

AGENCY REPORT

(due on or before July 31, 2018, and by July 31 every two years thereafter)

Agency:	NYC Public Advocate Office		
Agency Privacy Officer:	Antwaun Gavins		
Email:	agavins@pubadvocate.nyc.gov	Telephone:	(212) 669-4390
Date of Report:	July 20, 2018		

1. Specify the types of identifying information collected, retained, and disclosed by the agency

Check all that apply.

<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/> Date of Birth
<input checked="" type="checkbox"/> Current and/or previous home addresses	<input type="checkbox"/> Place of Birth
<input type="checkbox"/> Gender identity	<input type="checkbox"/> Race
<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Marital or partnership status
<input checked="" type="checkbox"/> Contact information (e.g., phone or email)	<input type="checkbox"/> Citizenship/immigration status
<input type="checkbox"/> Religion	<input type="checkbox"/> Nationality
<input type="checkbox"/> Employment status	<input type="checkbox"/> Country of origin
<input type="checkbox"/> Employer information	<input type="checkbox"/> Languages spoken
<input type="checkbox"/> Employment address	<input type="checkbox"/> Social media account information
<input type="checkbox"/> Motor vehicle information	<input type="checkbox"/> Income tax information
<input type="checkbox"/> Biometric information	<input type="checkbox"/> Any scheduled court appearances
<input checked="" type="checkbox"/> Eligibility for/receipt of public assistance or city services	<input type="checkbox"/> Arrest record or criminal conviction
<input checked="" type="checkbox"/> Status as victim of domestic violence or sexual assault	<input type="checkbox"/> Status as crime victim or witness
<input type="checkbox"/> Date and/or time of release from custody of ACS, DOC, or NYPD	<input type="checkbox"/> Any scheduled appointments with any employee, contractor, or subcontractor
<input type="checkbox"/> Information obtained from any surveillance system operated by, for the benefit of, or at the direction of the NYPD	<input checked="" type="checkbox"/> Social Security Number
<input type="checkbox"/> Other:	

N.Y.C. Admin. Code §23-1205.1(a)

2. Specify the reasons why collection and retention of identifying information specified above furthers the purposes or mission of your agency.

The Office of the Public Advocate (PAO), headed by an independently elected official, represents the consumers of New York City services. The office reviews and investigates complaints about City services, assesses whether agencies are responsive to the public, and recommends improvements in agency programs and procedures for handling complaints. It also monitors the effectiveness of the City's public information and education efforts as well as compliance of city officers and agencies with the New York City Charter. The Public Advocate Office addressed over thirty thousand constituent complaints a year. Our office serves as a direct link between residents and their government. In order to effectively serve the needs of residents, collection of ordinary identifying information is necessary to effectuate the responsibility of the office. This is a core function that is performed by the office daily.

Constituent services cases required different types of information. Certain information listed above (eg. Domestic violence victim status, public assistance eligibility etc...) would only be asked or received if it relates to the type of assistance the constituent is requesting.

No information collected or retained would be disclosed to any party, unless the consistent provides consent (and/or HIPAA release for certain documents). The PAO would never disclose information (other than required city audit or investigation)

Identifying Information Law

to any entity, even law enforcement, without a lawful court order.

The PAO also has information it collects (and retains pursuant to records retention schedule) for employment/ HR matters as well as EEO etc. Only information requested by an employee to be disclosed, or pursuant to warrant, court order or lawful request under city, state or federal authority would be provided.

N.Y.C. Admin. Code § 23-1205.1(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.

Add additional rows as needed.

Describe the Collection or Disclosure	Classification Type
Every constituent fills out an intake form that collects basic identifying information. In addition, constituents can receive assistant online through our "get help" portal by providing basic information regarding the nature of the complaint. Identifying information is collected in the course of performing human resources and other personnel related matters.	<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
<p>Disclosure When necessary our office discloses identifying information to appropriate city agencies for the sole purpose of assisting constituents with complaints, benefits request, etc.</p> <p>In certain limited instances information may be provided on consistent cases pursuant to FOIL, but are redacted to protect the privacy of a constituent.</p>	<input checked="" type="checkbox"/> Pre-approved as routine <input type="checkbox"/> Approve as routine by two or more agencies <input checked="" type="checkbox"/> Approved by APO on a case-by-case basis

N.Y.C. Admin. Code §23-1205(1)(b)

4. If applicable, specify the types of collections and disclosures approved by the Chief Privacy Officer.

Add additional rows as needed.

Describe Type of Collection or Disclosure
Disclosure in compliance with an audit by federal, state, or local auditors, or entities authorized to perform audits.

N.Y.C. Admin. Code §23-1205(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.

When necessary our office discloses identifying information to appropriate city, state, and federal agencies for the sole purpose of assisting constituents with complaints, public benefits processing, procurement compliance, and etc.

Identifying information is disclosed only when necessary if disclosure is required by federal, state, and local law, regulation, rule, or order. Identifying information may be disclosed to a local agencies or personnel, or non-governmental entities that have entered into an agreement with our agency, which is necessary and relevant for purposes of: Detecting, preventing fraud, or abuse in the programs administration. However, no personal private information is shared with any entity (other than referral to the Department of Investigation or City Audit), without the consent of the constituent or employee, unless it is pursuant to a lawful court order.

Third parties are prohibited from releasing identifying information and or accessing identifying information, except in response to a data breach where it has been determined or suspected that the security or confidentiality of identifying information has been compromised, and that such disclosure is either required by law or is reasonably necessary to assist in efforts to prevent, minimize, or remedy potential or actual harm.

6. Do the above policies address access to or use of identifying information by employees, contractors, and subcontractors? Yes No

7. If YES, do such policies specify that access to such information must be necessary for the performance of their duties? Yes No

8. Describe whether the policies are Outside contractors have limited access to the tracking software Identifying Information Law

implemented in a manner that minimizes such access to the greatest extent possible while furthering the purpose or mission of the agency.

utilized by the office for constituent assistance cases, and this is monitored by PAO staff to protect information. Password protection is implemented and is changed pursuant to protocols. Staff is also trained on maintaining confidentiality.

N.Y.C. Admin. Code §§23-1205(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.

Absent routine constituent services request to city agencies, where applicable our office discloses identifying information to appropriate city, state, and federal agencies for the sole purpose of assisting constituents with complaints, public benefits processing, procurement compliance, and etc. It is the policy of the office not to release any information without first consulting with the APO and the General Counsel, and only if it is a lawful request (ex. City audit) or pursuant to court order. The exception is referrals to DOI, whereby as a matter of law (under NYC Charter), the PAO cannot investigate and the case must be referred.

N.Y.C. Admin. Code §23-1205(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 office does not have a policy regarding the classification of disclosures as necessary by exigent circumstances and takes every request on a case-by-case basis. Any such request would be strictly reviewed by the APO and General Counsel.

N.Y.C. Admin. Code §23-1205(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.

Following the approval of the Privacy Office/General Counsel, all designated employees within the PAO may make disclosures of identifying information. Collection and disclosures that occurs between or among city agencies is treated and classified as routine if it is in the normal course of the agencies' business, and is done so in the course of assisting constituents (with their consent and authorization).

N.Y.C. Admin. Code §23-1205(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.

The office is in the process of considering new alternative policies that minimize the collection, retention, and disclosure of identifying information to the greatest extent possible.

N.Y.C. Admin. Code §23-1205.4)

13. Describe the agency's use of agreements for any use or disclosure of identifying information.

Third parties are prohibited from releasing identifying information and or accessing identifying information, except in response to a data breach where it has been determined or suspected that the security or confidentiality of identifying information has been compromised, and that such disclosure is either required by law or is reasonably necessary to assist in efforts to prevent, minimize, or remedy potential or actual harm.

N.Y.C. Admin. Code § 23-1205.1(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.

With the enactment of the Identifying Information Law, an agency privacy officer (APO) was appointed, and procedures for a review of all information collected, retained and disclosed were done. The law provides clear provisions on how to classify such data, and provides clear guidance to the agency to retain the least amount of information, and to justify the collection and retention to only such information as necessary for the mission of the agency.

N.Y.C. Admin. Code §23-1205.2

16. Describe the impact of any privacy policies and protocols issued by the Chief Privacy Officer or the Identifying Information Committee, as applicable, upon your agency's practices in relation to the collection, retention, and disclosure of identifying information.

This is under review.

N.Y.C. Admin. Code §23-1205.3

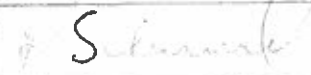
APPROVAL SIGNATURE FOR AGENCY REPORT

Preparer of Agency Report:

Name:	Antwaun Gavins, Esq.		
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SIGNATURE OF AGENCY HEAD OR DESIGNEE REQUIRED BELOW

Agency Head (or designee):

Name:	Larry Schimmel, Esq.		
Title:	General Counsel		
Email:	lschimmel@pubadvocate.nyc.gov	Phone:	(212)669-2172
Signature:		Date:	July 31, 2018

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