

FORM # 3

Agency Report Template

INSTRUCTIONS

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 must 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).

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.

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AGENCY REPORT

(due on or before July 31, 2018, and by July 31 every two years thereafter)

Agency:	New York City Office of the Actuary (OA)		
Agency Privacy Officer:	Marlene Markoe-Boyd		
Email:	Mmarkoe-boyd@actuary.nyc.gov	Telephone:	212-312-0119
Date of Report:	July 25, 2018		

1. Specify the types of identifying information collected, retained, and disclosed by the agency	
<i>Check all that apply.</i>	
<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/> Date of Birth
<input checked="" type="checkbox"/> Current and/or previous home addresses	<input checked="" type="checkbox"/> Place of Birth
<input checked="" type="checkbox"/> Gender identity	<input checked="" type="checkbox"/> Race
<input type="checkbox"/> Sexual orientation	<input checked="" type="checkbox"/> Marital or partnership status
<input checked="" type="checkbox"/> Contact information (e.g., phone or email)	<input checked="" type="checkbox"/> Citizenship/immigration status
<input type="checkbox"/> Religion	<input checked="" type="checkbox"/> Nationality
<input checked="" type="checkbox"/> Employment status	<input checked="" type="checkbox"/> Country of origin
<input checked="" type="checkbox"/> Employer information	<input type="checkbox"/> Languages spoken
<input type="checkbox"/> Employment address	<input type="checkbox"/> Social media account information
<input type="checkbox"/> Motor vehicle information	<input checked="" type="checkbox"/> Income tax information
<input type="checkbox"/> Biometric information	<input type="checkbox"/> Any scheduled court appearances
<input type="checkbox"/> Eligibility for/receipt of public assistance or city services	<input type="checkbox"/> Arrest record or criminal conviction
<input type="checkbox"/> Status as victim of domestic violence or sexual assault	<input type="checkbox"/> Status as crime victim or witness
<input type="checkbox"/> Date and/or time of release from custody of ACS, DOC, or NYPD	<input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor
<input type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD	<input checked="" type="checkbox"/> Social Security Number
<input checked="" type="checkbox"/> Other: Pension Beneficiary Identifying Information.	
N.Y.C. Admin. Code §23-1205(1)(a)	

2. Specify the reasons why collection and retention of identifying information specified above furthers the purposes or mission of your agency.
<p>The OA is legally required to calculate the actuarial valuation of, and annual contributions to, the City's retirement systems and related funds, and calculates the actuarial valuation of the City's other post-employment benefits program (Retiree Health Benefit Fund). The OA is also legally required to certify the pension benefits for public employees, and their beneficiaries, upon retirement or death of the employee/retiree. In order to make these mandated actuarial and benefit calculations, the OA must utilize certain identifying information.</p>
N.Y.C. Admin. Code §23-1205(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.	
Add additional rows as needed.	
Describe the Collection or Disclosure	Classification Type
The OA uses identifying information to certify retirement benefits pursuant to state law.	<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 OA uses identifying information for valuations and reporting for the City’s retirement systems and related funds pursuant to applicable federal and state laws, rules, regulations, and standards.	<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(1)(b)	

4. If applicable, specify the types of collections and disclosures approved by the Chief Privacy Officer.
Add additional rows as needed.
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.	
The OA will occasionally allow, as legally required, disclosures of identifying information when audited. Information may be provided to certain auditors such as the auditor of the City, the New York State Department of Financial Services, and the actuarially auditor retained pursuant to the New York City Charter. The OA also provides identifying information to an actuarial vendor that is contracted to perform certain actuarial valuation consulting services so that the OA can meet its mission and obligations. Contractual confidentiality language and damages provisions protect the information shared.	
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.	The OA minimize access to the greatest extent by the protections it outlines in its contracts with vendors and the limited access it allows for employees, which is based on their necessity for access with respect to performing their respective duties and in accordance with federal, state, and local laws, rules, regulations, and standards.
N.Y.C. Admin. Code §§23-1205(1)(c)(1), and (4)	

<p>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.</p> <p>The OA does not release identifying information unless required to do so. When identifying information is given to third parties to assist in performing its legally mandated duties, the OA ensures its protection by including confidentiality and damages provisions in contracts with such third parties.</p>
N.Y.C. Admin. Code §23-1205(1)(c)(2)
<p>10. Describe the agency's current policies regarding the classification of disclosures as necessitated by the existence of exigent circumstances or as routine.</p> <p>The OA's disclosure of identifying information is limited to fulfill its mission and obligations.</p>
N.Y.C. Admin. Code §23-1205(1)(c)(3)
<p>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.</p> <p>N/A</p>
N.Y.C. Admin. Code §23-1205(1)(c)(4)
<p>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.</p> <p>Yes, the OA has created procedures whereby certain identifying information, such as social security numbers, is neither collected, nor disclosed, by the OA. Rather the OA has implemented procedures to use unique but random identifiers instead of such identifying information.</p>
N.Y.C. Admin. Code §23-1205(4)
<p>13. Describe the agency's use of agreements for any use or disclosure of identifying information.</p> <p>The OA's contracts, approved as to form by the New York City Law Department, contain confidentiality and damages provisions designed to protect identifying information.</p>
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.

Add additional rows as needed.

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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.
Aside from the additional reporting, the Identifying Information Law has no impact on the OA's current practices.
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.
N/A
N.Y.C. Admin. Code §23-1205(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:			
Name:	Marlene Markoe-Boyd		
Title:	Director of Communications		
Email:	Mmarkoe-boyd@actuary.nyc.gov	Phone:	212-312-0119

SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW			
Agency Head (or designee):			
Name:	Keith M. Snow		
Title:	General Counsel and CAO		
Email:	ksnow@actuary.nyc.gov	Phone:	212-312-0111
Signature:		Date:	July 25, 2018

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