

## AGENCY REPORT

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

<b>Agency:</b>	Taxi & Limousine Commission		
<b>Agency Privacy Officer:</b>	Sherryl Eluto		
<b>Email:</b>	elutos@tlc.nyc.gov	<b>Telephone:</b>	212.676.1089
<b>Date of Report:</b>	July 25, 2018		

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

*Check all that apply.*

<input checked="" type="checkbox"/> Name <input checked="" type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Gender identity <input type="checkbox"/> Sexual orientation <input checked="" type="checkbox"/> Contact information (e.g., phone or email) <input type="checkbox"/> Religion <input checked="" type="checkbox"/> Employment status <input checked="" type="checkbox"/> Employer information <input checked="" type="checkbox"/> Employment address <input checked="" type="checkbox"/> Motor vehicle information <input checked="" type="checkbox"/> Biometric information <input checked="" type="checkbox"/> Eligibility for/receipt of public assistance or city services <input type="checkbox"/> Status as victim of domestic violence or sexual assault <input 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	<input checked="" type="checkbox"/> Date of Birth <input checked="" type="checkbox"/> Place of Birth <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Marital or partnership status <input checked="" type="checkbox"/> Citizenship/immigration status <input type="checkbox"/> Nationality <input checked="" type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Languages spoken <input type="checkbox"/> Social media account information <input checked="" type="checkbox"/> Income tax information <input type="checkbox"/> Any scheduled court appearances <input checked="" type="checkbox"/> Arrest record or criminal conviction <input type="checkbox"/> Status as crime victim or witness <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input checked="" type="checkbox"/> Social Security Number
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☒ **Other:** 1) Licensing Division: Ethnicity, Country of Citizenship & Place of Birth is collected.  
 2) Education Division collects information as to whether or not the student passed the course. The education providers do not adhere to a uniform policy, but certain of the education providers collect: a) name; b) DMV number; c) TLC license number; d) a copy of the student's photo identification; e) email; f) language preference. None of this information is disclosed by the education providers. These collections are routine.  
 3) Enforcement Division: Date, time, place of occurrence of violation and description of violation. This is collected, retained, and disclosed in certain instances.  
 4) Legal Affairs: Photos/videos/documents, which we collect/retain/disclose.

N.Y.C. Admin. Code §23-1205(1)(a)

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

The purpose of our agency is as described in the New York City Charter, Chapter 65, Section 2303: the regulation and supervision of the business and industry of transportation of persons by licensed vehicles for hire in the City. Such regulation and supervision shall extend to:

1. The regulation and supervision of rates of fare to be charged and collected.
2. The regulation and supervision of standards and conditions of service.

3. The revocation and suspension of licenses for vehicles, other than licenses issued pursuant to state law, provided, however, that taxicab licenses represented by medallions heretofore issued shall in all respects remain valid in accordance with their terms and transferable according to law.

4. Taxicab licenses represented by medallions which have heretofore been surrendered are hereby revoked. Additional taxicab licenses may be issued from time to time only upon the enactment of a local law providing therefor. Any nontransferable licenses shall be deemed revoked upon the surrender by or death of the holder thereof.

5. The issuance, revocation, suspension of licenses for drivers, chauffeurs, owners or operators of vehicles, other than licenses issued pursuant to state law, and for taxicab brokers and the establishment of qualifying standards required for such licensees.

6. Requirements of standards of safety, and design, comfort, convenience, noise and air pollution control and efficiency in the operation of vehicles and auxiliary equipment.

7. Requirements for the maintenance of financial responsibility, insurance and minimum coverage.

8. The establishment of, and the requirement of adherence to, uniform system of accounts, with the right of the commission to inspect books and records and to require the submission of such reports as the commission may determine.

9. The development and effectuation of a broad public policy of transportation affected by this chapter as it relates to forms of public transportation in the city, including innovation and experimentation in relation to type and design of equipment, modes of service and manner of operation, which for limited purposes and limited periods of time may depart from the requirements otherwise established for licensed vehicles pursuant to this chapter.

10. Assistance to the business and industry of public transportation affected by this chapter in aid of the continuation, development and improvement of service and the safety and convenience of the public, including assistance in securing federal and state grants.

11. The formulation, promulgation and effectuation of rules and regulations reasonably designed to carry out the purposes, terms and provisions of this chapter.

The collections and disclosures of the Education, Enforcement, Finance, Legal, Licensing, Information Technology (MIS), Personnel/Human Resources, Policy, Programs and Safety & Emissions Divisions all further the mission of the Taxi & Limousine Commission. The rationale for each division's collections and disclosures are explained in Box 3, below.

N.Y.C. Admin. Code §23-1205(1)(f)

**3. Describe the types of collections and disclosures classified as: (1) pre-approved as “routine,” (2) pre-approved as routine by APOs of two or more agencies, or (3) approved by the APO on a case-by-case basis.**

Add additional rows as needed.

Describe the Collection or Disclosure	Classification Type
<p>The <b>Education Division</b> oversees the TLC-authorized providers of driver education courses.</p> <p>These education providers do not adhere to a uniform policy, but certain of the education providers collect: 1) name; 2) DMV number; 3) TLC license number; 4) a copy of the student’s photo identification; 5) email; 6) language preference. None of this information is disclosed. These collections have been pre-approved as routine.</p> <p>The Education Division has disclosed identifying information in response to suspected fraud that occurred at a series of examinations for licensees. In response, the Education Division provided certain identifying information to the New York State Office of the Inspector General, to the New York City Department of Investigation and to the Office of Administrative Trials and Hearings. Disclosure in response to such requests have been pre-approved as routine.</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>The <b>Enforcement Division of the Uniformed Services Bureau</b> collects information from any individual that is the subject of a summons, notice of violation, or arrest. Information is also collected after base inspections and field inspections. This information is typically contained in a summons and/or a memo book of the issuing TLC officer.</p> <p>Typical information that is gathered includes the individual’s name, date of birth, the make and model of the vehicle that was being operated at the time of summons, and the address of the individual.</p> <p>We disclose the information collected when issuing the summons when we cooperate with TLC’s prosecution and legal divisions and when we testify before hearings at OATH.</p> <p>We also disclose certain information through our Investigations sub-division, a unit that is dedicated to assisting other law enforcement agencies as they pursue criminal investigations. The other enforcement agencies that we work with include the NYPD, the Port Authority of New York and New Jersey, the Metropolitan Transportation Authority Police and the Sheriff’s Office. The data that we would disclose to such an organization, in furtherance of their investigation, would include licensee contact information and/or data generated by the taxicab technology system that is installed in yellow and green taxis. We also disclose credit card information to aid in fraud investigations.</p> <p>Certain data is also collected by cameras that are installed in the vehicles operated by TLC officers. For example, that camera could record the license plate of a vehicle that has been pulled over by a TLC officer. Further, we anticipate the widespread use of body cameras, to be affixed to our officers, in the future, though that program has not yet begun.</p> <p>These collections and disclosures have been pre-approved as routine.</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>The <b>Office of Financial Administration</b> collects the following information for the purposes of purchasing goods or services and processing payments: 1) Name. 2) Current/previous home and work addresses. 3) Contact information such as phone number and email address. 4) Social security numbers and/or tax identification numbers (as needed to process payments).</p> <p>In some instances, the following information may also be gathered:</p> <p>1) Gender identity and race may be gathered in our work with Minority and Women Owned Business Enterprise firms. In practice, we only confirm if a vendor is registered as an MWBE, rather than specifically asking the owner’s gender or race.</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>2) Motor vehicle information or license plate number information would be considered TLC licensing data. We access this information in the management of accessibility programs, such as Taxicab Improvement Fund and Citywide Accessible Dispatch.</p> <p>3) Arrest record or criminal conviction may come up in the course of a vendor background check.</p> <p>Finance disclosures: we would not have significant concern sharing vendor information that is available publicly such as name, work address, and contact information. We'd also share whether a firm is a registered Minority and Women Owned Business Enterprise or if they offer a particular area of expertise, such as language translation.</p> <p>These collections and disclosures have been pre-approved as routine.</p>	
<p>The Prosecution Unit of the <b>Office of Legal Affairs</b> collects information from passengers and members of the public that file complaints against the TLC's licensees. In processing those complaints, the Prosecution Unit collects personal identifying information from both the complainant and from the licensee that is the subject of the complaint. That information is stored in the agency's Electronic Summoning and Administration Program.</p> <p>Legal Affairs also collects personal information when: 1) a licensee applies for a grant under our Agency's Accessibility program (a program through which we incentivize drivers to provide rides in vehicles that can be used by passengers reliant on a wheelchair); 2) when entering into contracts and certain data-sharing agreements; 3) when prosecuting and settling consumer complaints; 4) when seizing vehicles; 5) when taking comments from the public. Those comments (and records created by members of the public that testify at agency hearings) are collected and made public pursuant to the City Administrative Procedure Act.</p> <p>Legal Affairs discloses and retains various records: 1) in response to litigation efforts; 2) in response to information requests under FOIL; 3) in response to subpoenas (governed by the CPLR); 4) at Office of Administrative Trials Hearing; and to the Department of Investigation and the New York Police Department in response to their investigations; 5) pursuant to City Administrative Procedure Act; 6) proceedings before the Office of Labor Relations/Office of Collective Bargaining.</p> <p>The collections and disclosures described above have been pre-approved as routine.</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>The <b>Licensing and Standards Division</b> collects: Name, gender identity, race, motor vehicle information/license plate number, fingerprints, photographs, country of origin, place of birth, current/previous home and work addresses, phone number, email address, scheduled court appearances for TLC personnel, certain child support information.</p> <p>Licensing information is also disclosed by making it publicly available on OpenData and our website. Certain licensing information is also disclosed to the Office of Child Support Enforcement, Department of Motor Vehicles, New York City Human Resources Administration, to City Hall, to the New York State Department of Health, to LabCorp (private entity that performs drug testing of licensees), to the Redlight Camera Program (program to catch drivers that run red lights), to the New York State Department of Taxation, to Creative Mobile Technologies and Verifone (providers of taxicab technology systems that allow meters, among other things, to function in taxis) and the New York State Department of Motor Vehicles.</p> <p>The Call Center will in certain circumstances take the contact information of a passenger that has lost property in a taxicab or Street Hail Livery. This contact information is never disclosed.</p> <p>These collections and disclosures have been pre-approved as routine.</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>The <b>Management Information Systems Division</b> discloses information to the NYC Human Resource Administration for purposes of child welfare enforcement efforts.</p>	<p><input checked="" type="checkbox"/> Pre-approved as routine</p>

<p>It discloses certain vehicle trip sheet data to the Office of the Inspector General of the Metropolitan Transit Authority for the purposes of investigating Medicaid fraud.</p> <p>It discloses information to the Law Department that details individuals that owe the TLC a monetary debt.</p> <p>It discloses to the New York State Department of Taxation and Finance to help the state collect taxes.</p> <p>These disclosures have been 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>The <b>Human Resources Division</b> collects: 1) Name. 2) Race. 3) Marital or Partnership Status. Eligibility/receipt of public assistance or city services. 4) Motor Vehicle Information or license plate number. 5) Fingerprints and photographs. 6) Languages spoken. 7) Place of birth. 8) Arrest record or criminal conviction. 9) Employment status. 10) Current and previous home and 11) phone number/email address.</p> <p>This information would be disclosed for any of the following reasons: trainings, court mandated requests, verification requests; at the request of the Federal or State Equal Employment Opportunity Agencies; information provided for health plans and pension benefits; information released to the NYC Department of Citywide Services for waiver of processing fees; where mandated by Law; released for purposes of Peace Officer status.</p> <p>These collections and disclosures have been pre-approved as routine.</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>The <b>Office of Policy and External Affairs</b> collects 1) taxi data on fares, which shed light on personal income of drivers. 2) Partial passenger credit card numbers are in the data; just the first two and last four digits.</p> <p>Further, two licensee types (taxicab technology providers and e-hail providers) are required to give the license numbers of our licensees and license plate numbers.</p> <p>These collections have been pre-approved as routine.</p> <p>The Policy Division at times discloses identifying information pursuant to data sharing agreements. Such disclosures are made during the normal course of city agency business and furthers the purpose of the TLC. These disclosures have been pre-approved as routine.</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>The <b>Programs Division</b> runs four programs.</p> <p>The <b>Taxi Improvement Fund</b> team disburses funds that have been set aside for drivers and vehicle owners that use wheelchair accessible vehicles. In order to receive these funds, program participants must submit certain demographic and contact information to the TLC, which Programs checks against existing TLC records. All applicants submit their name, contact information, license number, and SSN/TIN. In addition, vehicle owners/agents must submit their banking information (routing number, account number) to Bank of America to receive payment by direct deposit. For drivers, the bank generates a debit card file for each participant that includes the participant's name, social security number/tax identification number, account and card number, and hack/license number. This information is never disclosed.</p> <p>As part of the enrollment process, TLC re-submits the name, medallion number and social security number or tax identification number to the NYC Department of Finance and Comptroller to verify the information and to check for outstanding debt.</p> <p>The Programs team also includes the following program participant data in a monthly update to OpenData: 1) medallion owners and agents that are participating, 2) medallions that are</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>participating in the TIF program and 3) the dollar amount disbursed under the Taxi Improvement Fund program.</p> <p><u>The Accessible Dispatch Team</u>: Pursuant to contract with Medical Transportation Management, the Accessible Dispatch team collects passenger data, including name and phone number, for riders requesting accessible taxis through the program. Further, the Mayor's Office for People with Disabilities and the NYC Office of Emergency Management have asked for contact information of base and medallion owners that participate in this program.</p> <p><u>The Access-A-Ride Partnership</u>: Data sharing occurs with MTA AAR to resolve consumer complaints lodged by AAR participants that used a taxicab for transportation under an MTA AAR pilot program. The name and contact information of both passenger and driver could be shared between agencies as resolution of the complaint is sought. Certain trip data is collected from taxicab technology providers in order to help with the resolution of these complaints.</p> <p><u>For-Hire Vehicle Accessibility</u>: The TLC collected name and contact information of applicants that applied to serve as Wheelchair Accessible Vehicle Dispatchers.</p> <p>These collections and disclosures have been pre-approved as routine.</p>	
<p>The <u>Safety and Emissions Division of the Uniformed Services Bureau</u> generates and then collects vehicle inspection records. It discloses in response to subpoenas or other requests from the Legal division.</p> <p>These collections and disclosures have been pre-approved as routine.</p>	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input type="checkbox"/> Approved by APO on a case-by-case basis
N.Y.C. Admin. Code §23-1205(1)(b)	

<b>4. If applicable, specify the types of collections and disclosures approved by the Chief Privacy Officer.</b>	
Add additional rows as needed.	
<b>Describe Type of Collection or Disclosure</b>	
Not applicable.	
N.Y.C. Admin. Code §23-1205(1)(b)	

<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.</b>	
The agency follows the Model Protocol for handling third party requests for information held by City agencies.	
<b>6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>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.</b>	The agency utilizes secure data transfer methods to ensure confidentiality.

**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.**

The agency reviews whether it is an appropriate use of agency resources and of the data requested, and whether the data requested is restricted from disclosure because of federal, state or city law.

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.**

The term "exigent" has a component of urgency or immediacy. Such exigent circumstances are usually part of a law enforcement request or compliance with a subpoena. The agency approval of all other requests would be as routine.

N.Y.C. Admin. Code §23-1205(1)(c)(3)

**11. Describe the agency's current policies regarding which divisions and categories of employees within an agency make disclosures of identifying information following the approval of the privacy officer.**

The agency has an organizational chart with a number of bureaus and divisions, each with a managerial structure. Deputy Commissioners, Assistant Commissioners, and Directors oversee employees and make decisions affecting the agency and disclosure of identifying information following the approval of the Office of Legal Affairs and the privacy officer.

N.Y.C. Admin. Code §23-1205(1)(c)(4)

**12. Describe whether the agency has considered or implemented, where applicable, any alternative policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of such agency.**

TLC collects, retains and discloses identifying information when necessary; we do not seek to "over collect." We retain in accordance with the guidelines set by the NYC Office of Records and Information Services; litigation preservation orders; and anticipated litigation.

N.Y.C. Admin. Code §23-1205(4)

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

TLC utilizes contracts, memorandum of understanding and non-disclosure agreements to control the disclosure of information to vendors and to other government agencies and ensure confidentiality.

N.Y.C. Admin. Code §23-1205(1)(d)

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

**Add additional rows as needed.**

Type of Entity	Description of Reason for Disclosure	Description of how disclosure furthers the purpose or mission of the agency
Other city agencies	To further the mission of one or both of the agencies.	TLC maintains electronic trip data for vehicles for hire; other agencies have found the data useful for transportation planning initiatives. We also exchange data with other agencies for enforcement and investigative purposes.
Members of the public	Open government; majority of requests handled under FOIL. Non-FOIL requests that are granted relate to studies undertaken that can provide benefits to the agency.	TLC maintains electronic trip data for vehicles for hire; the data can be used in interesting studies by academics and the results are shared with TLC. Such studies can be useful for policy planning.
Law enforcement	Public protection.	TLC is a licensing and enforcement agency.
Vendors (for goods, services, and consultants)	In order for the vendor to complete the contract deliverables.	Vendor may not be able to fully perform the deliverables without TLC providing identifying information. TLC needs vendors to provide services to support the agency mission.
Insurance providers	To ensure licensed vehicles for hire are properly insured.	Public safety; ensure that only those vehicles for hire that are properly insured are on the road.
Members of the press	Public interest.	TLC provides driver identifying information when it is appropriate, such as after an accident and the driver or vehicle number has been identified by law enforcement, or when a driver has done something noteworthy and we want to call attention to a great driver.

N.Y.C. Admin. Code §23-1205(1)(c)

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**15. Describe the impact of the Identifying Information Law and other applicable laws upon your agency's practices in relation to collection, retention, and disclosure of identifying information.**

Not a huge impact; the Law serves as a reinforcement of policies and reviews that we had in place prior to collection, retention, and disclosure of identifying information.

N.Y.C. Admin. Code §23-1205(2)

**16. Describe the impact of any privacy policies and protocols issued by the Chief Privacy Officer or the Identifying Information Committee, as applicable, upon your agency's practices in relation to the collection, retention, and disclosure of identifying information.**

Not applicable.

N.Y.C. Admin. Code §23-1205(3)


**APPROVAL SIGNATURE FOR AGENCY REPORT**

**Preparer of Agency Report:**

<b>Name:</b>	Sherryl Eluto		
<b>Title:</b>	Assistant General Counsel		
<b>Email:</b>	elutos@tlc.nyc.gov	<b>Phone:</b>	212.676.1089

**SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW**

**Agency Head (or designee):**

<b>Name:</b>	Meera Joshi		
<b>Title:</b>	Commissioner/Chair		
<b>Email:</b>	joshim@tlc.nyc.gov	<b>Phone:</b>	212.676.1003
<b>Signature:</b>		<b>Date:</b>	7.27.2018

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