

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:	Department of Sanitation		
Agency Privacy Officer:	Ellen Cooper		
Email:	ecooper@dny.nyc.gov	Telephone:	646-885-4989
Date of Report:	July 31, 2018		

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

Check all that apply.

<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/> Date of Birth
<input checked="" type="checkbox"/> Current and/or previous home addresses	<input 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 type="checkbox"/> Citizenship/immigration status
<input type="checkbox"/> Religion	<input type="checkbox"/> Nationality
<input checked="" type="checkbox"/> Employment status	<input type="checkbox"/> Country of origin
<input checked="" type="checkbox"/> Employer information	<input checked="" type="checkbox"/> Languages spoken
<input checked="" type="checkbox"/> Employment address	<input type="checkbox"/> Social media account information
<input checked="" type="checkbox"/> Motor vehicle information	<input checked="" type="checkbox"/> Income tax information
<input checked="" type="checkbox"/> Biometric information	<input checked="" type="checkbox"/> Any scheduled court appearances
<input type="checkbox"/> Eligibility for/receipt of public assistance or city services	<input checked="" type="checkbox"/> Arrest record or criminal conviction
<input checked="" type="checkbox"/> Status as victim of domestic violence or sexual assault	<input checked="" 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 checked="" type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor
<input checked="" 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 type="checkbox"/> Other:	

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.

DSNY collects identifying information from both its employees and the general public.

From the general public, DSNY collects names and current home addresses. This allows DSNY to provide collection services to residential homes in New York City and provide those homes with information about DSNY collection and DSNY recycling. DSNY may collect contact information from members of the general public who are submitting complaints to DSNY so that DSNY may follow up on such complaints. DSNY also collects names and current home addresses for purposes of enforcement. Enforcement efforts help to ensure that property owners comply with all rules and regulations relating to keeping their properties clean. For enforcement of illegal dumping or to assist with DSNY's Derelict Vehicle Operations, DSNY may collect information on motor vehicles – such as the Vehicle Identification Number.

For personnel purposes, DSNY collects names, current home address, contact information, employment status, employer information, employment address from prospective employees. DSNY asks applicants to voluntarily respond to questions regarding gender identity and ethnicity. Depending on the position a prospective employee is applying for, DSNY may also

ask the prospective employee to identify languages spoken. Once a prospective employee is hired by DSNY, DSNY further collects that person's date of birth and marital or partnership status information for purposes of providing its employees and their families with medical insurance. DSNY also collects tax information for payroll purposes and biometric information for timekeeping purposes.

DSNY's enforcement division employs certain employees as Sanitation Police Officers. Such employees are deemed Peace Officers under New York State Law and as such, must complete an application to the New York City Police Department in order to receive a permit to carry a firearm. In addition to information such as name, current address, current employment information and birthdate, this application asks an applicant to identify if the applicant is a crime victim or witness or a victim of domestic violence or sexual assault. This is used for background check purposes. Providing this information provides those employees with the ability to attain the rank of Sanitation Police Officer.

In the course of its daily operations, DSNY has numerous forms that require employees to enter their names. For example, on a daily basis, Sanitation Workers complete a "route sheet" which includes information on the streets that a Sanitation Worker services for garbage or recycling pick up on that particular day. This sheet, and other similar forms, require the employee to include the employee's name on the sheet. These forms are an essential part of the agency's operations in ensuring that its core agency functions, such as (1) garbage and recycling removal; (2) street cleaning; and (3) snow and ice removal, are properly completed.

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
Operations Collections – DSNY collects certain information (namely, employees’ names) as a tracking method for the forms it uses to ensure that its core agency functions, such as (1) garbage and recycling removal; (2) street cleaning; and (3) snow and ice removal are properly completed.	<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>Enforcement – Collections and Disclosures.</p> <p>From Public: DSNY collects information from the public in order to enforce its laws and rules. Namely, DSNY collects names, addresses and sometime motor vehicle information from the public.</p> <p>From Employees: In order to staff employees as Sanitation Police Officers, DSNY discloses information collected from its employees to the NYPD.</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
Administrative Collections – DSNY collects information in order to process new hires or appoint personnel to certain positions.	<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
DSNY discloses identifying formation to the New York City Law Department in connection with litigation requests. DSNY may also disclose identifying information to third parties in response to a subpoena or in response to a certain Freedom of Information Law 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

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

DSNY has not sought the approval of the Chief Privacy Officer for collections or disclosures, as all of DSNY’s collections and disclosures have been pre-approved as routine because DSNY solely collects information during the normal course of its business and all information collected by DSNY furthers the purpose or mission of DSNY.

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.

DSNY discloses identifying information to the New York City Law Department in connection with litigation against the City. DSNY releases information to third parties in response to subpoenas and in response to Freedom of Information Law requests. To the extent practicable and permissible by law, DSNY redacts identifying information that is released pursuant to Freedom of Information requests.

6. Do the above policies address access to or use of identifying information by employees, Yes No

contractors, and subcontractors?		
7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties?		<input 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.	To the extent practicable, DSNY releases identifying information only where necessary.	
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.
To the extent practicable and permissible by law, when DSNY is responding to Freedom of Information Law requests, personal identifying information is redacted. All responses to subpoenas and Freedom of Information Law request are handled by DSNY's Bureau of Legal Affairs.
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.
Where disclosure of the identifying information is not routine or necessitated by exigent circumstances, requests for such information are to be routed to DSNY's Bureau of Legal Affairs for review. The Agency's Privacy Officer is also to be notified of any such request in order to make a determination as to whether such information can be released and to consult with the Chief Privacy Officer if necessary.
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.
Disclosures of identifying information are made by DSNY's Bureau of Legal Affairs, Human Resources Bureau and Enforcement Division. The Bureau of Legal Affairs handles all releases of information pursuant to litigation requests or subpoenas and all Freedom of Information law requests. DSNY's Human Resources Bureau may release identifying information about employees to the Office of Payroll Administration for purposes of ensuring its employees are properly compensated for their work. DSNY's Enforcement Division shares identifying information with the New York City Police Department for purposes of the appointment of certain personnel to the title of Sanitation Police Officer.
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.
DSNY solely collects information during the normal course of its business and all information collected by DSNY furthers the purpose or mission of DSNY.

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

DSNY does not utilize agreements for the use of disclosure of identifying information.

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
Other City Agencies	<p>DSNY releases identifying information about its employees to other City Agencies. In particular, DSNY's Human Resources Bureau releases identifying information about employees name and salary to the Office of Payroll Administration for purposes of ensuring its employees are properly compensated for their work.</p>	<p>Release of this information enables the Department's Human Resources Bureau to pay and process new hires and appoint personnel to certain positions so that the agency can fulfill its mission.</p>
Litigation Related Requests	<p>In response to requests by the New York City Law Department or to subpoenas, DSNY may release identifying information about its employees. Where the case involves a motor vehicle accident, identifying information about a member of the general public may also be released.</p>	<p>Release of this information allows the City to properly defend itself in lawsuits, potentially minimize the amount of money the City pays out in lawsuits and comply with Court orders.</p>
Freedom of Information Law Requests	<p>In response to Freedom of Information Law Requests, DSNY may release limited amounts of identifying information about its employees. For example, if a requestor is seeking an accident report, that report will include the name of the driver involved in the accident.</p>	<p>Release of identifying information in response to Freedom of Information Law requests keeps DSNY compliant with New York State laws requiring the release of such information. To the extent permissible under the Freedom of Information law, DSNY redacts identifying information from release.</p>
		N.Y.C. Admin. Code §23-1205(1)(c)

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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 Identifying Information Law has not impacted DSNY's practices with respect to the collection, retention and disclosure of identifying information, since DSNY's practice has been to minimize the disclosure of identifying information to the extent practicable.

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:	Ellen Cooper		
Title:	Agency Privacy Officer/Associate Counsel		
Email:	ecooper@dny.nyc.gov	Phone:	646-885-4989
Signature:		Date:	7/31/2018

SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Robert Orlin		
Title:	General Counsel/Deputy Commissioner for Legal Affairs		
Email:	rorlin@dny.nyc.gov	Phone:	646-885-5006
Signature:		Date:	7/31/2018

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