

BIENNIAL AGENCY REPORT

INSTRUCTIONS

The Identifying Information Law requires City agencies to submit comprehensive biennial agency reports related to their collection, retention, and disclosure of identifying information and their privacy protection practices.

To complete the 2024 biennial agency report:

- Review Form 2s (<u>APO Designation of Collection and Disclosures as "Routine"</u>) made since the 2022 compliance cycle;
- Review Form 5s (Agency Privacy Officer Approval of Collections and Disclosures on a "Non-Routine" Basis) made since the 2022 compliance cycle;
- Use Forms 2 & 5 to complete <u>Worksheet 1</u> for all new and existing collections between 2022-2024;
- Use Forms 2 & 5 to complete <u>Worksheet 2</u> for all new and existing **disclosures** between 2022-2024.
- Complete the Biennial Agency Workbook;
- Submit the biennial agency report by **July 31, 2024**.

Submit the biennial agency report to:

- Mayor at MOReports@cityhall.nyc.gov
- City Council Speaker at reports@council.nyc.gov
- Chief Privacy Officer and the Citywide Privacy Protection Committee at oip@oti.nyc.gov
- Department of Records and Information Services (DORIS) online submission portal at https://a860-gpp.nyc.gov

THIS REPORT IS PUBLIC. PREPARERS SHOULD CONSULT AGENCY COUNSEL OR THE CHIEF PRIVACY OFFICER TO ENSURE THE RESPONSES ARE PROVIDED ACCORDING TO APPLICABLE LAW AND CITY POLICY.



VERSION CONTROL

Version	Description of Change	Approver	Date
4.0	New design for ease of use and technological	Michael Fitzpatrick	April 2024
	enhancements, and miscellaneous clarifying	Chief Privacy Officer, City of New	
	revisions.	York	
3.0	Updated completion date; miscellaneous clarifying	Aaron Friedman	April 2022
	revisions.	Principal Senior Counsel	
		Office of Information Privacy	
2.0	Updated completion date; miscellaneous clarifying	Laura Negrón	April 2020
	revisions.	Chief Privacy Officer, City of New	
		York	
1.0	First Version	Laura Negrón	April 2018
		Chief Privacy Officer, City of New	
		York	



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BIENNIAL AGENCY REPORT (Due on or before July 31, 2024)

1. Agency: Office of the Actuary

2. APO Contact Details

a. Name: Marlene Markoe-Boyd

b. Title: Director of Communications

c. Email: mmarkoe-boyd@actuary.nyc.gov

d. Telephone: 212-312-0119

COLLECTIONS

3. How many collections does the agency have to describe?

6

4. **COLLECTIONS.** Upload worksheet 1.



- Proceed to the next page -



5. For all **collections**, select the types of identifying information collected (check all that apply). *See*Citywide Privacy Protection Policies and Protocols § 3.1.

■ Name	Work-Related Information				
■ Social security number (full or last 4 digits)*	■ Employer information				
■ Taxpayer ID number (full or last 4 digits)*	■ Employment address				
Biometric Information	Government Program Information				
☐ Fingerprints	☐ Any scheduled appointments with any				
☐ Photographs	employee, contractor, or subcontractor				
☐ Palm and handprints*	Any scheduled court appearances				
☐ Retina and iris patterns*	☐ Eligibility for or receipt of public assistance or				
☐ Facial geometry*	City services				
☐ Gait or movement patterns*	☐ Income tax information				
☐ Voiceprints*	Motor vehicle information				
☐ DNA sequences*					
☐ Height					
☐ Weight					
Contact Information	Law Enforcement Information				
Current and/or previous home address	☐ Arrest record or criminal conviction				
Email address	☐ Date and/or time of release from custody of				
■ Phone number	ACS, DOCS, or NYPD				
	Information obtained from any surveillance				
	system operated by, for the benefit of, or at the				
	direction of the NYPD				
<u>Demographic Information</u>	Technology-Related Information				
Country of origin	☐ Device identifier including media access				
■ Date of birth*	control (MAC) address or Internet mobile				
Gender identity	equipment identity (IMEI)*				
Languages spoken	GPS-based location obtained or derived from a				
Marital or partnership status	device that can be used to track or locate an				
■ Nationality	individual*				
■ Race	☐ Internet protocol (IP) address*				
☐ Religion	Social media account information				
☐ Sexual orientation					
Status information					
Citizenship or immigration status					
■ Employment status					
☐ Status as a victim of domestic violence or					
sexual assault					
Status as crime victim or witness					
Other Types of Identifying Information (list below)	:				
*Type of identifying information designated by the CPO (see CPO Policies & Protocols, §3.1.1).					



DISCLOSURES

6. How many disclosures does the agency have to describe?

5

7. **DISCLOSURES**. Upload worksheet 2.



- Proceed to the next page -



8. For all **disclosures**, select the types of identifying information disclosed (check all that apply). See Citywide Privacy Protection Policies and Protocols § 3.1.

See <u>citywide i fivacy i fotoction i fotoces and</u>	11000013 3 3.1.			
■ Name	Work-Related Information			
■ Social security number (full or last 4 digits)*	■ Employer information			
■ Taxpayer ID number (full or last 4 digits)*	■ Employment address			
Biometric Information	Government Program Information			
☐ Fingerprints	☐ Any scheduled appointments with any			
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☐ Facial geometry*	City services			
☐ Gait or movement patterns*	■ Income tax information			
☐ Voiceprints*	Motor vehicle information			
☐ DNA sequences*				
☐ Height				
☐ Weight				
Contact Information	Law Enforcement Information			
■ Current and/or previous home address	Arrest record or criminal conviction			
■ Email address	☐ Date and/or time of release from custody of			
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	☐ Information obtained from any surveillance			
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	direction of the NYPD			
Demographic Information	Technology-Related Information			
Country of origin	☐ Device identifier including media access			
Date of birth*	control (MAC) address or Internet mobile			
Gender identity	equipment identity (IMEI)*			
☐ Languages spoken	GPS-based location obtained or derived from a			
Marital or partnership status	device that can be used to track or locate an individual*			
■ Nationality	l			
Race	☐ Internet protocol (IP) address* ☐ Social media account information			
Religion	Social media account information			
☐ Sexual orientation				
Status information				
■ Citizenship or immigration status				
Employment status				
☐ Status as a victim of domestic violence or				
sexual assault				
Status as crime victim or witness				
Other Types of Identifying Information (list below)):			
*Type of identifying information designated by the	CDO (see CDO Policies & Protectic 53.1.1)			
*Type of identifying information designated by the CPO (see CPO Policies & Protocols, §3.1.1).				



9. Separate from the Citywide Privacy Protection Policies and Protocols, what are the agency's policies regarding requests for disclosures from other City agencies, local public authorities or local public benefit corporations, and third parties? Please summarize or upload a copy of the policy. See N.Y.C. Admin. Code § 23-1205(a)(1)(c)(1).



10.	Which divisions of employees within the agency make disclosures of identifying information following the approval of the privacy officer? See § N.Y.C Admin. Code § 23-1205(a)(1)(c)(4).
11.	Which categories of employees within the agency make disclosures of identifying information following the approval of the privacy officer? See § N.Y.C Admin. Code § 23-1205(a)(1)(c)(4).

- 12. Do any of the agency's policies address **access** to identifying information by employees, contractors, and subcontractors? See § N.Y.C. Admin Code § 23-1205(a)(4).
 - Yes GO TO QUESTION 13
 - O No GO TO QUESTION 16
- 13. Do these policies state that **access** to identifying information must be necessary for the employees, contractors, and subcontractors to perform their duties? *See N.Y.C. Admin Code* § 23-1205(a)(4).
 - Yes GO TO QUESTION 14
 - O No GO TO QUESTION 16
- 14. Are these policies implemented so that **access** is limited to the greatest extent possible, but also furthers the purpose or mission of the agency?
 - Yes GO TO QUESTION 15
 - O No GO TO QUESTION 16



15	. Describe how access is limited to the greatest extent possible while furthering the purpose or mission of the agency.
16	Summarize or upload the agency's current policies for handling proposals for disclosures to other City agencies, local public authorities, or local public benefit corporations, and third parties. See N.Y.C Admin Code § 23-1205(a)(1)(c)(2).
17	Summarize or upload the agency's current policies regarding the classification of disclosures as necessitated by the existence of exigent circumstances or as routine. See N.Y.C Admin Code § 23-1205(a)(1)(c)(3).
18	. Since 2022, has the agency considered or implemented , where applicable, policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of the agency? <i>See N.Y.C Admin Code § 23-1205(a)(3)</i> . Yes – GO TO QUESTION 19
	O No – GO TO QUESTION 20
19	. Summarize the policies that the agency has considered or implemented regarding data minimization for the collection, retention, and disclosure of identifying information. See N.Y.C

Admin Code § 23-1205(a)(4).



20. Summarize the agency's use of agreements for any use or disclosure of identifying information. See N.Y.C Admin Code § 23-1205 (a)(1)(d).
21. Since 2022, describe the impact of the Identifying Information Law and any other local, state, or federal laws upon your agency's practices in relation to the collection, retention, and disclosure of identifying information (i.e., if such practices would differ in the absence of these laws). The impact can be positive or negative. See N.Y.C Admin Code § 23-1205(a)(2).
22. Describe how the current privacy policies and protocols issued by the Chief Privacy Officer, or the guidance issued by the Citywide Privacy Protection Committee affected your agency's practices in relation to the collection, retention, and disclosure of identifying information. The effects can be positive or negative. See N.Y.C Admin Code § 23-1205(a)(2).
- Proceed to the next page -



APPROVAL SIGNATURE FOR AGENCY REPORT

PREPARER OF AGENCY REPORT

Name: Marlene Markoe-Boyd

Title: Director of Communications

Email: mmarkoe-boyd@actuary.nyc.gov

Phone: 212-312-0119

ELECTRONIC SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Name: Keith Snow

Title: General Counsel

Email: ksnow@actuary.nyc.gov

Phone: 212-312-0111

Signature: Heth Snow



PRIVACY POLICY

New York City
Office of the Actuary

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Purpose

This document outlines the New York City Office of the Actuary's (OA) Privacy Policy regarding the collection and use of personal identifying information (PII), as defined in Chapter 12 of Title 23 of the Administrative Code of the City of New York (Administrative Code). The OA is committed to utilizing PII solely for purposes of satisfying its mission and vision while maintaining privacy of such information consistent within the confines of disclosure laws and actuarial standards.

Background

Among its other tasks, the OA performs the annual actuarial valuation of the New York City Pension Funds and Retirement Systems (NYCRS). These valuations serve many purposes including the determination of the annual employer contributions to the NYCRS, and the determination of certain information used in the NYCRS and New York City's (City) financial statements. The OA also coordinates the annual actuarial valuation of the Retiree Health Benefit Fund and certifies pension benefits of NYCRS members and their beneficiaries, upon retirement or death of the employee or retiree.

To make these legally mandated actuarial and benefit calculations, the OA must utilize PII as provided by participating employers and related public entities including the NYCRS, namely, the Teachers' Retirement System of New York City, the Fire Pension Fund, the Police Pension Fund, the New York City Employees' Retirement System, the Board of Education Retirement System, and other entities involved in public retirement benefits.

Chapter 12 of Title 23 of the Administrative Code defines identifying information as any information obtained by or on behalf of the City that may be used on its own or with other information to identify or locate an individual, including, but not limited to: name, sexual orientation, gender identity, race, marital or partnership status, status as a victim of domestic violence or sexual assault, status as a crime victim or witness, citizenship or immigration status, eligibility for or receipt of public assistance or city services, all information obtained from an individual's income tax records, information obtained from any surveillance system operated by, for the benefit of, or at the direction of the police department, motor vehicle information or license plate number, biometrics such as fingerprints or photographs, languages spoken, religion, nationality, country of origin, place of birth, arrest record or criminal conviction, employment status, employer information, current and previous home and work addresses, contact information such as phone number and email address, information concerning social media accounts, date and/or time of release from the custody of the administration for children's service, the department of correction, or the police department, any scheduled court appearance, or any scheduled appointments with an employee, contractor, or subcontractor.

Collection of PII

The PII data sets the OA collects includes that of its employees for purposes of employment administration, and that for actuarial valuations, certifications, and reporting for NYCRS, and related entities, pursuant to applicable federal and state laws, rules, regulations, and standards, are neither owned nor originate from the OA but are collected by the OA from the City, NYCRS and other outside agencies and entities. As per the City's privacy laws, the collection and use of this data is considered a "routine collection of identifying information" because it is made during the normal course of City agency business and furthers the purpose or mission of the OA.

The OA limits employee access to PII to only those employees who need access to such information in the performance of their official duties. Employees who have access to this information are required to follow appropriate security procedures, such as authentication and encryption, in connection with its use as determined by the Chief Actuary, in consultation with the OA's Legal, Administration, and IT staff.

Disclosure of PII

The OA generally does not release PII unless required and legally authorized to do so, and will, to the extent practicable and permissible, attempt to anonymize any such information.

The OA will occasionally allow, as legally required, disclosures of PII subject to confidentiality provisions. Information may be provided to certain auditors such as the auditor of the City, the New York State Department of Financial Services, and the actuarial auditor retained pursuant to the New York City Charter.

The OA also provides PII to an actuarial vendor that is contracted to perform certain actuarial valuation consulting services so that the OA can meet its mission and obligations. The OA's contract, approved as to form by the New York City Law Department, contains confidentiality and damage provisions designed to protect PII.

The OA minimizes access to the greatest extent possible by the protections it outlines in its contracts with vendors and the limited access it allows for employees, which is based on the necessity for access to perform their respective duties.

The OA does not rent or sell PII (e.g., name, address, phone number, email, etc.), or other information that identifies or could lead to the identification of a user as a particular person, nor does the OA exchange or trade such information with third parties without authorization.

Retention of PII

The retention of PII is largely based on the OA's needs and its Records Retention Policy, which is based on the scheduled retention of the record in which the PII is contained.

OA Website Data Collection

Through the agency's website, the OA collects limited personal information from those requesting a fiscal note pursuant to Legislative Law section 50 or other information from our office (e.g., FOIL and Contact NYC). The contact information collected for this purpose (i.e., email address, phone number, and the information included in the request) is used to respond to the individual requesting the fiscal note or other relevant information and is not collected or used for commercial purposes.

OA Privacy Law Compliance

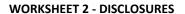
Executive Order 34 of 2018 and Local Laws 245 and 247 of 2017 establish a framework for City agencies to safeguard PII. Included in that framework is the designation of a Privacy Officer to fulfill this obligation on the agency level. The OA's Privacy Officer is Marlene Markoe-Boyd.

The OA Privacy Officer must be consulted on decisions regarding the collection, disclosure, and retention of PII data that is not considered routine collections and disclosures. Absent exigent circumstances such as a valid court order, written approval from the agency's Privacy Officer of non-routine PII collections and disclosures is required.



Describe the following types of disclosures. Note, you may have multiple disclosures of the same type.

	DISCLOSURES					
	Type of Disclosure	Describe the Specific Activity	Classification	Describe the agency purpose or mission served by this Disclosure.	Was this disclosure made pursuant to an external request?	
1	Audit	When OA records are audited, identifying information is occasionally requested by and disclosed to such auditors.	Pre-approved as routine	The purpose is to comply with a City Charter-mandated audit.	Yes	
2	Client or Customer Service	Disclosing Identifying Information to a private consulting firm handling actuarial valuation work on behalf of the OA and the City.	Pre-approved as routine	This disclosure is necessary for the OA to fulfill its mission and obligations to determine annual contributions to NYCRS and the Retiree Health Benefit Fund.	Yes	
3	Legal Matters or Proceeding	Disclosing legally required personal identifying information when involved in a legal matter or proceeding.	Pre-approved as routine	This disclosure is required by law or court order.	Yes	
4	Response to a Request or Demand	Disclosing legally required personal identifying information to comply with Freedom of Information requests or to respond to Contact NYC questions.	Pre-approved as routine	To fulfill the legal requirements of the FOIL and be responsive to members of the public.	Yes	





	Client or Customer	To respond to requests	Pre-approved as routine	To produce fiscal notes	Yes
5	Service	for Fiscal Notes received		pursuant to Legislative	
		via the agency's website.		Law section 50.	



For each **disclosure**, select the <u>type</u> of entity **and** provide the <u>name</u> of the entity that received the identifying information.

	Type of Entity	Name of Entity	
1	Consulting Firm	Milliman (audit per City Charter)	
2	Consulting Firm	Buck Global (Gallagher) (for actuarial and Retiree Health Benefit	
		Fund valuation services)	
3	State Agency	NYS Department of Financial Services (audit per Insurance Law)	
4	Law Firm	Legal Discovery	



OPTIONAL QUESTION: Using the table below, describe any proposals for disclosures of identifying information that your agency declined to approve.

	Type of Entity that Requested the Identifying Information	Name of the Entity	Reason for the Request	Description of Agency's Rationale for Rejection
1	Choose an item.	[free text]	[free text]	[free text]
2	Choose an item.			
3	Choose an item.			
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25	Choose an item.			



	Type of Entity that Requested the Identifying Information	Name of the Entity	Reason for the Request	Description of Agency's Rationale for Rejection
26	Choose an item.	[free text]	[free text]	[free text]
27	Choose an item.			-
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52	Choose an item.	-		
53	Choose an item.			



	Type of Entity that Requested the Identifying Information	Name of the Entity	Reason for the Request	Description of Agency's Rationale for Rejection
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	Type of Entity that Requested the Identifying Information	Name of the Entity	Reason for the Request	Description of Agency's Rationale for Rejection
82	Choose an item.	[free text]	[free text]	[free text]
83	Choose an item.			
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99	Choose an item.			
100	Choose an item.			

Please add additional rows, if needed



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Chapter 12 of Title 23 of the Administrative Code defines identifying information as any information obtained by or on behalf of the City that may be used on its own or with other information to identify or locate an individual, including, but not limited to: name, sexual orientation, gender identity, race, marital or partnership status, status as a victim of domestic violence or sexual assault, status as a crime victim or witness, citizenship or immigration status, eligibility for or receipt of public assistance or city services, all information obtained from an individual's income tax records, information obtained from any surveillance system operated by, for the benefit of, or at the direction of the police department, motor vehicle information or license plate number, biometrics such as fingerprints or photographs, languages spoken, religion, nationality, country of origin, place of birth, arrest record or criminal conviction, employment status, employer information, current and previous home and work addresses, contact information such as phone number and email address, information concerning social media accounts, date and/or time of release from the custody of the administration for children's service, the department of correction, or the police department, any scheduled court appearance, or any scheduled appointments with an employee, contractor, or subcontractor.

Collection of PII

The PII data sets the OA collects includes that of its employees for purposes of employment administration, and that for actuarial valuations, certifications, and reporting for NYCRS, and related entities, pursuant to applicable federal and state laws, rules, regulations, and standards, are neither owned nor originate from the OA but are collected by the OA from the City, NYCRS and other outside agencies and entities. As per the City's privacy laws, the collection and use of this data is considered a "routine collection of identifying information" because it is made during the normal course of City agency business and furthers the purpose or mission of the OA.

The OA limits employee access to PII to only those employees who need access to such information in the performance of their official duties. Employees who have access to this information are required to follow appropriate security procedures, such as authentication and encryption, in connection with its use as determined by the Chief Actuary, in consultation with the OA's Legal, Administration, and IT staff.

Disclosure of PII

The OA generally does not release PII unless required and legally authorized to do so, and will, to the extent practicable and permissible, attempt to anonymize any such information.

The OA will occasionally allow, as legally required, disclosures of PII subject to confidentiality provisions. Information may be provided to certain auditors such as the auditor of the City, the New York State Department of Financial Services, and the actuarial auditor retained pursuant to the New York City Charter.

The OA also provides PII to an actuarial vendor that is contracted to perform certain actuarial valuation consulting services so that the OA can meet its mission and obligations. The OA's contract, approved as to form by the New York City Law Department, contains confidentiality and damage provisions designed to protect PII.

The OA minimizes access to the greatest extent possible by the protections it outlines in its contracts with vendors and the limited access it allows for employees, which is based on the necessity for access to perform their respective duties.

The OA does not rent or sell PII (e.g., name, address, phone number, email, etc.), or other information that identifies or could lead to the identification of a user as a particular person, nor does the OA exchange or trade such information with third parties without authorization.

Retention of PII

The retention of PII is largely based on the OA's needs and its Records Retention Policy, which is based on the scheduled retention of the record in which the PII is contained.

OA Website Data Collection

Through the agency's website, the OA collects limited personal information from those requesting a fiscal note pursuant to Legislative Law section 50 or other information from our office (e.g., FOIL and Contact NYC). The contact information collected for this purpose (i.e., email address, phone number, and the information included in the request) is used to respond to the individual requesting the fiscal note or other relevant information and is not collected or used for commercial purposes.

OA Privacy Law Compliance

Executive Order 34 of 2018 and Local Laws 245 and 247 of 2017 establish a framework for City agencies to safeguard PII. Included in that framework is the designation of a Privacy Officer to fulfill this obligation on the agency level. The OA's Privacy Officer is Marlene Markoe-Boyd.

The OA Privacy Officer must be consulted on decisions regarding the collection, disclosure, and retention of PII data that is not considered routine collections and disclosures. Absent exigent circumstances such as a valid court order, written approval from the agency's Privacy Officer of non-routine PII collections and disclosures is required.



Describe the following types of collections. *Note, you may have multiple collections of the same type.*

	COLLECTIONS				
	Type of Collection	Describe the Specific Activity	Classification	Describe the agency purpose or mission served by this Collection.	
1	Client or Customer Service	The OA uses identifying information to certify retirement benefits pursuant to state law.	Pre-approved as routine	The OA is legally required to certify the pension benefits of public employees, and their beneficiaries, upon retirement or death of the employee/retiree. The OA must utilize certain identifying information to certify pension benefits.	
2	Client or Customer Service	The OA uses identifying information for valuations and reporting for the New York City Retirement Systems and Pension Funds (NYCRS), and related funds, pursuant to applicable federal and state laws, rules, regulations, and standards.	Pre-approved as routine	The OA is legally required to calculate the actuarial valuation of, and annual contributions to, NYCRS, and to calculate the actuarial valuation of the City's other post-employment benefits program (Retiree Health Fund). To make these actuarial calculations the use of certain identifying information is required.	
3	Human Resources and other Personnel Matters	Identifying information is collected to perform human resources duties such as hiring employees, payroll processing, and training and professional development.	Pre-approved as routine	The use of personal identifying information for human resource duties is required for the successful operation of the OA.	





4	Legal Matters or Proceeding	Collecting legally required personal identifying information when involved in a legal matter or proceeding.		This collection is required by law or court order.
5	Response to a Request or Demand	Collecting personal identifying information to comply with Freedom of Information requests or to respond to Contact NYC questions.	Pre-approved as routine	To fulfill the legal requirements of the FOIL and be responsive to members of the public.
6	Client or Customer Service	To respond to requests for Fiscal Notes received via the agency's website.	1	To produce fiscal notes pursuant to Legislative Law section 50.