

FORM # 3
Agency Report Template

(Revised April 2020)

INSTRUCTIONS

The Identifying Information Law requires City agencies to submit comprehensive biennial reports related to their collection, disclosure, and retention of identifying information and their privacy protection practices. Agencies should review their 2018 reports, and begin collecting any updated information as soon as possible. The agency's updated and completed Inventory Form (Form #1), together with the Routine Designation Forms (Form #2) and Forms for the Agency Privacy Officer Approval of Collections and Disclosures on a Case-by-Case Basis (Form #5), should contain a significant amount of the information necessary to complete the report. While the Law does not specify who must complete the report, the APO is best positioned to do so, with final review and approval before submission by either the agency's General Counsel, or other counsel to the agency.

Agencies should review their 2018 versions of Form #3: Agency Report Template, and using this information and any updates to this report since 2018, complete a new Form #3 for 2020. This Form must be submitted to the CPO at PrivacyOfficer@cityhall.nyc.gov. The report must also be submitted to the Mayor, at MOReports@cityhall.nyc.gov, City Council Speaker, at reports@council.nyc.gov and the Citywide Privacy Protection Committee, at NYCPrivacyCommittee@cityhall.nyc.gov. Additionally, per N.Y.C. Charter §1133(a), agencies must submit their report to the City's Department of Records and Information Services's online submissions portal at <https://a860-gpp.nyc.gov> within ten days of submission to the CPO, the Mayor, the City Council Speaker, and the Citywide Privacy Protection Committee. **Agency reports must be signed by the agency head or designee prior to submission.**

NOTE: For questions requesting information about existing agency policies relating to the disclosure of identifying information, agencies should describe their specific agency policies, and may also reference the Model Citywide Protocol for Handling Third Party Requests for Information Held by City Agencies, issued as City policy in April 2017 (on file with the CPO), as well as the Identifying Information Law Rider.

IMPORTANT NOTE

THE INFORMATION CONTAINED IN THE AGENCY REPORT WILL BE PUBLIC INFORMATION. PREPARERS OF THIS REPORT SHOULD CONSULT WITH THEIR AGENCY'S GENERAL COUNSEL OR THE CHIEF PRIVACY OFFICER REGARDING ANY QUESTIONS AS TO WHETHER THE AGENCY'S RESPONSES TO QUESTIONS IN THE REPORT ARE PROVIDED IN ACCORDANCE WITH APPLICABLE LAW AND CITY POLICY.

**THESE INSTRUCTIONS AND VERSION CONTROL INFORMATION
ON THE FOLLOWING PAGE SHOULD BE DETACHED
FROM THE REPORT BEFORE SUBMISSION**

VERSION CONTROL

Version	Description of Change	Approver	Date
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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AGENCY REPORT

(due on or before July 31, 2020)

Agency:	NYC DEPARTMENT OF SMALL BUSINESS SERVICES		
Agency Privacy Officer:	Andrew Schwartz		
Email:	aschwartz@sbs.nyc.gov	Telephone:	212-513-6428
Date of Report:	7/31/2020		

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 type="checkbox"/> Fingerprints <input type="checkbox"/> Photographs	<u>Government Program Information</u> <input checked="" type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input type="checkbox"/> Any scheduled court appearances <input checked="" type="checkbox"/> Eligibility for or receipt of public assistance or City services <input checked="" type="checkbox"/> Income tax information <input 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 type="checkbox"/> Arrest record or criminal conviction <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
<u>Demographic Information</u> <input checked="" type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input checked="" type="checkbox"/> Languages spoken <input 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 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.
<p>The New York City Department of Small Business Services (SBS) helps unlock economic potential and create economic security for all New Yorkers by connecting New Yorkers to good jobs, creating stronger businesses, and building thriving neighborhoods across the five boroughs.</p> <p>a) The Workforce Development Division of SBS provides opportunities for skills building, training and job placement. Services are funded by and provided through the federal Workforce Investment & Opportunity Act (WIOA). The system includes a network of 21 Workforce1 Centers throughout the City</p>

Identifying Information Law

of New York, including some that specialize in different areas – immigrant needs, industrial and manufacturing, out of work youth, etc. The agency also offers training through CUNY and other providers and contracts with community-based organizations. WIOA mandates that services be made available to all individuals regardless of income or current employment. Individuals register with SBS by completing a Customer Information Form (CIF), which includes requests for personal information required by WIOA.

- b) As indicated in its mission statement, SBS assists small businesses, and in particular, minority and women-owned businesses. Businesses seeking M/WBE certification must complete an application for certification that includes requests for information about the business and includes some requests for personal information about the owner(s) of the business. These are necessary for a determination of M/WBE status in accordance with the City Charter and 66 RCNY Section 11 et seq.
- c) Another unit of SBS, the Division of Labor Services, works to ensure that contractors with the City of New York are equal opportunity employers. Among documents collected by the Division, are payroll records submitted by contractors and subcontractors. These records contain certain personal identifying information and are required pursuant to the City Charter and 66 RCNY Section 10 et seq.

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
a) Collection of information in connection with registering jobseekers and providing employment services at WF1 Career Centers in accordance with the federal Workforce Innovation and Opportunity Act (WIOA) and related federal and state rules and regulations.	<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
b) Collection of information in connection with certifying applicants to the City’s Minority and Woman-Owned Business Enterprise program subject to NYC Admin. Code 6-129 and 66 RCNY Section 11 et seq. c) Collection of information in connection with enforcing the City’s Equal Employment Opportunity laws and rules with respect to City contracting subject to 66 RCNY Section 10 et seq. d) Collection of information in connection with routine Human Resources function.	<input 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(a)(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.

a) Agency’s Workforce1 (WF1) contractors are subject to the confidentiality provisions set forth in the City’s General Provisions Governing Contracts for Consultants, Professional, Technical, Human and Client Services (Appendix A) and the procedures set forth in the WF1 Center Operating Guide. Additionally, WF1 is subject to applicable federal and state laws, rules and regulations. b) The Division of Labor Services is subject to 66 RCNY Section 10-10 with respect to confidentiality. c) The Division of Economic and Financial Opportunity is subject to Admin. Code 6-129 and 66 RCNY §11 et seq. d) The Agency does not have separate written policies for other divisions.

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 checked="" type="checkbox"/> Yes <input 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.	Except for information provided to USDOL and NYSDOL, access is determined by General Counsel.
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.
To the extent applicable, all requests for Agency identifying information by others are referred to General Counsel. WF1 information is provided routinely through a secure electronic system known as Worksource1 to federal and New York State Departments of Labor in accordance with the Workforce Innovation and Opportunity Act and related rules and regulations.
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.
Matters related to disclosure are handled by General Counsel.
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 within an agency make disclosures of identifying information following the approval of the privacy officer.
Agency staff refer requests to General Counsel.
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 that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of such agency.
N/A
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.

WF1 Career Center contractors are subject to the City's general contract provisions (Appendix A).

N.Y.C. Admin. Code §23-1205(a)(1)(d)



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.

N/A

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.

N/A

N.Y.C. Admin. Code §23-1205(a)(3)

APPROVAL FOR AGENCY REPORT

Preparer of Agency Report:

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Agency Head (or designee):

Name:	Andrew Schwartz	<i>andrew schwartz</i> 7/29/20
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