FORM 3 (AGENCY REPORT)
(Due on or before July 31, 2022)

Agency:	New York City Emergency Management
Agency Privacy Officer:	Sonja Orgias, Deputy Chief Counsel
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Date of Report:	July 31, 2022

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1. Specify the type of identifying information collected or disclosed (check all that apply):

☒Name
☒Social security number (full or last 4 digits)*
☒Taxpayer ID number (full or last 4 digits)*

Biometric Information
☐Fingerprints
☒Photographs
☐Palm and handprints*
☐Retina and iris patterns*
☐Facial geometry*
☐Gait or movement patterns*
☐Voiceprints*
☐DNA sequences*

Contact Information
☒Current and/or previous home addresses
☒Email address
☒Phone number

Demographic Information
☒Country of origin
☒Date of birth*
☒Gender identity
☒Languages spoken
☒Marital or partnership status
☒Nationality
☒Race
☐Religion
☐Sexual orientation

Status Information
☒Citizenship or immigration status
☒Employment status
☐Status as victim of domestic violence or sexual assault
☐Status as crime victim or witness

Work-Related Information
☒Employer information
☒Employment address

Government Program Information
☒Any scheduled appointments with any employee, contractor, or subcontractor
☐Any scheduled court appearances
☒Eligibility for or receipt of public assistance or City services
☐Income tax information
☒Motor vehicle information

Law Enforcement Information
☐Arrest record or criminal conviction
☒ Date and/or time of release from custody of ACS, DOC, or NYPD
☐Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD

Technology-Related Information
☐Device identifier including media access control MAC address or Internet mobile equipment identity (IMEI)*
☒GPS-based location obtained or derived from a device that can be used to track or locate an individual*
☐Internet protocol (IP) address*
☐Social media account information

Other Types of Identifying Information (list below):

Protected Health Information

*Type of identifying information designated by the CPO (see CPO Policies & Protocols § 3.1.1).

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

The New York City Charter, Section 19-A, at Section 497, sets out the mission of the agency. *In part*:

   a. Coordinate the City's response to all emergency conditions and potential incidents which require a multi-agency response;

   b. Monitor on a constant basis all potential emergency conditions and potential incidents which may require a multi-agency response;

   c. Coordinate and implement training programs for public safety and health;

   d. Prepare plans for responding to emergency conditions and potential incidents, ... to protect public safety and facilitate the rapid response and mobilization of agencies and resources;

   e. Make recommendations to the mayor concerning the City's emergency response capabilities and concerning the City's capacity to address potential emergency conditions and potential incidents;

   f. Increase public awareness as to the appropriate response by members of the public to emergency conditions and potential incidents, and review the City's systems for disseminating information to the public;

   g. Operate an emergency operations center to assist the city in managing emergency conditions and potential incidents that may require a multi-agency response;

   h. Hold regular and frequent meetings of designated emergency response personnel of all City agencies;

   i. Acquire federal and other funding for emergency management, including but not limited to disaster relief;

   j. Coordinate with all other City agencies to ensure that all such agencies develop and implement emergency response plans in connection with planning major City events.

The collection and retention of identifying information permits NYCEM to carry out its Charter Mission (a-j) as set out below:

1. The collection and retention of the identifying information specified below allows for the performance of core administrative and human resource functions within the agency.

2. The collection and retention of the name, current home address, employer information and employment address, and status of CITY AGENCY EMPLOYEES allows for NYCEM to expeditiously call upon city agency employee volunteers to support and implement citywide emergency preparedness, response and recovery plans, and allows for NYCEM to contact them as needed.

3. The collection and retention of the identifying information specified above, in particular, the collection and retention of the name, current home address, employer information, and employment address of CITY AGENCY EMPLOYEES allows for NYCEM to maintain the City's Continuity of Operations Plans, which allow for continuity of government functions post emergency and or disaster.

4. The collection and retention of the identifying information specified above, in particular, the collection and retention of the photograph, name, current home address, employer information, and employment address and status allows for NYCEM to perform core administrative and human resource functions on behalf of Urban Search and Rescue team members, a federally funded program, sponsored through NYCEM. The Urban Search and Rescue Team members are comprised of NYPD, FDNY, DSNY, and NYCEM personnel.

5. The collection and retention of the identifying information specified above, in particular, name, address and preferred contact information of individuals who self-register and subscribe to Notify NYC, the City of New York's official source of information about emergency events and important City services, increasing public awareness.

6. The collection and retention of the identifying information specified above, in particular, name and contact information of NYCEM employees and other City Agency employees so as to distribute information, communicate and call upon Coastal Storm Staffing and NYCEM staff pre-disaster, during the event and post disaster.

7. The collection and retention of the identifying information specified above, in particular, name, address, employer information and employment address allows for NYCEM to contact City Agency employees to

offer trainings to them relevant to emergency preparedness, response and recovery.

8. The collection and retention of the identifying information specified above, in particular, name, address, and preferred contact information of individuals who self-register for various emergency services.

<div align="right">N.Y.C. Admin. Code §23-1205(a)(1)(f)</div>

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
Human Resources - NYCEM personnel related information and records - any records collected by our Bureau of Human Capital for its performance of core administrative and human resource functions within the agency.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Other City Agency employee employment information/contact information – NYCEM engages in agreements with other City agencies for citywide support in emergency planning, response and recovery. City employees may be called upon to volunteer to work to support the City's response to an emergency - the employment and contact information is collected and retained for emergency support purposes. This information is utilized for training purposes as well and to contact the employees to keep information current.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Other City Agency employee contact information for planning efforts - NYCEM works with other City Agency and City agency employees in the development of the citywide Emergency Response Plans. We collect and retain the contact information of these employees for planning purposes. This information is utilized for training purposes as well.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Non-City Health Care Facility employee information for planning efforts/emergency response - NYCEM retains contact information and subject matter expert contact information as we rely upon these subject matter experts (SMEs) in the creation of emergency response plans where public health or public safety is impacted. These SME's support the emergency response as well.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Public Utilities - contact information - emergency planning and response - NYC's public utilities are NYCEM's planning partners to create response plans for emergency events that impact the provision of utility services. NYCEM collects and retains contact information for our utility partners who plan with us.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
State/Federal Partners - for planning efforts/emergency support/response - NYCEM works closely with our State and Federal Partners particularly during major disasters/events. We collect and retain contact information for these partners - such as the Federal Emergency Management Agency (FEMA), Department of Homeland Security - State Emergency Management (OHS ES-SEMO); State Department of Health.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Responses to Subpoena - NYCEM has pre-approved any disclosure of information in response to a court ordered subpoena as a routine disclosure. However, each response is thoroughly vetted and released documentation is reviewed on a case-by-case basis prior to release.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
The collection and retention of the identifying information specified above, in particular, name, address, and preferred contact information of individuals who self-register for various emergency services.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
COVID-19 Emergency Programs	
New York City Air Conditioning ("Get Cool") Program – NYCEM works closely with the City's Chief Privacy Officer on the authorization and collection of air conditioner recipient information. NYCEM is a signatory to a City Data Sharing Agreement with various agencies to	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies

utilize said information to assist in the coordination and implementation of the Get Cool Program.	☐ Approved by APO on a case-by-case basis
New York City Food Distribution Program – for program support and coordination - NYCEM works with DSNY and TLC to collect food recipient and delivery driver information.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
New York City Covid-19 Testing and Vaccination Program - NYCEM worked with its contractors and other City agencies to deploy testing and vaccination teams to community-based locations and other borough-based locations in order to test, and administer vaccinations, for the novel coronavirus.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
New York City Hoteling Program – NYCEM worked with its contractors during the Hoteling Program reconciliation process.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Hurricane Ida Emergency Response	
In its emergency coordination role, NYCEM supported various initiatives, including but not limited to, canvassing, transportation, sheltering, service centers, and remediation. These operations required working with multiple City agencies and City contractors.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
Bronx Five Alarm Fire	
In its emergency coordination role, NYCEM supported various operations, including but not limited to transportation and the operation of a service center. These operations required working with NYCEM's transportation contractor and various City agencies.	☒ Pre-approved as routine ☐ Approve as routine by two or more agencies ☐ Approved by APO on a case-by-case basis
	N.Y.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
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. 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.

Any request for disclosure of identifying information, or internal NYCEM documents and/or information, whether by another City agency, local public authority or local public benefit corporation, or third party is brought to the attention of the agency's legal counsel(s). An analysis is performed by the agency counsel: is the information necessary? Can the information be limited in some way? Is a confidentiality agreement or non-disclosure agreement necessary? How will the data be stored by the recipient? Shared? Destroyed after use? Is there a law or rule requiring the disclosure or non-disclosure?

NYCEM enters into Data Set Use Agreements with other City or governmental entities when anticipating or requiring identifying information from our partners, or providing information to our partners in support of an emergency response.

NYCEM protects identifying information shared with contractors. Our contracts, when applicable, will include New York City Appendix "A" - General Provisions Governing Contracts for Consultants, Professional, Technical, Human, and Client Services, the Identifying Information Rider, and require strict compliance with the Office of Technology and Innovation security standards and policies. In addition, our contracts, when relevant, require limited access to any data shared between the parties.

With regard to Third Party requests for information held by NYCEM, NYCEM via its counsel will determine whether the request is a non-routine request for information. If yes, then NYC Corporation Counsel's office will be contacted for guidance prior to responding.

6.	Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors?	☒ Yes ☐ No
7.	If YES, do those policies specify that access to identifying information must be necessary to perform their duties?	☒ 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.	Due to the confidential nature of many of NYCEM's plans and processes, and the agency's mission to protect public safety, the agency takes all measures to minimize access to any information collected and retained.

<div align="right">N.Y.C. Admin. Code §§23-1205(a)(1)(c)(1), and (4)</div>

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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.**

NYCEM will not disclose identifying information without either a Data Set Use Agreement, Non-Disclosure Agreement, and/or Confidentiality Agreement. As previously stated, the agency staff meet with a member of the Legal Affairs prior to the release of information to confirm the necessity and terms of the disclosure.

With regard to Third Party requests for information held by NYCEM, NYCEM via its counsel will determine whether the request is a non-routine request for information. If yes, then NYC Corporation Counsel's office will be contacted for guidance prior to responding. If the proposal for disclosure of identifying information to other City agencies, local public authorities or local public benefits corporations was not in furtherance of the agency's mission and purpose, a further analysis would take place and all steps would be taken to determine the appropriateness of the disclosure and what Data Set Agreement, Non-disclosure, or Confidentiality Agreement may be warranted to protect the information.

<div align="right">N.Y.C. Admin. Code §23-1205(a)(1)(c)(2)</div>

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.

Any disclosure of identifying information that supports NYCEM's emergency response, preparedness, and recovery planning (pre-disaster planning or emergency response and recovery) would be limited to our city and other governmental partners and stakeholders and contractors on a need-to-know basis - that exchange would be a "routine" exchange, made during the normal course of agency business and in furtherance of the mission and purpose of the agency. To the extent that NYCEM engages in a unique multiagency project - the information collected and disclosed would meet the definition of routine.

Any disclosure of identifying information that is necessitated "in the moment" due to the nature of the emergency and the need for life safety or to protect vulnerable affected persons would be classified as an exigent disclosure. Appropriate approval of this disclosure will be obtained, if time permits, as well as the documenting of this disclosure.

Any request to disclose identifying information is measured against the Agency's Charter and Administrative obligations, the necessity of disclosing said information, and identifying whether the entity receiving the information is the most appropriate one.

N.Y.C. Admin. Code §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.

All employees are authorized to disclose identifying information provided such information has been reviewed and approved by the Agency Privacy Officer prior to its collection, retention, or dissemination.

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.

NYCEM's current policies seek to minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of the agency. Additionally, the Agency Privacy Officer works closely with our Chief Technology Officer for situational awareness in terms of risk and developing technologies that could impact information privacy.

Consistent with the quarterly filing requirements, the Agency Privacy Officer informs Executive Level Staff of the obligation for the collection, retention, and dissemination of identifying information.

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.

NYCEM enters into Non-Disclosure Agreements, Data Set Agreements, and Confidentiality Agreements to restrict the use and dissemination of identifying information, to a need-to-know basis. This is a routine policy of the agency. Additionally, certain vendors and contractors collecting PII are held to the standards of the Identifying Information Rider and were contracted to comply with the Cloud Rider.

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
Other City Agencies (exchange of employee contact information & status)	In support of emergency preparedness, response, recovery and the development of the city's citywide emergency response plans and strategies	NYCEM coordinates the City's emergency preparedness, response and recovery plans with all city agencies - we rely upon other City employees and staff to volunteer to support the response and recovery and/or to maintain the City's continuity of operations and continuity of government services; trainings; identification of vulnerable populations to provide support post emergency event.
City, State, Federal, and Quasi-Governmental	In support of Citywide COVID-19 Operations	NYCEM was involved in a number of City Operations (NYC Air Conditioner Program, NYC Food Delivery Program, Testing Program, Vaccination Programs, Hotel Program Reconciliation) in response to the COVID-19 Pandemic.
State & Federal Gov't	In support of emergency preparedness, response, and recovery operations	Intrastate; interstate mutual aid - FEMA response & recovery post disaster.
Utility Stakeholders	In support of emergency preparedness, response, and recovery operations	Identification of vulnerable populations to provide support to them during utility outages; extreme weather events.
Non-City Health Care Facilities	In support of emergency preparedness, response, and recovery operations	Emergency Planning and response - preparation for public health emergencies.
Contractors/Vendors	In support of emergency preparedness, response, and recovery operations	Provide surge staff and additional resources to support emergency planning, response, and recovery operations.

<div align="right">N.Y.C. Admin. Code §23-1205(a)(1)(e)</div>

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Identifying Information Law
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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 impact of the Identifying Information Law and other applicable laws upon our agency's practices in relation to collection, retention, and disclosure of identifying information is minimal, as NYCEM employees follow restrictive policies as a day-to-day practice. However, we still work closely with the Office of Information Privacy on various matters.

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).

The privacy policies and protocols issued by the CPO and the CPPC are invaluable. These policies and protocols create greater awareness within our agency.
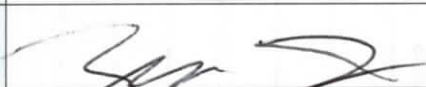
N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Sonja Orgias		
Title:	Deputy Chief Counsel		
Email:	sorgias@oem.nyc.gov	Phone:	(718) 422-8953

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Zachary Iscol		
Title:	Commissioner of New York City Emergency Management		
Email:	ziscol@oem.nyc.gov	Phone:	(718) 422-4616
Electronic Signature:	*[signature]*	Date:	7.28.22

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