, which provide for FISA-OPA's disclosure of payment-related information to those banks and for the banks' use of that information to administer the payments. All such agreements include confidentiality provisions prohibiting the further disclosure or use of information, except under very limited circumstances (such as with FISA-OPA's express consent, or as required by law).

N.Y.C. Admin. Code §23-1205(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.

Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the purpose or mission of the agency
NYC agencies and elected officials	To permit agencies and elected officials to perform HR and financial processing or reporting as required for management of their agency or oversight of their respective Citywide function	FISA-OPA's purpose includes hosting and operating the systems that permit agencies and elected officials to accomplish these tasks.
Benefits providers	To permit benefits providers to update personal information of NYC staff and reflect changes to benefit programs	FISA-OPA's purpose includes hosting and operating the systems that permit benefits agencies to accomplish these tasks.
Pension systems	To permit pension systems to manage processing for NYC retiree pension checks and various other benefits	FISA-OPA's purpose includes hosting and operating the systems that permit the pension systems to accomplish these tasks.
Banks	FISA-OPA sends disbursement-related information (ACHs, checks) to banks for issuing payments to active NYC employees, retirees, beneficiaries and vendors	FISA-OPA's purpose includes payment of the City of New York's employees, retirees, and vendors. Disclosure is necessary to accomplish these purposes.
Federal, state, & local governments	Exchange of tax and SSN related information, as well as deduction information in support of normal payroll functions	FISA-OPA's purpose includes payment of the City of New York's employees, retirees, and vendors. Disclosure is necessary to meet the City's legal obligations that arise in connection with these payments.
Judicial/legal and investigative bodies	Responses to FOIL requests and subpoenas. This includes disclosure of any data that is legally mandated. The specific information requested varies for each situation.	FISA-OPA's purpose includes hosting and operating Citywide systems that maintain City financial, payroll, timekeeping and human resource information. Disclosure is necessary to meet the City's administrative and legal obligations.
City unions	Data pertaining to membership and benefits	FISA-OPA's purpose includes hosting and operating Citywide systems that maintain City financial, payroll, timekeeping and human resource information. Disclosure is necessary to meet the City's obligations under its collective bargaining agreements.
Employee and Retiree Investment Managers	Exchange information with money managers for active employees and retirees (e.g., Met Life, Prudential, TIAA-CREF) to support payroll deductions processes for Tax-Deferred Annuities and investments	FISA-OPA's purpose includes hosting and operating Citywide systems that maintain City financial, payroll, and related information. Disclosure is necessary to support the operation of these benefits.

N.Y.C. Admin. Code §23-1205(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.

FISA-OPA manages multiple critical City information technology applications and assets, including the business applications that provide the tools and information that agency employees Citywide require to perform their financial, payroll, pension, and HR functions. Among the key functions that these systems perform are:

- processing salary payments for more than 300,000 active employees (most on a biweekly basis);
- processing pension payments for more than 300,000 retirees (most on a monthly basis);
- processing more than 400,000 workers' compensation-related payments annually;
- intake of weekly timesheets from almost 200,000 City workers;
- processing more than 700,000 payments per year to more than 50,000 unique City payees/vendors; and
- printing and distributing more than one million pieces of tax documentation at the end of each calendar year.

As these numbers demonstrate, these business systems support core functions of City government and are fundamental to the City's operations.

FISA-OPA's mission and purpose is to ensure the continuing ability of agencies, elected officials, and certain third parties to perform their payroll, human resources, financial, and timekeeping functions. If, under the Identifying Information Law, the ongoing storage and retrieval of the vast quantities of identifying information needed to perform these functions is not designated as routine, the Citywide impact would be immense. The need to obtain advance approvals from dozens of other Agency Privacy Officers and/or the City Chief Privacy Officer would stall the City's operations and effectively prevent FISA-OPA from fulfilling its mission.

N.Y.C. Admin. Code §23-1205(2)

16. Describe the impact of any privacy policies and protocols issued by the Chief Privacy Officer or the Identifying Information Committee, as applicable, upon your agency's practices in relation to the collection, retention, and disclosure of identifying information.

To date the Chief Privacy Officer and the Identifying Information Committee have not issued any applicable privacy policies or protocols.

N.Y.C. Admin. Code §23-1205(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:			
Name:	Maureen A. Murphy		
Title:	General Counsel		
Email:	mmurphy@fisa-opa.nyc.gov	**Phone:**	212-857-1120

SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW			
Agency Head (or designee):			
Name:	Andrea Glick (as designee of Roy Mogilanski, Executive Director)		
Title:	First Deputy Executive Director		
Email:	aglick@fisa-opa.nyc.gov	**Phone:**	212-742-5900
Signature:	*Andrea Glick*	**Date:**	

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