

# **FORM 3**

## ***Agency Report Template***

(Revised April 2022)

### **INSTRUCTIONS**

The Identifying Information Law requires City agencies to submit comprehensive biennial agency reports (Form 3) related to their collection, disclosure, and retention of identifying information and their privacy protection practices.

To complete a 2022 Form 3:

- Update the agency's 2020 Form 1 (Inventory Form) with new information (including from any new or updated Forms 2 and 5 completed by the agency since 2020);
- Update or complete new Form 2s (APO Designation of Collections and Disclosures as "Routine") based on new information in the updated 2022 Form 1;
- Update or complete new Form 5s (Agency Privacy Officer Approval of Collections and Disclosures on a "Non-Routine" Basis) based on new information in the updated 2022 Form 1;
- Make sure all updated or new Forms 2 and 5 are consistent with the updated 2022 Form 1;
- Use the updated or new Forms 1, 2, and 5 to complete a new Form 3.

Before submission, Form 3 must be signed by the agency head or their designee. It is strongly recommended that agency counsel conduct a final review and approval before submission.

Submit Form 3 to:

- CPO at [PrivacyOfficer@cityhall.nyc.gov](mailto:PrivacyOfficer@cityhall.nyc.gov)
- Mayor at [MOReports@cityhall.nyc.gov](mailto:MOReports@cityhall.nyc.gov)
- City Council Speaker at [reports@council.nyc.gov](mailto:reports@council.nyc.gov)
- Citywide Privacy Protection Committee at [NYCPrivacyCommittee@cityhall.nyc.gov](mailto:NYCPrivacyCommittee@cityhall.nyc.gov)
- Department of Records and Information Services's (DORIS) online submissions 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.**

**DO NOT SUBMIT PAGES 1-3**

## VERSION CONTROL

| <b>Version</b> | <b>Description of Change</b>                                    | <b>Approver</b>   | <b>Date</b> |
|----------------|---|---|-------------|
| 3.0            | Updated completion date;<br>miscellaneous clarifying revisions. | Aaron Friedman<br>Principal Senior Counsel<br>Office of Information Privacy | April 2022  |
| 2.0            | Updated completion date;<br>miscellaneous clarifying revisions. | Laura Negrón<br>Chief Privacy Officer, City of New York                     | April 2020  |
| 1.0            | First Version   | Laura Negrón<br>Chief Privacy Officer, City of New York                     | April 2018  |

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# FORM 3 (AGENCY REPORT)

## (Due on or before July 31, 2022)

|                                |  |                   |              |
|--------------------------------|--|-------------------|--------------|
| <b>Agency:</b>                 | New York City Office of the Actuary (0A) |                   |              |
| <b>Agency Privacy Officer:</b> | Marlene Markoe-Boyd                      |                   |              |
| <b>Email:</b>                  | Mmarkoe-boyd@actuary.nyc.gov             | <b>Telephone:</b> | 212-312-0119 |
| <b>Date of Report:</b>         | June 21, 2022                            |                   |              |

| 1. Specify the type of identifying information collected or disclosed (check all that apply):  |  |
|--|--|
| <input checked="" type="checkbox"/> Name<br><input checked="" type="checkbox"/> Social security number (full or last 4 digits)*<br><input checked="" type="checkbox"/> Taxpayer ID number (full or last 4 digits)*   | <p><b><u>Work-Related Information</u></b></p> <input checked="" type="checkbox"/> Employer information<br><input checked="" type="checkbox"/> Employment address   |
| <p><b><u>Biometric Information</u></b></p> <input type="checkbox"/> Fingerprints<br><input type="checkbox"/> Photographs<br><input type="checkbox"/> Palm and handprints*<br><input type="checkbox"/> Retina and iris patterns*<br><input type="checkbox"/> Facial geometry*<br><input type="checkbox"/> Gait or movement patterns*<br><input type="checkbox"/> Voiceprints*<br><input type="checkbox"/> DNA sequences*  | <p><b><u>Government Program Information</u></b></p> <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor<br><input checked="" type="checkbox"/> Any scheduled court appearances<br><input type="checkbox"/> Eligibility for or receipt of public assistance or City services<br><input checked="" type="checkbox"/> Income tax information<br><input checked="" type="checkbox"/> Motor vehicle information |
| <p><b><u>Contact Information</u></b></p> <input checked="" type="checkbox"/> Current and/or previous home addresses<br><input checked="" type="checkbox"/> Email address<br><input checked="" type="checkbox"/> Phone number   | <p><b><u>Law Enforcement Information</u></b></p> <input type="checkbox"/> Arrest record or criminal conviction<br><input type="checkbox"/> Date and/or time of release from custody of ACS, DOC, or NYPD<br><input type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD  |
| <p><b><u>Demographic Information</u></b></p> <input checked="" type="checkbox"/> Country of origin<br><input checked="" type="checkbox"/> Date of birth*<br><input checked="" type="checkbox"/> Gender identity<br><input type="checkbox"/> Languages spoken<br><input checked="" type="checkbox"/> Marital or partnership status<br><input checked="" type="checkbox"/> Nationality<br><input checked="" type="checkbox"/> Race<br><input type="checkbox"/> Religion<br><input type="checkbox"/> Sexual orientation | <p><b><u>Technology-Related Information</u></b></p> <input type="checkbox"/> Device identifier including media access control MAC address or Internet mobile equipment identity (IMEI)*<br><input type="checkbox"/> GPS-based location obtained or derived from a device that can be used to track or locate an individual*<br><input type="checkbox"/> Internet protocol (IP) address*<br><input type="checkbox"/> Social media account information       |
| <p><b><u>Status Information</u></b></p> <input checked="" type="checkbox"/> Citizenship or immigration status<br><input checked="" type="checkbox"/> Employment status<br><input type="checkbox"/> Status as victim of domestic violence or sexual assault<br><input type="checkbox"/> Status as crime victim or witness   | <p><b><u>Other Types of Identifying Information</u></b> (list below):<br/>           Employee beneficiary and emergency contact information, pension beneficiary identifying information, pension number, member number, tax ID number, bank account/EFT number, medical information.</p>  |
| <p>*Type of identifying information designated by the CPO (see CPO Policies &amp; Protocols § 3.1.1).</p>  |  |

**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  |
|---|--|
| The OA uses identifying information to certify retirement benefits pursuant to state law.   | <input checked="" type="checkbox"/> Pre-approved as routine<br><input type="checkbox"/> Approve as routine by two or more agencies<br><input type="checkbox"/> Approved by APO on a case-by-case basis |
| 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. | <input checked="" type="checkbox"/> Pre-approved as routine<br><input type="checkbox"/> Approve as routine by two or more agencies<br><input type="checkbox"/> Approved by APO on a case-by-case basis |

N.Y.C. Admin. Code §23-1205(a)(1)(b)

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

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 Benefit Fund). The OA is legally required to certify the pension benefits of public employees, and their beneficiaries, upon retirement or death of the employee/retiree. To make these mandated actuarial and benefit calculations, the OA must utilize certain identifying information.

N.Y.C. Admin. Code §23-1205(a)(1)(f)

**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                                       |

**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.**

The OA will occasionally allow, as legally required, disclosures of identifying information when audited. 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 identifying information to an actuarial vendor that is contracted to perform certain actuarial valuation consulting services so that the OA can meet its mission and obligations. Contractual confidentiality language and damage provisions protect the information shared.

**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.**

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 in accordance with federal, state, and local laws, rules, regulations, and standards.

**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.**

The OA does not release identifying information unless required to do so. When identifying information is given to third parties to assist in performing its legally mandated duties, the OA ensures its protection by including confidentiality and damage provisions in contracts with such third parties.

**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.**

The OA's disclosure of identifying information is limited to fulfill its mission and obligations.

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.**

N/A

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.**

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.**

The OA's contracts, approved as to form by the New York City Law Department, contain confidentiality and damage provisions designed to protect identifying information.

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  |
|--|---|---|
| Private consultant handling actuarial valuation work on behalf of the OA and the City. | Identifying information is shared so the vendor can perform actuarial services.                                   | This disclosure is necessary for the OA to fulfill its mission and obligations to determine annual contributions to NYCERS and the Retiree Health Benefit Fund. |
| NYC Auditors   | When OA records are audited, identifying information is occasionally requested by and disclosed to such auditors. | Limited disclosure is required to meet auditing and legal compliance.   |
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N.Y.C. Admin. Code §23-1205(a)(1)(e)

*- Proceed to Next Question on Following Page-*





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).

Aside from the additional reporting, the Identifying Information Law has no impact on the OA's current practices.

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).

N/A

N.Y.C. Admin. Code §23-1205(a)(3)

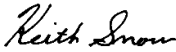
**APPROVAL SIGNATURE FOR AGENCY REPORT**

**Preparer of Agency Report:**

|               |  |               |              |
|---------------|--|---------------|--------------|
| <b>Name:</b>  | Marlene Markoe-Boyd                        |               |              |
| <b>Title:</b> | Director of Communications/Privacy Officer |               |              |
| <b>Email:</b> | mmarkoe-boyd@actuary.nyc.gov               | <b>Phone:</b> | 212-312-0119 |

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

**Agency Head (or designee):**

|                              |   |               |              |
|------------------------------|---|---------------|--------------|
| <b>Name:</b>                 | Keith M. Snow   |               |              |
| <b>Title:</b>                | General Counsel and CAO   |               |              |
| <b>Email:</b>                | ksnow@actuary.nyc.gov   | <b>Phone:</b> | 212-312-0111 |
| <b>Electronic Signature:</b> |  | <b>Date:</b>  | 6/21/22      |

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