

# **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](mailto:PrivacyOfficer@cityhall.nyc.gov). The report must also be submitted to the Mayor, at [MOReports@cityhall.nyc.gov](mailto:MOReports@cityhall.nyc.gov), City Council Speaker, at [reports@council.nyc.gov](mailto:reports@council.nyc.gov) and the Citywide Privacy Protection Committee, at [NYCPrivacyCommittee@cityhall.nyc.gov](mailto: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 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, and 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

<b>Version</b>	<b>Description of Change</b>	<b>Approver</b>	<b>Date</b>
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)

<b>Agency:</b>	New York City Office of the Actuary (OA)		
<b>Agency Privacy Officer:</b>	Marlene Markoc-Boyd		
<b>Email:</b>	<a href="mailto:Mmarkoc-boyd@actuary.nyc.gov">Mmarkoc-boyd@actuary.nyc.gov</a>	<b>Telephone:</b>	212-312-0119
<b>Date of Report:</b>	July 16, 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)*	<b><u>Work-Related Information</u></b> <input checked="" type="checkbox"/> Employer information <input type="checkbox"/> Employment address
<b><u>Biometric Information</u></b> <input type="checkbox"/> Fingerprints <input type="checkbox"/> Photographs	<b><u>Government Program Information</u></b> <input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor <input type="checkbox"/> Any scheduled court appearances <input 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
<b><u>Contact Information</u></b> <input type="checkbox"/> Current and/or previous home addresses <input checked="" type="checkbox"/> Email address <input checked="" type="checkbox"/> Phone number	<b><u>Law Enforcement Information</u></b> <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
<b><u>Demographic Information</u></b> <input checked="" type="checkbox"/> Country of origin <input checked="" type="checkbox"/> Date of birth* <input checked="" type="checkbox"/> Gender identity <input type="checkbox"/> Languages spoken <input checked="" type="checkbox"/> Marital or partnership status <input checked="" type="checkbox"/> Nationality <input checked="" type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Sexual orientation	<b><u>Technology-Related Information</u></b> <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
<b><u>Status Information</u></b> <input 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	
<b><u>Other Types of Identifying Information</u></b> (list below):  Pension Beneficiary Identifying Information.	
<small>*Type of identifying information designated by the CPO (see CPO Policies &amp; 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 OA is legally required to calculate the actuarial valuation of, and annual contributions to, the City's retirement systems and related funds, and calculates the actuarial valuation of the City's other post-employment benefits program (Retiree Health Benefit Fund). The OA is also legally required to certify the pension benefits for public employees, and their beneficiaries, upon retirement or death of the employee/retiree. In order to make these mandated actuarial and benefit calculations, the OA must utilize certain identifying information.</p>

**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
The OA uses identifying information to certify retirement benefits pursuant to state law.	<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
The OA uses identifying information for valuations and reporting for the City’s retirement systems and related funds pursuant to applicable federal and state laws, rules, regulations, and standards.	<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(a)(1)(b)	
N.Y.C. Admin. Code §23-1205(a)(1)(f)	

**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.**

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 actuarially 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 languages and damages provisions protect the information shared.

<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
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<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
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<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 OA minimizes access to the greatest extent by the protections it outlines in its contracts with vendors and the limited access it allows for employees, which is based on their necessity for access with respect to performing their respective duties and in accordance with federal, state, and local laws, rules, regulations, and standards.
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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.**

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.

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.**

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 within an agency make disclosures of identifying information following the approval of the privacy officer.**

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 that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible while furthering the purpose or mission of such agency.**

Yes, the OA has created procedures whereby certain identifying information, such as social security numbers, is collected, but not disclosed, by the OA.

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, 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
Private consultant handling actuarial valuation work on behalf of the OA.	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 the retirement systems and the Retiree Health Benefit Fund.
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.

N.Y.C. Admin. Code §23-1205(a)(1)(e)

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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.**

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 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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<b>Agency Head (or designee):</b> <i>Keith Snow</i>			
<b>Name:</b>	Keith M. Snow		
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