

FORM 3

Agency Report Template

(Revised April 2022)

INSTRUCTIONS

The Identifying Information Law requires City agencies to submit comprehensive biennial agency reports (Form 3) related to their collection, disclosure, and retention of identifying information and their privacy protection practices.

To complete a 2022 Form 3:

- Update the agency's 2020 Form 1 (Inventory Form) with new information (including from any new or updated Forms 2 and 5 completed by the agency since 2020);
- Update or complete new Form 2s (APO Designation of Collections and Disclosures as "Routine") based on new information in the updated 2022 Form 1;
- Update or complete new Form 5s (Agency Privacy Officer Approval of Collections and Disclosures on a "Non-Routine" Basis) based on new information in the updated 2022 Form 1;
- Make sure all updated or new Forms 2 and 5 are consistent with the updated 2022 Form 1;
- Use the updated or new Forms 1, 2, and 5 to complete a new Form 3.

Before submission, Form 3 must be signed by the agency head or their designee. It is strongly recommended that agency counsel conduct a final review and approval before submission.

Submit Form 3 to:

- CPO at PrivacyOfficer@cityhall.nyc.gov
- Mayor at MOReports@cityhall.nyc.gov
- City Council Speaker at reports@council.nyc.gov
- Citywide Privacy Protection Committee at NYCPrivacyCommittee@cityhall.nyc.gov
- Department of Records and Information Services's (DORIS) online submissions portal at <https://a860-gpp.nyc.gov>

THIS REPORT IS PUBLIC. PREPARERS SHOULD CONSULT AGENCY COUNSEL OR THE CHIEF PRIVACY OFFICER TO ENSURE THE RESPONSES ARE PROVIDED ACCORDING TO APPLICABLE LAW AND CITY POLICY.

DO NOT SUBMIT PAGES 1-3

VERSION CONTROL

Version	Description of Change	Approver	Date
3.0	Updated completion date; miscellaneous clarifying revisions.	Aaron Friedman Principal Senior Counsel Office of Information Privacy	April 2022
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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FORM 3 (AGENCY REPORT)

(Due on or before July 31, 2022)

Agency:	NYC Board of Correction		
Agency Privacy Officer:	Melissa Cintrón Hernández (APO)/Jasmine Georges-Yilla (General Counsel)		
Email:	mcintronhernandez@doc.nyc.gov jgeorges-yilla@doc.nyc.gov	Telephone:	212-266-4369 (MCH) 212-266-4365 (JGY)
Date of Report:	7/18/2022		

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)* <input type="checkbox"/> Taxpayer ID 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 checked="" type="checkbox"/> Photographs <input type="checkbox"/> Palm and handprints* <input type="checkbox"/> Retina and iris patterns* <input type="checkbox"/> Facial geometry* <input type="checkbox"/> Gait or movement patterns* <input type="checkbox"/> Voiceprints* <input type="checkbox"/> DNA sequences*	<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 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>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 checked="" type="checkbox"/> Sexual orientation	<u>Law Enforcement Information</u> <input checked="" type="checkbox"/> Arrest record or criminal conviction <input checked="" 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>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>Technology-Related Information</u> <input type="checkbox"/> Device identifier including media access control MAC address or Internet mobile equipment identity (IMEI)* <input type="checkbox"/> GPS-based location obtained or derived from a device that can be used to track or locate an individual* <input type="checkbox"/> Internet protocol (IP) address* <input type="checkbox"/> Social media account information

Other Types of Identifying Information (list below):

New/Updated Information Post 7/31/2020

Besides the ability to access Department of Correction's ("DOC") video surveillance system through installed databases and portals, Board staff also receive individualized video files through flash drives and DOC's own shared drive. These video files are saved onto the BOC's shared drive and include both body-worn camera footage and Genetec surveillance footage. The footage pertains to deaths in custody, Use of Force, serious injuries, among other incidents.

As an update to July 2020's APO designation for medical and/or mental health records (collectively "healthcare records"), the Board obtains healthcare records of people who died in DOC custody through statutory authority pursuant to the New York Mental Hygiene Law

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2. Explain why the collection and retention of identifying information described in Question 1 furthers the purpose or mission of your agency.

To provide appropriate context to the Board of Correction's response to Question No. 2, the response begins with an agency overview, including: (1) the Board's NYC Charter-mandated functions; (2) its Minimum Standards governing, among other things, conditions and access to mandated services in the City's jails; and (3) agency work divisions ("functions") that involve the collection and retention of identifying information, including the collection of identifying information about people incarcerated in the City's jails, staff who work in the jails, and Board personnel. Thereafter, the response specifies the reasons why the collection and retention of this information furthers the Board's mandated functions and mission.

New or updated information not embodied in the Agency's 2020 Report is indicated below by the subheading, **"New/Updated Information: Post 7/31/2020."**

► Agency Overview

The New York City Board of Correction ("Board" or "BOC") is a nine-person, non-judicial oversight board, which regulates, monitors, and inspects the correctional facilities of the City. Established in 1957, BOC is one of the earliest independent oversight boards of custodial and detention settings in the United States. The Mayor, City Council and presiding justices of the Appellate Division of the Supreme Court for the First and Second Judicial Departments (in joint nomination with the Mayor) appoint its members. New York City Charter ("Charter") §626 mandates the Board's five functions: (1) establish and ensure compliance with minimum standards "for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction" of the New York City Department of Correction ("DOC"); (2) investigate serious incidents, such as deaths of individuals who die in DOC custody; (3) review grievances from incarcerated people and DOC staff; (4) evaluate DOC's performance and report to the Mayor and City Council on issues involving the City's correctional system; and (5) make recommendations on areas of key correctional planning. To carry out these functions, Charter § 626 gives BOC the authority to, among other things, inspect and visit at any time all DOC facilities, inspect all DOC "books, records, documents and papers," conduct investigations, hold public or private hearings, and issue and enforce subpoenas for witnesses and records. The Board carries out its five primary functions in furtherance of its mission to effect change toward and support safer, fairer, smaller, and more humane jails.

► Minimum Standards

Pursuant to the Board's Charter mandate and its Minimum Standards, which are codified in the Rules of the City of New York (40 RCNY § 1-01, et seq.), BOC regulates the conditions of confinement and correctional health and mental health care in the City's jails. Toward that end, the Board oversees DOC in its operation of the jail system and the New York City Health and Hospitals Corporation ("H+H") in its management of healthcare services in DOC facilities.

The Board established Minimum Standards on jail conditions in 1979, on mental health care in 1985, and on health care in 1991. In 2007, BOC completed a comprehensive review of Minimum Standards and adopted a series of amendments. In 2015-2016, the Board promulgated rules codifying ground-breaking criminal justice reforms. This included the City's ending of punitive segregation for 16-21-year-olds and individuals with serious physical/mental disabilities. In late 2016, BOC also enacted a new chapter of its Minimum Standards that are based on national standards underlying the federal Prison Rape Elimination Act (PREA). These rules require action which is specifically tailored to detecting, preventing, and responding to sexual abuse and sexual harassment in the City's jails. In July 2019, the Board adopted rules on the prevention, reporting, and investigation of injuries, which went into effect in August 2019. In 2021, BOC also approved rules on restrictive housing. Going forward, BOC plans to update its Mental Health Minimum Standards.

► Board Staff

With offices in lower Manhattan and Rikers Island, BOC works regularly with DOC and H+H, and often with other government and external partners, on a wide variety of criminal justice issues germane to its oversight responsibilities. The Board brings to this work a strong emphasis on transparency, data-driven decision making and public reporting.

As outlined below, Board staff is organized within discrete divisions each of which is tasked with specific functions central to carrying out the Board's Charter-mandated duties and responsibilities and achieving BOC's mission of safer, fairer, safer, and more humane jails. At the same time, much of the Board's work is the product of team effort wherein staff from multiple divisions coordinate and combine their respective functions to achieve mission-driven goals. Additionally, all work is undertaken under the leadership of the Board's Executive Director and her executive management team, including leaders in

charge of the work divisions.

Agency Divisions and Functions

Following is a discussion of each work division involved in the collection and retention of identifying information, including: (1) each division's functions; (2) the kinds of identifying information each division collects and retains; and (3) the reasons why the division's collection of such information furthers the purposes and mission of the Board. From mid-March 2020 to mid-2021, as a result of the COVID-19 pandemic, all BOC staff worked remotely except for limited, targeted in-person monitoring of the City's jails. BOC staff have since returned to in-person work in our two offices. Conforming to a teleworking environment did not result in an expansion of identifying information that the Board has accessed since July 31, 2020 and discussed in this Report.

► Monitoring

Monitoring staff ("BOC monitors") serve as the "eyes and ears" of the Board and of the City within the eight jails on Rikers Island, two hospital prison wards, and court holding facilities in each borough. Monitors have unfettered access to the jails in order to promote compliance with the Board's Minimum Standards. Their primary functions include: (1) analyzing DOC compliance with the Minimum Standards, consent decrees, and other legal mandates and DOC policies, procedures, orders and directives (collectively, "regulations"); (2) analyzing H+H compliance with the Health and Mental Health Care Minimum Standards as well as the PREA Standards; (3) preparing written reports on all investigations, surveys and analyses; (4) providing technical assistance to DOC administrators aimed at achieving compliance with regulations and improving working and living conditions; (5) conducting fact-finding and investigations regarding such unusual incidents as deaths, disturbances, and escapes, and preparing reports, studies, surveys, and correspondence with respect to such incidents; (6) assisting in the review and analysis of DOC and H+H requests for variances from the Standards; (7) assisting in the processing, evaluating, and preparing responses to appeals to the Board from people in custody concerning DOC's alleged noncompliance with Minimum Standards; and (8) handling individual complaints of people in custody either directly or referring them to other agencies, such as DOC, H+H, or the NYC Department of Investigation (DOI), for investigation and resolution.

Performance of these functions requires BOC monitors to routinely collect and retain information, including identifying information, concerning people in custody and DOC staff (primarily uniformed staff). This information is primarily culled from: (1) various DOC data systems to which BOC has access; (2) BOC's own electronic data management system; (3) BOC document and information requests to DOC; and (4) direct communications with and observations of people in custody as well as DOC and other agency staff who manages or otherwise engages with incarcerated people. This information includes, among other things, an individual's security classification, housing, and infraction/other incident history while incarcerated in the City's jail system as well as facility- or system-wide information concerning, e.g., uses of force, violent incidents, and lockdowns.

New/Updated Information: Post 7/31/2020

Board staff can access DOC's jails video surveillance system and body-worn camera footage through installed databases and portals. Board staff also receive individualized video files through flash drives and DOC's own shared drive. These video files are then saved onto the BOC's shared drive. The footage pertains to deaths in custody, Use of Force, serious injuries, among other incidents.

The routine collection, retention, and review of identifying information is key to the ability of BOC monitors to carry out the Board's Charter-mandated duties to ensure compliance with BOC Minimum Standards, investigate serious incidents, and review grievances from people in custody and DOC staff. The monitors' work also helps to inform the Board's other Charter-mandated functions such as rulemaking, evaluation of DOC's performance, and recommendations on areas of key correctional planning. In conjunction with the work of other BOC divisions, the monitoring staff's functions serve the Board's mission to effect change toward and support safer, fairer, smaller, and more humane jails.

► Research & Information Technology

Research staff's primary functions include (1) producing quantitative and qualitative analyses of Minimum Standards' compliance and impact, DOC and H+H data, and a wide range of issues related to the City's jails; (2) overseeing and improving the Board's electronic data management system; (3) partnering with BOC's monitoring staff on projects, such as audits, surveys, studies, and analyses on specific topics and issues; (4) supporting data integrity and quality assurance efforts internally and with DOC and H+H; and (5) collaborating with partners, including those at DOC, H+H, City Hall, City Council, and in the research, labor, and advocacy community.

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Performance of these functions requires Research staff to routinely collect and retain information, including identifying information, concerning people in custody and DOC staff (primarily uniformed staff). This information is primarily culled from: (1) various DOC data systems to which BOC has access; (2) BOC's own electronic data management system known as "Data Manager" (which is NYC OTI security protected);* (3) BOC document and information requests to DOC; and (4) partnering with (a) monitoring staff in communicating with and observing people in custody; and (b) DOC and other agency staff who manages or otherwise engages with incarcerated people. Such identifying information is also downloaded onto and retained in Data Manager. This information, in aggregate and anonymous (i.e., non-individually identifying) form, is used to support Research staff's evidence-based findings and recommendations contained in its public reports on a broad array of topics and issues. These reports serve a critical purpose — to provide facts necessary to drive policy reforms and equip DOC, H+H, the Board, stakeholders and the public with information needed to design appropriate change.

Research staff's routine collection, retention, and review of identifying information, is critical to its ability to make evidence-based findings and recommendations. It is also critical to carrying out the Board's Charter-mandated duties to ensure compliance with BOC Minimum Standards by identifying and analyzing the extent and impact of compliance with those Standards and recommending ways to improve compliance. The Research staff's work is also essential to informing the Board's rulemaking, evaluating DOC's performance, and recommending areas of key correctional planning. In conjunction with the work of other BOC divisions, the Research staff's functions serve the Board's mission to effect change toward, and support, safer, fairer, smaller, and more humane jails.

* All complaints and appeals to the Board (described in the subsection on legal functions immediately below), and documents and information related thereto are also downloaded onto and retained in Data Manager.

► Legal

The primary functions of the General Counsel's Office ("GCO") include: (1) translating policies and practices into, and drafting, BOC Minimum Standards; this entails, among other things, assisting the Board in all aspects of the rulemaking process, including fact-finding, legal research and analysis, and consultation with the Law Department and other agencies' in-house counsel; (2) managing and overseeing all legal matters arising from agency operations, including litigation support, human resources, EEO and labor law, intergovernmental agreements, and contract procurement; (3) rendering legal advice to Board staff and Board members on issues arising out of the Board's work; (4) drafting contracts and other legal documents; (5) managing the Freedom of Information Law (FOIL) process and BOC responses to FOIL requests; (6) conducting investigations and obtaining healthcare records of people who have died while in DOC custody as well as people who have engaged in self-harm and suffered serious injury as a result; and (7) determining appeals to the Board from people in custody concerning alleged noncompliance by DOC with Minimum Standards. Some of these functions involve the routine collection and retention of identifying information. For example, identifying information is often collected and reviewed in determining responses to FOIL requests and what information is exempt from disclosure under FOIL. As another example, the GCO provides the Law Department ("Law") with identifying information sought in litigation and consults with Law about whether its disclosure to opposing counsel is required.

The GCO also manages the process for collecting healthcare records of people who have died in DOC custody. As noted above, one of the Board's Charter-mandated functions is to investigate serious incidents in the jails, such as deaths of people in custody.

New/Updated Information: Post 7/31/2020

Pursuant to Assembly Bill A8337B of 2019, which amended the New York Mental Hygiene Law and New York Public Health Law, the Board is entitled to medical and psychiatric records of deceased people in custody. Pursuant to the Board's Health Care Minimum Standards (40 RCNY § 3-10(c)(2)), BOC must investigate all "inmate deaths including the review of all medical records of the deceased." Additionally, the Prison Death Review Board ("PDRB") referenced in the Standards (*Id.*) — which is staffed by BOC and includes representatives from the Mayor's Office, BOC, DOC, H+H, and H+H's Correctional Health Services Division ("CHS") — must convene on an as-needed basis to review and discuss each death in custody.

The PDRB also includes several Board members, two of whom are physicians who previously directed correctional health services on Rikers Island. The purpose of the PDRB's review is to evaluate adherence to BOC's Minimum Standards as they relate to the treatment of individuals who died, identify systemic and operational problems, and develop and enforce solutions, with the aim of preventing future deaths in custody. The decedent's medical records are essential for a meaningful review into the causes and circumstances underlying the incarcerated person's death.

The GCO conducts death review investigations, which include the review of medical records and other identifying

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information. Such other identifying information, to the extent it is relevant to the investigation, may concern other people in custody, and staff working in the jails (e.g., DOC staff, CHS staff, contractors, and volunteers).

The above-described functions of the GCO, which include the routine collection and retention of identifying information, support the Board's Charter-mandated duties to establish and ensure compliance with its Minimum Standards, investigate serious incidents, review grievances from people in custody and staff, comply with applicable federal, state, and local laws and regulations, such as FOIL, and assist the Law Department in defending lawsuits against BOC, other municipal agencies, and the City. The work of the GCO also helps to inform evaluation of DOC's performance, and recommendations on areas of key correctional planning. In conjunction with the work of other BOC divisions, the GCO's functions serve the Board's mission to effect change toward and support safer, fairer, smaller, and more humane jails.

► EEO

BOC's EEO Officer (and designated assistants) collects identifying personnel information while investigating EEO complaints and responding to requests for accommodations. These functions, including the routine collection and retention of identifying information that is necessary to comply with applicable federal, state, and local EEO laws and regulations.

► Administration

Administration staff's primary functions include human resources, budgeting, finance, accounting, and procurement. Some of these tasks, particularly the human resources function, include the routine collection and retention, of identifying information. These functions, including the collection of identifying information, are essential to maintaining a working agency capable of carrying out the Board's Charter-mandated duties and achieving its mission of safer, fairer, smaller, and more humane jails.

3. Describe the following types of collections and disclosures: (1) pre-approved as routine, (2) pre-approved as routine by the APOs of two or more agencies, or (3) approved by the APO on a case-by-case basis. Appendix B of the Agency Guidance on the 2022 Biennial Compliance Process includes examples of routine and non-routine collections and disclosures.

Add additional rows as needed.

Describe the Collection or Disclosure	Classification Type
<p><u>Complaints to DOI</u></p> <p>Pursuant to Mayor's Executive Order No. 16 (July 26, 1978), BOC is obligated to report to DOI allegations of criminal or potentially criminal conduct perpetrated by a staff member, contractor or volunteer who works in the NYC jails or delivers services to people in custody. The Board — primarily monitoring staff — collects identifying information in the course of receiving complaints from incarcerated people, their family members, or other persons, alleging such misconduct. In these instances, BOC reports such allegations, including identifying information relevant to investigation of the allegations, to DOI. Pursuant to BOC's written policy re "Mandatory Reporting of Incidents to DOI," BOC staff must report allegations of sexual abuse and allegations of actual or threatened excessive and/or unnecessary use of force not only to DOI, but also, to the Tour Commander of the facility where the alleged incident occurred and/or DOC's Investigations Division ("ID") (but not to any other DOC staff). Allegations of other wrongdoing are reported only to DOI (e.g., a City employee is selling drugs in a DOC facility). Pursuant to BOC policy, allegations of the aforementioned misconduct are also reported to BOC's Executive Director, the Directors of monitoring staff and the General Counsel (collectively, "BOC Executives"). BOC policy prohibits staff from disclosing such allegations to anyone other than DOI, the Tour Commander/ID (in the case of sexual abuse or use of force) and BOC Executives.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>
<p><u>Appeals to the Board</u></p> <p>Pursuant to Chapter 1 of the Board's Minimum Standards (re "Correctional Facilities"), people in custody may appeal to the Board restrictions imposed by DOC on their rights afforded under the Standards, such as an incarcerated person's right to: contact visits, make or receive telephone calls, attend law library or congregate religious services, receive and send correspondence and packages, and receive publications. As part of investigating and determining these appeals, the General Counsel's Office and monitoring staff collect relevant information, including identifying information. BOC may include identifying information in the</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p> <p><input type="checkbox"/> Approve as routine by two or more agencies</p> <p><input type="checkbox"/> Approved by APO on a case-by-case basis</p>

N.Y.C. Admin. Code §23-1205(a)(1)(f)

transmittal of its appeal determination to DOC and the appellant. It is important to note that the source of such identifying information is almost always DOC's own documents or data accessed from DOC's electronic data systems.	
<u>Grievances of People in Custody and DOC Staff</u> As noted in response to Question No. 2 above, the Board's Charter-mandated functions include ensuring compliance with Minimum Standards and reviewing grievances from people in custody and staff. Depending on the nature of the allegations, Board staff may handle these complaints directly or refer them to other City agencies. For example, complaints alleging misconduct that is not of a criminal or potentially criminal nature (e.g., sexual harassment of an incarcerated person by DOC staff or sexual harassment of DOC staff by a person in custody) is reported to DOC's Investigation Division and/or uniformed staff management of the facility where the alleged misconduct occurred. Complaints of such misconduct by Correctional Health Services staff or CHS non-compliance with the Health Care or Mental Health Minimum Standards are reported to CHS's Patient Affairs Division. In handling complaints directly, the Board collects and retains identifying information. BOC's referral of such complaints to other City agencies will include identifying information relevant to other agencies' investigation of them.	<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
<u>Significant Issues Raised Other Than Through Individual Complaints</u> The Board may collect and retain identifying information about people in custody or jail staff regarding issues that are brought to the attention of Board staff through BOC's monitoring of DOC or CHS operations in the jails. When such issues raise significant health or safety concerns, BOC, generally through its Executive Office, may disclose relevant identifying information to City Hall, DOC, H+H, and/or the Law Department.	<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
<u>Death Review Investigations</u> As noted in response to Question No. 2 above, the work of BOC's Prison Death Review Board (PDRB) is a Charter-mandated function designed to provide public oversight of serious incidents such as deaths in custody and to determine ways to prevent similar deaths/serious incidents in the future. The Board is entitled to H+H medical records pursuant to state law as amended in 2019. On May 9, 2022, the Board issued a public report presenting findings and recommendations in connection with its investigation concerning the deaths of three people in custody in the first three months of 2022. This Report does not reference or otherwise discuss any of the decedent's protected healthcare information other than what was previously reported in the press or obtained by the Board through statements from the decedent's attorneys. The Board also did not share any healthcare information with DOC, City Hall, or any other entity.	<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
<u>Body Scan Images</u> As noted in response to Question No. 2 above, DOC provides the Board access to supporting documentation related to each person's placement and release in the Separation Status unit. This documentation includes images of each person's body scans.	<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
<u>Research Data</u> As discussed in response to Question No. 2 above, research staff collects and retains identifying information about people in custody and people who work in the jails, which is obtained primarily from DOC documents and electronic data systems as well as qualitative observations of jail operations. The Research staff's public reports disclose identifying information only in the aggregate and on an anonymous basis. To the extent that a public report addresses a population small enough that it might be possible to identify the individuals discussed (e.g., quotations in documents that could be traced back to individuals), research staff would seek the individual's consent before disclosure.	<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
<u>Legal Advice</u> The General Counsel's Office (GCO) collects, retains and discloses identifying information in rendering legal advice to BOC staff and Board members, including advice about people in custody, jail staff, and BOC personnel matters. In such situations, the information is generally protected from public disclosure under the attorney-client privilege and/or attorney work product privilege and may be disclosed only to other City agencies with whom the GCO must	<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

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consult to resolve legal issues (e.g., the Law Department and in-house counsel for the Office of Labor Relations and Department of Citywide Administrative Services).	
<u>Litigation</u> The GCO collects, retains, and discloses identifying information to the Law Department to assist the Department in defending lawsuits against BOC and/or other city agencies. This may include identifying information about people in custody, staff who work in the jails, BOC staff, and Board members. Unless otherwise ordered by a court, identifying information contained in documents sought in discovery, such as personal information (e.g., home addresses, telephone numbers, and dates of birth), would be redacted prior to disclosure or filed under seal.	<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
<u>FOIL Requests</u> The Board's Deputy General Counsel (also APO), and a member of GCO staff who reports directly to her, serve as BOC's Record Access Officers. In the Deputy General Counsel's absence, the General Counsel serves in this role. The Board, through its GCO, receives FOIL requests for disclosure of documents and information, which may include identifying information about people in custody, people who work in the jails, BOC staff, and Board members. The Board's policy with respect to such requests is to follow exemptions from disclosure under FOIL. In practice, the GCO exempts from disclosure identifying information (of individuals other than the person making the request), such as the first and last name, date of birth, book and case number, and NYSID number of people in custody; the first and last name of correction officers and other staff who work in the jails, identifying information with respect to complainants, personal addresses and telephone numbers, and medical information. When the GCO identifies responsive documents in BOC's possession that are DOC records, the GCO occasionally consults with DOC's Records Access Officer and sometimes with the Law Department, about what information, if any, is exempt from disclosure under FOIL.	<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
<u>EEO Investigations</u> As noted in response to Question No. 2 above, BOC's EEO Officer (and designated assistants) collect identifying personnel information in investigating EEO complaints and responding to requests of for accommodations. These functions, including the collection of identifying information, are necessary to address complaints and accommodation requests. Identifying information referenced in the EEO Officer's report of investigation of a complaint is disclosed only to the Board's Executive Director to whom the EEO Officer directly reports. The identify of employees who request accommodations are shared, on an as-needed basis, with a BOC staff person who must implement the accommodation.	<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
<u>BOC Employee Information</u> As noted in response to Question No. 2 above, BOC administrative staff's primary functions include human resources, budgeting, finance, accounting, and procurement. Some of these tasks, particularly the human resources function, include the collection, retention, and disclosure of identifying information to other City agencies for administrative purposes. For example, identifying information may be disclosed to DOI in its performance of background checks of newly hired employees. Identifying information relating to personnel, employee benefits, and payroll may be shared with other City agencies or agency divisions, such as DCAS, or the Office of Payroll Administration, for administrative purposes. For example, identifying information in support of a staff person's Workmen's Compensation claim, such as the employee's social security number, must be disclosed to the Worker's Compensation Division of the Law Department. Additionally, the Board's written policies concerning occupational exposure to bloodborne pathogens and workplace violence prevention in DOC facilities require the collection and retention of identifying information related to incidents of occupational exposure and workplace violence. These policies also require the sharing with DOC of identifying information, such as the nature and extent of injuries resulting from workplace violence or the nature of occupational exposure to bloodborne pathogens and whether the person sought medical attention for such exposure.	<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
<u>Jails Video Footage</u> As noted in response to Question No. 2 above, Board staff can access DOC's jails video surveillance system and body-worn camera footage through installed databases and portals. Board staff also receive individualized video files through flash drives and DOC's own shared drive. These video files are then saved onto the BOC's shared drive. The footage pertains to	<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

deaths in custody, Use of Force, serious injuries, among other incidents. In such situations, BOC will redact the faces of those featured in the video footage pursuant to FOIL, unless the identifying information pertains to the requestor or an authorized representative of the requestor, in which case it will be disclosed without those particular redactions. Other FOIL exemptions may still apply.	
N.Y.C. Admin. Code §23-1205(a)(1)(b)	

<p>4. If applicable, describe the types of collections and disclosures of identifying information involving your agency that have been approved by the Chief Privacy Officer as being in the best interests of the City.</p> <p>Add additional rows as needed.</p> <p>Describe Type of Collection or Disclosure</p> <p>NOT APPLICABLE</p>
N.Y.C. Admin. Code §23-1202(b)(2)(b); 23-1205(a)(1)(b)

<p>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. Be as specific as possible.</p> <p>NOTE: For questions 5 – 11, refer as necessary to the Model Citywide Protocol for Handling Third Party Requests for Information Held by City Agencies (on file with the Office of Information Privacy) and the Identifying Information Rider.</p> <p><u>FOIL Requests</u></p> <p>The Board's policy with respect to such requests is to withhold any such identifying information that is exempt from disclosure under FOIL. In practice, the General Counsel's Office (GCO) exempts from disclosure identifying information (of individuals other than the person making the request), such as the first and last name, date of birth, book and case number, and NYSID number of people in custody; the first and last name of correction officers and other staff who work in the jails; identifying information with respect to complainants; personal addresses and telephone numbers; and medical information. When the GCO identifies responsive documents in BOC's possession that are DOC records, the GCO occasionally consults with DOC's Records Access Officer and sometimes with the Law Department, about what information, if any, is exempt from disclosure under FOIL and, therefore, should be withheld.</p> <p><u>Law Department Requests</u></p> <p>As noted in response to Question No. 3 above, pursuant to BOC's policy and practice, the GCO collects, retains, and discloses identifying information to the Law Department to assist the Department in defending lawsuits against BOC and/or other city agencies. This may include identifying information about people in custody, staff who work in the jails, BOC staff, and Board members. Unless otherwise ordered by a court, identifying information contained in documents to be produced in discovery, such as home addresses, telephone numbers, and dates of birth, would be redacted prior to disclosure or filed under seal.</p>
<p>6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>7. If YES, do those policies specify that access to identifying information must be necessary to perform their duties?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

8. Describe whether the policies are implemented in a manner that minimizes access to the greatest extent possible while furthering the purpose or mission of the agency.	<p>As described in response to Question No. 5, above, BOC's policies and practices with respect to responding to FOIL and Law Department requests are implemented with a view toward minimizing access to identifying information to the greatest extent possible while complying with the requirements of FOIL and the discovery requirements of state and federal law.</p>
<p align="right">N.Y.C. Admin. Code §§23-1205(a)(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. Be as specific as possible.
<p>Currently, the Board does not have any such policies although BOC's practice is not to respond to third party requests for information unless the request is made pursuant to FOIL. That said, the General Counsel's Office would consider proposals from other City agencies, local public authorities or local public benefit corporations were such proposals to be presented to BOC. In that event, we would consult the Citywide Privacy Protection Policies and Protocols (1/28/19)("Citywide Policies and Protocols") and other applicable laws and regulations not referenced therein.</p>
<p align="right">N.Y.C. Admin. Code §23-1205(a)(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. Be as specific as possible.
<p>Currently, the Board does not have any such policies. That said, the Board's APO, who is Deputy General Counsel, and the General Counsel to whom the APO reports, made classification determinations for the purposes of this Report pursuant to the Citywide Policies and Protocols.</p>
<p align="right">N.Y.C. Admin. Code §23-1205(a)(1)(c)(3)</p>

11. Describe the agency's current policies regarding which divisions and categories of employees have been approved by the agency privacy officer to disclose identifying information. Be as specific as possible.
<p>Currently, the Board does not have any such policies. However, in practice, the General Counsel's Office makes disclosures of identifying information in response to FOIL requests and Law Department requests for information concerning lawsuits filed against BOC or other City agencies.</p>
<p align="right">N.Y.C. Admin. Code §23-1205(a)(1)(c)(4)</p>

12. Describe whether the agency has considered or implemented, where applicable, any alternative policies since 2020 that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the agency's purpose or mission.
<p>BOC developed the following written policies which contain prohibitions on disclosure of identifying information: (i) BOC's Code of Conduct, which includes a prohibition on "[d]isclosing to any unauthorized person any confidential information relating to the staff, operations, activities, records and/or information of [BOC], DOC, CHA or other City agency or to people in DOC custody," and also states that "postings on social media must comply with all laws and [BOC] policies regarding the confidentiality of information"; (ii) BOC's Employee Handbook which contains the following provision regarding confidentiality of records: "To protect against unauthorized use and dissemination of information relating to a background investigation and fingerprint check, all related correspondence must be maintained in a locked cabinet, separate from employee personnel files [which also area contained in a locked cabinet]. Under no circumstances should an applicant's actual DCJS and FBI fingerprint results be printed or maintained"; (iii) BOC's Telework Policy</p>

developed in response to the COVID-19 public health crisis, which states, in pertinent part: “Teleworking employees shall maintain any approved safeguards to protect agency records from unauthorized disclosure or damage and comply with the privacy requirements set forth by the City of New York, including all written guidance of the Executive Director related thereto”; and (iv) the Law Department’s 4/13/20 guidance regarding management of electronically stored information when working from home (during COVID-19), which contains guidance on avoiding exposure of an employee’s personal information to risk.

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.

In 2021, BOC entered into a Data-Sharing Agreement with Columbia University and NYU, set to expire at the completion of the projects. The Agreements required, among other things, that individually identifying information and information of a medical nature be kept confidential; data would not be disclosed without BOC’s written permission; limiting access to the information; terms of disclosure; actions upon unauthorized use or disclosure; and destruction of confidential information upon request.

N.Y.C. Admin. Code §23-1205(a)(1)(d)

14. Using the table below, describe the types of entities requesting the disclosure of identifying information or proposals for disclosures of identifying information. For each entity, describe (1) why the agency discloses identifying information to the entity, and (2) why any disclosures further the purpose or mission of the agency.

Add additional rows as needed.

[illegible]

- Proceed to Next Question on Following Page -

15. Describe the impact of the Identifying Information Law and other local, state, or federal laws upon your agency's practices in relation to collecting, retaining, and disclosing identifying information (i.e., if such practices would differ in the absence of these laws).

The Identifying Information Law does not have any impact on BOC's collection, retention, and disclosure of identifying information.

As noted in BOC's response to Question No. 2 above, the Board is entitled to medical and psychiatric records of individuals who died in DOC custody pursuant to 2019 amendments to state law. The Board receives these records via Health + Hospital's password protected records sharing system, downloads and saves them onto the Board's shared drive and a hard drive in a locked cabinet.

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 collecting, retaining, and disclosing identifying information (i.e., if they have affected such practices).

NOT APPLICABLE

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

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Date: 07/25/2022

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