

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 (<u>Inventory Form</u>) 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 (<u>Agency Privacy Officer Approval of Collections and Disclosures on a "Non-Routine" Basis</u>) 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:	New York City Department of Housing Preservation and Development				
Agency P	Privacy Officer: Meryl Block Weissman				
Email:	blockr	n@hpd.nyc.go	<u>v</u>	Telephone:	212-863-6746
Date of Report: July 31, 2022					

⊠Name	Work-Related Information			
⊠Social security number (full or last 4 digits)*	⊠Employer information			
☐ Taxpayer ID number (full or last 4 digits)*	⊠Employment address			
Biometric Information	Government Program Information			
□Fingerprints	⊠Any scheduled appointments with any employee, contractor, or			
⊠Photographs	subcontractor			
☑ Hotographs ☐Palm and handprints*	⊠Any scheduled court appearances			
•	⊠Eligibility for or receipt of public assistance or City services			
□Retina and iris patterns*	⊠Income tax information			
□Facial geometry*	⊠Motor vehicle information			
☐Gait or movement patterns*				
□Voiceprints*				
□DNA sequences*				
Contact Information				
⊠Current and/or previous home addresses				
⊠Email address				
⊠Phone number				
Demographic Information	Law Enforcement Information			
⊠Country of origin	⊠Arrest record or criminal conviction			
☑ Date of birth*	☑ Date and/or time of release from custody of ACS, DOC, or NYPD			
⊠ Gender identity	□ Information obtained from any surveillance system operated by, for the			
⊠Languages spoken	benefit of, or at the direction of the NYPD			
⊠Marital or partnership status				
⊠ Nationality				
⊠Race				
⊠Religion				
⊠Sexual orientation				
Status Information	Technology-Related Information			
⊠Citizenship or immigration status	☑Device identifier including media access control MAC address or			
⊠Employment status	Internet mobile equipment identity (IMEI)*			
⊠Status as victim of domestic violence or sexual assault	⊠GPS-based location obtained or derived from a device that can be used			
⊠Status as crime victim or witness	to track or locate an individual*			
	☐ Internet protocol (IP) address* ☐ Social media account information			
Other Types of Identifying Information (list below):	△Social media account information			
Cinci Types of fucitinying information (not octow).				
	come affidavits; financial information such as bank account information; status, military/veteran status; military records; sex offender status; credit			

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

The collection and retention of the identifying information specified within this report is required as part of the following Agency functions which together comprise the execution of its mission: Application Assistance; Asset Management; Audit; City Owned Property Management; Compliance; Constituent Services; Email and Outlook Use; Housing Assistance Applications; Housing Maintenance Code Enforcement; Housing Opportunity and Program Services; Housing Policy; Housing Production; Housing Referral Search Assistance; Legal Affairs; Loan Processing; Loan Servicing; Personnel; Procurement & Contracting; Shelter Management; Storm Recovery; Strategic Preservation; System Setup and Maintenance; Tax Incentive Administration; Tenant Subsidies and Section 8 Administration. Additionally, the Agency collects and retains information where necessary for compliance with applicable City, State, and Federal laws.

N.Y.C. Admin. Code §23-1205(a)(1)(f)

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		
Application Assistance: Supports eligible households in completing applications and, when needed, assists in acquiring required documentation (i.e., self-certifications, birth certificate, social security card, etc.) including the referral forms and consent for the release of information.	☐ Pre-approved as routine ☑ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis		
Asset Management: Monitors the performance and compliance of HPD financed affordable housing properties, including affordability and housing conditions for tenants and compliance for homeowners and landlords, to ensure that they remain financially and physically stable over the long-term.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis 		
Audit: Ensures that the disclosure obligations of City, State and Federal oversight authorities, lawfully authorized to collect such information from a City agency, are met during the course of audit activities.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis 		
City Owned Property Management: Manages City Owned property and the associated residential and commercial tenants.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis 		
Compliance: Conducts compliance activities for its various housing programs to ensure that City, State, and Federal funding and program requirements are met, ensure that external partners such as developers, property managers, or contractors are meeting their obligations to the Agency, and ensure that other City regulations or agreements and obligations are met.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis 		
Constituent Services: Works to address the public's concerns and questions and, in the process, receives and collects information either directly from the public or from elected officials and agencies.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis 		
Email, Outlook and Teams: Ensures security of employees use of email, Outlook calendar functions broadly for correspondence and meeting scheduling, and Teams meeting and chat communications.	 ☑ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis 		

Housing Assistance Application: Administers a range of programs to subsidize, qualify or apply for affordable housing rental assistance.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis
Housing Maintenance Code Enforcement: Identifies buildings in distress, assesses and develops appropriate strategies to address those properties, and works closely with responsible owners to develop a plan to improve conditions and return buildings to firm financial footing and physical health, using enforcement tools to ensure compliance with legal and regulatory obligations.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis
Housing Opportunity & Program Services: Administers the housing lottery and homeless placements programs and crafts policy and procedures to ensure that these programs offer equal opportunity to all applicants and affirmatively further fair housing. Ensures that HPD-financed and -assisted affordable housing is made available to New Yorkers through fair, transparent and accessible programming through an open lottery process on NYC Housing Connect and fills other units through direct placement processes of households in the City's shelter systems.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis
Housing Policy: Provides guidance and develops policy, executes data collection and statistical analyses, and discloses information in support of HPD's programming and policy agenda.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis
Housing Production: Manages predevelopment, financing, construction, and loan conversion functions to create or preserve affordable housing in New York City.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis
Housing Referral Search Assistance: Facilitates coordination of financial and administrative support and assists applicants with finding housing; and provides information on community-based supports to ensure housing stability.	☐ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Legal Affairs: Represents/defends the Agency in actions, special proceedings and other legal proceedings and/or assisting the New York City Law Department in representing/defending the Agency in matters before courts, other agencies (federal, state, or local), and/or or administrative bodies (federal state, or local); reviews Agency actions/practices in particular matters and systemically; in connection with the development/implementation of Agency policies and procedures; responds to subpoenas and other information/document demands from administrative/adjudicating bodies; and in connection with generally advising and supporting Agency staff in administering Agency policies, programs, and activities.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis
Loan Processing: Processes and manages the mortgage payments for affordable housing applicants.	☐ Approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Loan Servicing: Accepts and reviews loan applications in connection with grant and loan programs to subsidize affordable homeownership for first-time homebuyers, and makes and services such loans.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis
Personnel: Manages activities to recruit, hire, and manage personnel and personnel related functions.	 ☑ Pre-approved as routine ☑ Approve as routine by two or more agencies ☑ Approved by APO on a case-by-case basis

Procurement & Contracting: Processes agency procurement activity.	 ☑Pre-approved as routine ☑Approve as routine by two or more agencies ☑Approved by APO on a case-by-case basis 		
Shelter Management: Administers a Shelter system for households displaced from their homes as a result of fires and City-issued vacate orders, whereby households are given emergency shelter and rehousing assistance.	 ☑Pre-approved as routine ☑Approve as routine by two or more agencies ☑Approved by APO on a case-by-case basis 		
Storm Recovery: Provides assistance to tenants, residents, and building owners impacted by storms or natural disasters/emergencies using Federal, City, State and other funding.	 ☑Pre-approved as routine ☑Approve as routine by two or more agencies ☑Approved by APO on a case-by-case basis 		
Strategic Preservation: Assesses community needs, and develops and implements preservation strategies, include collecting and analyzing data on housing and market conditions, both for tenants and owners/landlords/developers.	 ☑Pre-approved as routine ☑Approve as routine by two or more agencies ☑Approved by APO on a case-by-case basis 		
System Setup and Maintenance: Collects data to create and maintain user accounts for key Citywide data systems.	 ☑Pre-approved as routine ☑Approve as routine by two or more agencies ☑Approved by APO on a case-by-case basis 		
Tax Incentive Administration: Screens, reviews and processes applications for property tax benefits and incentives provided by the City of New York. The Agency approves and tracks these applications and coordinates with the NYC Department of Finance to administer the tax benefits.	 ☑Pre-approved as routine ☑Approve as routine by two or more agencies ☑Approved by APO on a case-by-case basis 		
Tenant Subsidies and Section 8 Administration: Administers tenant or project based rental assistance programs including Section 8, Shelter Plus Care, Moderate Rehabilitation and other.	 ☑Pre-approved as routine ☑Approve as routine by two or more agencies ☑Approved by APO on a case-by-case basis 		
N.Y.C	C. Admin. Code §23-1205(a)(1)(b)		
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.			
Add additional rows as needed.			
Describe Type of Collection or Disclosure			
None during the $7/1/20 - 6/30/22$ timeframe.			
N.Y.C. Admin. Code §2	23-1202(b)(2)(b); 23-1205(a)(1)(b)		

5. Describe the agency's current policies regarding requests for disclosures from other City agencies, local public authorities or local public benefit corporations, and third parties. Be as specific as possible.				
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.				
The Agency regularly reviews its policies and best practices governing requests for disclosures from other City agencies, local public authorities, or local public benefit corporations, and third parties. The Agency's current policy and practice is to elevate requests for disclosure of identifying information through each program's leadership to the APO, for determining if such disclosure furthers the mission or purpose of the Agency. If the APO, either independently or in coordination with Legal, as necessary, determines the mission of the Agency would be furthered by such disclosure, the APO's privacy team reviews, discusses and coordinates necessary paperwork and practices that govern the disclosures, and provides guidance on the secure transmission of information.				
6. Do the above policies address access to or contractors, and subcontractors?	use of identifying information by employees,	⊠ Yes □ No		
7. If YES, do those policies specify that access to perform their duties?	identifying information must be necessary to	⊠ Yes □ No		
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.	The policies and best practices have been develop consideration of minimal access to information, with the purpose or mission of the Agency. In additional trainings and regular coordination between the D and programs to evaluate Agency use, A dynamic documents outlining how to safely handle and ship information is available to employees through the ("HPD Knowledge Base").	while furthering In to privacy In to privacy In to privacy team It body of It begins to be are identifying		
	N.Y.C. Admin. Code §§23-12	05(a)(1)(c)(1), and (4)		
9. Describe the agency's current policies for handling proposals for disclosures of identifying information to other City agencies, local public authorities or local public benefit corporations, and third parties. Be as specific as possible.				
The Agency is guided by several channels and laws for the disclosure of identifying information, including, FOIL requests, Subpoenas, Third Party data requests and Data Sharing agreements. In all cases, the requests are reviewed for identifying information and qualifying information is protected from release as required by Law.				
N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)				
10. Describe the agency's current policies regarding the classification of disclosures as necessitated by the existence of exigent circumstances or as routine. Be as specific as possible.				
APO's Data Privacy team has established a reporting tree and training schedule for designated Privacy Liaisons, identified by program ACs/DCs, to monitor each program's handling, collection and disclosure of agency data, to ensure sufficient review and alignment of policies and best practices developed by the APO. Any use outside the established protocol, including exigent circumstances, is elevated to the APO as described in item 5, on a priority basis.				
	N.Y.C. Admin. Cod	le §23-1205(a)(1)(c)(3)		

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.

Due to the prevalence of identifying information in the Agency's daily operations, all employees must be aware of how to manage proper disclosure practices with both internal and external parties.

New requests for disclosure of identifying information are sent by program to the APO/Data Privacy team. The following information is identified: identifying information being disclosed, recipients, uses, restrictions, if the disclosure is routine or case-by-case, and secure manners of transmission; and the appropriate paperwork (disclosure forms and/or data sharing agreements) is put in place.

N.Y.C. Admin. Code §23-1205(a)(1)(c)(4)

12. Describe whether the agency has considered or implemented, where applicable, any alternative policies 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.

Since 2020, the Agency, through its Privacy Liaison trainings, has implemented polices and best practices to minimize the disclosure of identifying information and continues to review practices to expand on this policy. The Agency will continue to evaluate ways to minimize retention of identifying information in a way that would allow for furthering of the Agency's mission/purpose.

N.Y.C. Admin. Code §23-1205(a)(4)

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

The Agency enters into data sharing Memoranda of Understanding (MOUs) with other City agencies and State agencies; and enters into contracts and confidentiality agreements with third parties and contractors, to ensure that all data disclosed or used is subject to all applicable legal requirements.

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.

Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the agency's purpose or mission
City of New York Agencies/Entities	Information is shared for programmatic purposes, coordinating service delivery, and constituent services; legal consultation and litigation purposes; as well as any compliance, audit, or oversight requirements.	By coordinating service delivery with other City Agencies/Entities the Agency can better serve New Yorkers in its mission to promote the quality and affordability of the City's housing. Disclosure for legal consultation and litigation purposes, required compliance, audit, or oversight requirements ensures that the Agency is able to fulfill its mission with the public trust, free from waste, fraud or abuse.
Other Government Entities (e.g. State or Federal)	Information is shared for programmatic purposes, coordinating service delivery, and constituent services; legal consultation and litigation purposes; as well as any compliance, audit, or oversight requirements.	By coordinating service delivery with other City Agencies/Entities the Agency can better serve New Yorkers in its mission to promote the quality and affordability of the City's housing. Disclosure for legal consultation and litigation purposes, required compliance, audit, or oversight requirements ensures that the Agency is able to fulfill its mission with the public trust, free from waste, fraud or abuse.
Tenants, Clients, or Members of the Public	The Agency releases extremely limited information, such as addresses or building owner names, in open data and other reporting or transparency efforts.	These disclosures of limited identifying information allow the Agency to comply with the mandatory reporting laws and provide the public with transparency about its work to preserve or create affordable housing and ensure housing quality across the city.
Community Groups, Advocacy Groups, Industry Groups	The Agency releases limited information, such as addresses and building owner names, for outreach and neighborhood planning efforts.	These disclosures of limited identifying information allow the Agency to leverage the assistance of community partners in its work to preserve affordable housing and protect tenants, as well as engage constituents in neighborhoods in planning.
Developers, Landlords, or Property Managers	The Agency releases information as part of the marketing, leasing, Section 8 or other housing assistance application processes.	These disclosures connect New Yorkers with affordable housing opportunities.
Media/Press	The Agency releases extremely limited information, such as addresses, in order to be transparent about its programs to the public. Strong measures are taken to protect individual privacy. Individual New Yorkers stories may be shared with the express consent of those individuals.	These disclosures of limited identifying information allow the Agency to provide the public (through the media) with transparency about its work to preserve or create affordable housing and ensure housing quality across the city.
Vendors, Consultants, Technology Providers	Data is shared with vendors who are working under contract on HPD's behalf.	These disclosures allow the Agency to leverage the expertise and capacity of its various vendors, consultants and technology providers to more effectively and efficiently accomplish its mission. N.Y.C. Admin. Code §23-1205(a)(1)(e)

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).

Agency personnel regularly consider additional laws impacting the Agency's work, including its collection and disclosure of information, to ensure that the privacy of those utilizing agency services and/or working directly with the city are protected as provided under law including: New York State Public Officers Law, Article 6 (Freedom of Information Law), Federal Privacy Act of 1974, other state, federal and local laws.

Disclosures of limited identifying information allow the Agency to comply with the mandatory reporting laws and provide the public with transparency about its work to preserve or create affordable housing and ensure housing quality across the city.

The Identifying Information Law was instrumental in the agency's development of a process to identify, capture and update the identifying information within the Agency, and creation of related policies and best practices.

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).

In addition to expanding the APO staff working on Data Privacy, since the last reporting period in July 2020, the APO and data privacy team, in coordination with program and Legal, have:

- established a privacy network of individuals across all programs for reporting, training and communication activities
- conducted general and targeted privacy trainings
- launched annual inventory reviews by program
- created a privacy and best practices document library
- met regularly with other housing agencies (HDC) to discuss privacy matters
- created standardized forms/agreements concerning sharing identifying information
- established data sharing standards to safeguard shared information (internal and external sharing protocols)

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:				
Name:	Meryl Block Weissman			
Title:	Agency Privacy Officer			
	Assistant Commissioner, Strategic Operations and Analytics			
Email:	blockm@hpd.nyc.gov Phone: 212-863-6746			

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW				
Agency Head (or designee):				
Name:	Name: Adolfo Carrión Jr.			
Title:	Commissioner			
Email:	CARRIONA@hpd.nyc.gov Phone: 212-863-6100			
Electronic Signature: Date: 07/28/2022				

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