

AGENCY REPORT

(due on or before July 31, 2020)

Agency:	Business Integrity Commission		
Agency Privacy Officer:	David A. Feldman		
Email:	dfeldman@bic.nyc.gov	Telephone:	212-437-0510
Date of Report:	July 31, 2020		

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)*	<u>Work-Related Information</u> <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address
<u>Biometric Information</u> <input checked="" type="checkbox"/> Fingerprints <input checked="" type="checkbox"/> Photographs	<u>Government Program Information</u> <input 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 checked="" 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>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 checked="" type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD
<u>Demographic Information</u> <input type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input checked="" type="checkbox"/> Marital or partnership status <input type="checkbox"/> Nationality <input checked="" type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Sexual orientation	<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 checked="" type="checkbox"/> Social media account information
<u>Status Information</u> <input checked="" type="checkbox"/> Citizenship or immigration status <input checked="" type="checkbox"/> Employment status <input type="checkbox"/> Status as victim of domestic violence or sexual assault <input type="checkbox"/> Status as crime victim or witness	
<u>Other Types of Identifying Information</u> (list below): 	
<small>*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).</small>	

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

BIC is charged with regulating the trade waste removal industry and the wholesale markets in New York City. Among its purposes are to combat the influence of organized crime and prevent its return to those industries. BIC's regulatory framework is the primary means of ensuring that industries once overrun by corruption remain free from organized crime and other criminality. During the most recent biennial period, new legislation relevant to BIC's regulation of the trade waste removal industry has been signed and/or become effective. The new legislation relates to vehicle emissions; environmental, safety and health standards, including traffic safety; labor union registration; and commercial waste zones. To further the Commission's mission, BIC is required by the Administrative Code and the rules promulgated thereunder to collect identifying information from its applicants, licensees and registrants.

The information collected is necessary and vital to further BIC's core mission. For instance, information such as an individual's name, address, and date of birth helps BIC to identify individuals who have a criminal history (which is relevant to BIC's analysis in reviewing an application, though not dispositive), and ensures that the wrong person is not being investigated. Further, this information can be transmitted to another law enforcement agency – such as a federal, state or local prosecutor's office – in furtherance of BIC's mission, should further criminal investigation be merited. This information is also used in connection with BIC's administrative subpoenas. The information is also important to determine whether or not applicants are being candid on their applications. The Commission requires information about companies' employees and vehicle operators on applications, and BIC must be able to conduct background checks on these individuals to ensure that applicants are providing truthful information and are not violating any applicable laws or regulations.

The information collected is also useful in connection with BIC's safety mission. By requiring a company to disclose everyone who will operate one of its vehicles, BIC can verify that all vehicle operators are duly licensed to operate the proper class of vehicle and can check driving histories. In the event of a collision or other serious event, BIC is able to partner with the NYPD and other law enforcement agencies to determine whether there has been criminal wrongdoing or whether administrative violations are warranted. Registrants and licensees must notify BIC of vehicle and traffic tickets issued to the company or the company's drivers while operating a vehicle on behalf of the company. Licensees, registrants, and applicants must also notify BIC if a vehicle operator's driver's license is suspended or revoked, and must notify BIC if a vehicle used in the course of its business is involved in any crash. When Motor Vehicle Accident (MV-104) or other forms are filed, the company must provide those documents to BIC.

With respect to the City's wholesale markets, part of BIC's regulation is the issuance of photo identification cards to employees in certain markets. In the event of an incident at the markets or an investigation conducted by BIC, it is crucial for the Commission to know who is at these markets every day. The questions the Commission asks on its applications that collect identifying information are required by the NYC Administrative Code and the rules promulgated thereunder and further BIC's mission. This information is routinely collected for the specific purposes of criminal and regulatory investigations and public safety.

Local Law 55 of 2019 provides BIC with authority to register labor unions. Labor unions or organizations representing or seeking to represent employees directly involved in the collection, removal, transportation, or disposal of trade waste materials, must submit an application with BIC every five years. Additionally, each officer of such unions must submit a disclosure form to BIC. The applications collect information such as an individual's name, address, and date of birth. This information helps BIC to identify individuals who have a criminal history and should not be permitted to serve as officers of a BIC-registered labor union or organization.

N.Y.C. Admin. Code §23-1205(a)(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. Appendix B of the 2020 Agency Guidance includes detailed examples of routine and non-routine collections and disclosures, with descriptions.

Add additional rows as needed.

Describe the Collection or Disclosure	Classification Type
Collection of Information Provided by Applicants, Licensees, Registrants and certain employees	<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
Review of Transfer Station Applicants	<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
Collection of Information Obtained by Audit or Accounting Review	<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
Disclosure to Law Enforcement and Local, State, and Federal Agencies	<input checked="" type="checkbox"/> Pre-approved as routine <input checked="" type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
Prevention of Fraud, Waste, and Abuse 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
Collections and Disclosures for Records Management	<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
Disclosures in Response to Freedom of Information Law Requests	<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
Disclosure in Litigation	<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
Disclosures to other City agencies or approved vendors/consultants in connection with preparation of reports that directly relate to BIC’s purpose and mission	<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
Collections and Disclosures for Human Resources and other Personnel Matters	<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 that have been approved by the Chief Privacy Officer as being “in the best interests of the City” which involve any collections and disclosures of identifying information relating to your agency.	
Add additional rows as needed.	
Describe Type of Collection or Disclosure	
N/A	
N.Y.C. Admin. Code §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.	
<p>BIC does not presently have its own written policies in place regarding collection and disclosure of identifying information. The Commission employs the Model Citywide Protocols for Handling Third Party Requests for Information Held by City Agencies, issued as City policy in April 2017 as well as the Citywide Privacy Protection Policies and Protocols of the Chief Privacy Officer, City of New York, dated January 28, 2019.</p> <p>In BIC's Code of Conduct, 4.9 states, "Employees shall not disclose to any unauthorized person any confidential or proprietary information relating to the agency's records, operations or activities except upon the express approval of a supervisor with the authority to release such information or record."</p> <p>Per BIC's Employee Handbook, "BIC employee personnel files are maintained by HR and are considered confidential. Personnel file access by current employees will generally be permitted upon request within 20 business days of the request. Managers and supervisors, other than the head of HR and his or her subordinates, may only have access to personnel file information on a need-to-know basis. A manager or supervisor considering the hire of a former employee or the transfer of a current employee may be granted access to the file, or limited parts of it, in accordance with anti-discrimination laws. Personnel files are to be reviewed in the HR department, even by managers and supervisors. Personnel files may not be taken outside the department, even by managers and supervisors. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information. This decision will be made at the discretion of the Commissioner of BIC, or his/her designee, in response to the employee's request, a valid subpoena or a valid court order."</p>	
6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties?	<input type="checkbox"/> Yes <input checked="" 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.	BIC's agency records are stored on the FedRAMP certified cloud-based provider, Salesforce. The data is secured from unauthorized access by password protection and code verification of user accounts and security rules (organization-wide sharing, permission sets, profiles and roles) that determine what fields a user can access and see throughout the system. Additionally, user access auditing

and field history tracking is enabled. On premises, BIC's in-house data storage systems are accessible only by authenticated users and all shared files are protected by a system that allows access to each file only by personnel with the appropriate permission to do so. Additionally, all cell phones issued by BIC's department are password-protected.

N.Y.C. Admin. Code §§23-1205(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.

Westchester County Department of Public Safety	Requests are reviewed and disclosed pursuant to BIC's Memorandum of Understanding ("MOU") with the agency. Disclosures further the purpose of the agency so that BIC is able to best evaluate applicants, licensees, and registrants, and to see if applicants have been truthful, been under investigation, or had issues with other agencies.
New Jersey Department of Law and Public Safety	Requests are reviewed and disclosed pursuant to BIC's MOU with the agency. Disclosures further the purpose of the agency so that BIC is able to best evaluate applicants, licensees, and registrants, and to see if applicants have been truthful, been under investigation, or had issues with other agencies.
The Port Authority of New York and New Jersey	Requests are reviewed and disclosed pursuant to BIC's MOU with the agency. Disclosures further the purpose of the agency so that BIC is able to best evaluate applicants, licensees, and registrants, and to see if applicants have been truthful, been under investigation, or had issues with other agencies.
Federal Bureau of Investigation	Requests are reviewed and disclosed pursuant to BIC's MOU with the agency. Disclosures further the purpose of the agency so that BIC is able to best evaluate applicants, licensees, and registrants, and to see if applicants have been truthful, been under investigation, or had issues with other agencies.
Other Law Enforcement Agencies, frequently including various federal, state and local prosecutors' offices and investigatory agencies	Requests are reviewed and information is disclosed after discussion with BIC's Agency Privacy Officer, who is also the agency's General Counsel. Disclosures further the purpose of the agency so that BIC is able to best evaluate applicants, licensees, and registrants, and to see if applicants have been truthful, been under investigation, or had issues with other agencies.
Department of Sanitation, City of New York	Requests are reviewed and disclosed pursuant to BIC's MOU with the agency. Disclosures further the purpose of the agency so that BIC is able to assist the Department of Sanitation in administering commercial waste zones in New York City, including with respect to evaluating potential zone awardees.
Future employers of BIC employees	The information is disclosed pursuant to regular human resources/personnel policy when someone is applying for a new job after leaving her employment with BIC. HR verifies when a person has been employed at BIC, under what title, and whether or not there was a termination.

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.

For non-routine disclosures in exigent circumstances, the appropriate Commission personnel will request permission from BIC’s Agency Privacy Officer to disclose the information.

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

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.

Agency Sub-Function(s) or Sub-Division(s)	General Category of Information	Retention and Disclosure policy
Licensing	Applications, fingerprint results, photographs	The Licensing Unit processes all new and renewal applications, and schedules certain employees of companies for fingerprinting and photographs. This information is stored in the Commission’s local servers as well as the cloud-based online database, NIMBUS (a Salesforce-based site).
Background Investigation Unit (BIU)	Applications, appropriate background research (including from public databases), criminal histories, photographs	The BIU reviews all information contained in applications and checks various public databases (Accurint, Westlaw, etc.) and social media for information concerning applicants
Legal	Applications, BIU reports, criminal histories, vehicle/driver safety information, photographs, financial information as disclosed by subpoena or by submission of licensee pursuant to Commission Directive or audit	The Legal Unit reviews the application and its background (BIU) report. The Legal Unit also reviews vehicle and driver safety information relating to licensees, registrants, and applicants. The Legal Unit may also when necessary issue subpoenas, conduct sworn interviews, issue administrative violations, and take other steps, all in an effort to adequately review an application. This information may also be disclosed to law enforcement partners and agencies, with whom some BIC has a Memorandum of Understanding (MOU).
Audit	Applications, financial information as disclosed by subpoena or by submission of licensee pursuant to Commission Directive or audit	The Audit Unit reviews companies’ financial records, and conducts in-person inspections of companies’ books and records.
Investigations	Applications, criminal histories	The Investigations Unit monitors the activity of companies and ascertains whether any criminal activity or activity warranting an administrative violation has occurred.
Human Resources (HR)	Personnel, employee benefits, medical/health care coverage, payroll, other related employee information	The human resources division collects, discloses, and retains various personnel-related information and records in the performance of core administrative and human resource functions. This includes resumes of job applicants, information concerning present employees (including information regarding medical benefits, spousal information, and residency/contact information), and former employees.

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.

Commission records and the identifying information contained therein may be kept both physically – stored locally and by our contracted storage company, GRM – or electronically on BIC’s cloud-based server, NIMBUS, and on BIC’s local servers, accessible only by BIC employees.

As stated above, the Commission is required to collect various identifying information. These requirements are from both the N.Y.C. Admin. Code as well as the rules promulgated thereunder. There is no alternative to collecting this information. The information collected is necessary and vital to further BIC’s core mission. For instance, information such as an individual’s name, address, and date of birth helps BIC to identify individuals who have a criminal history, and ensures that the wrong person is not being investigated. Further, this information can be transmitted to another law enforcement agency – such as a federal, state or local prosecutor’s office – should a further criminal investigation be merited. This information is also used on BIC’s administrative subpoenas. Additionally, the information BIC collects is important to determine whether or not applicants are being candid on their applications.

The Commission also regulates the City’s wholesale markets, which consist of the produce, meat and fish markets in Hunts Point in the Bronx, and the meat markets on Gansevoort Street in Manhattan and in Sunset Park, Brooklyn. Part of this regulation is the issuance of photo identification cards to employees in certain markets. First, knowing who works at the various markets helps the Commission in identifying individuals during a criminal or regulatory investigation. Second, in the event of an incident at the markets (fire, terrorist incident, etc.), and hopefully as a means of prevention of such an incident, it is crucial for the Commission to know who is at these markets every day. The questions the Commission asks on its applications that collect identifying information are legally required, but the Commission does not ask for this information blindly. Rather, this information is routinely collected for the specific purposes of criminal and regulatory investigations and public safety.

BIC seeks to further these core purposes of the agency – as well as the areas relating to new legislation regarding vehicle emissions; environmental, safety and health standards, including traffic safety; labor union registration; and commercial waste zones – while minimizing the collection, retention, and disclosure of identifying information to the greatest extent possible.

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 Commission’s APO and the APO of the NYPD have designated disclosure and collection of identifying information as routine. The Commission also presently has MOUs with the following agencies/public entities: Westchester County Department of Public Safety, the New Jersey Department of Law and Public Safety, The Port Authority of New York and New Jersey, the Federal Bureau of Investigation, and the Department of Sanitation of the City of New York. Information is disclosed in coordination with these agencies to review and evaluate applicants, licensees, and registrants, and to coordinate with respect to criminal and regulatory investigations. Requests for information are reviewed and disclosed pursuant to our MOUs. Disclosures further the purpose of the agency so that BIC is able to best evaluate applicants, licensees, and registrants, and to see if applicants have been truthful, been under investigation, or had issues with other agencies.

N.Y.C. Admin. Code §23-1205(a)(1)(d)

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

Add additional rows as needed.

Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the purpose or mission of the agency
Local, State, or Federal Agency	An agency may conduct an investigation of an applicant, licensee, or registrant for potential violation of criminal or administrative violation. The Commission, as a law enforcement and regulatory agency, assists various agencies with these investigations.	The Commission is charged with ensuring the industries it regulates are free from criminality. Partnering with other agencies to investigate applicants, licensees, and registrants to protect the City of New York is central to BIC's core mission.
Local, State, or Federal Agency	To prevent fraud, waste, and abuse	The Commission, in performing its routine reviews, may discover an individual or company is perpetuating a fraud on the public. This information is then relayed to the appropriate authorities.
A Member of the Public	FOIL Request	The Commission may disclose identifying information in order to seek advice regarding a request for information under FOIL, or as part of information released in response to a FOIL request, provided appropriate agency personnel determines that disclosure of such information is permissible under applicable law.
Approved vendors/consultants of a New York City agency	Conduct of studies and preparation of reports directly relating to BIC's purpose and mission	Conduct of studies and preparation of reports can assist BIC, as well as licensees, registrants, applicants, and members of the public assess and address issues that are central to BIC's purpose and mission.
The New York City Law Department and Corporation Counsel	Disclosure in Litigation	When the agency is a party to or has an interest in litigation or other legal proceeding, such as when the agency is sued pursuant to an Article 78 proceeding, the Commission may disclose relevant identifying information before an adjudicative or administrative body, an arbitrator, to the NYC Law Department or other counsel representing the agency or its employees, in accordance with applicable law.
Future Employer of Current/Former BIC Employees	Collections and Disclosures for Human Resources and other Personnel Matters	The Commission may collect and disclose identifying information in the course of performing human resources and other personnel related matters, including, but not limited to, new hire processing, retiree and benefits processing, payroll processing, equal employment opportunity matters, training, occupational health and safety matters, professional development, etc.

N.Y.C. Admin. Code §23-1205(1)(e)

- Proceed to Next Question on Following Page -

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 will not impact the Commission's collection and disclosure of identifying information. As stated, the Commission is charged with and empowered to collect identifying information by both the N.Y.C. Administrative Code as well as the rules promulgated thereunder. BIC's APO has designated as routine the collection of the identifying information that the Commission collects from every applicant, licensee, and registrant, as well as from every applicant, licensee, and registrant. Further, as the Commission is empowered to collect certain information, and as these collections have been designated as routine, the Identifying Information Law should not inhibit the Commission's ability to perform its legally-mandated duties.

With regards to the disclosure of information, the Identifying Information Law should have minimal impact. The Commission has MOUs with multiple agencies, and the disclosure of certain identifying information to other local, state, and federal authorities has been designated as routine.

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 the collection, retention, and disclosure of identifying information.

Outside of the Identifying Information Law itself, BIC is unaware of any policies and protocols that may impact the Commission's practices on a day-to-day basis. The Commission will continue to submit the biannual report and adhere to any other reporting requirements.

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL FOR AGENCY REPORT

Preparer of Agency Report:			
Name:	David A. Feldman		
Title:	Deputy Commissioner of Legal Affairs & General Counsel		
Email:	dfeldman@bic.nyc.gov	Phone:	212-437-0510

Agency Head (or designee):			
Name:	Noah D. Genel		
Title:	Commissioner and Chair		
Email:	ngenel@bic.nyc.gov	Phone:	212-437-0512
Signature:		Date:	7/31/2020

— End of Document —