

Executive Order No. E-735  
December 1, 2014

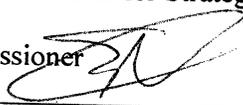
THE CITY OF NEW YORK  
HUMAN RESOURCES ADMINISTRATION

**HANDLING OF THIRD PARTY REQUESTS FOR NEW YORK CITY  
IDENTITY CARD (IDNYC) APPLICANT AND CARDHOLDER  
INFORMATION**

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**TO:** Martha Calhoun, General Counsel  
Kathleen Carlson, Chief External Affairs Officer  
Saratu Gharthey, Chief Program Accountability Officer  
Matthew Brune, Chief Operating Officer  
Jennifer Tavis, Executive Director, IDNYC Program  
Lauren Friedland, Privacy Officer  
All IDNYC Program Staff

**CC:** Nisha Agarwal, Commissioner, Mayor's Office of Immigrant Affairs  
Mindy Tarlow, Director, Mayor's Office of Operations  
Jennifer Yeaw, Chief of Staff, HRA  
Jordan Dressler, Senior Advisor for Strategic Initiatives, HRA

**FROM:** Steven Banks, Commissioner 

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**I. INTRODUCTION**

Pursuant to New York City Administrative Code Section 3-115 and the Mayor's Executive Order No. 6 of 2014, the New York City Human Resources Administration (HRA) is designated as the administering agency of the New York City Identity Card (IDNYC) Program. HRA and the IDNYC program are committed to protecting the privacy of IDNYC applicants' and cardholders' data to the fullest extent permissible under the law. The purpose of the IDNYC program is to provide access to government-issued photo identification to all New Yorkers, regardless of immigration status, homeless status or gender identity. Given the sensitivity of the information provided to the IDNYC program by applicants and cardholders, requests for such information must be handled with care and in full compliance with the relevant laws, rules and policies of HRA and the City of New York.

**II. THIRD PARTY REQUESTS FOR INFORMATION**

All third party requests for New York City Identity Card (IDNYC) applicants' and cardholders' personally identifiable information, including but not limited to subpoenas and warrants as well as informal or in-person requests by law enforcement or other

governmental entities, shall be handled by HRA's Office of Legal Affairs. In the event that IDNYC or other HRA staff receive such a request, the staff member should immediately inform his or her supervisor, the Executive Director of the IDNYC program, HRA's Chief Program Accountability Officer and the HRA Privacy Officer so the matter can be reviewed by the HRA General Counsel and Commissioner or their designees in consultation with the Mayor's Office of Immigrant Affairs where appropriate.

Personally identifiable information refers to any information about an IDNYC applicant or cardholder that may be used on its own or with other information to identify a person. Examples of personally identifiable information include, but are not limited to, name, address, scanned copies of identification and residence documents submitted for the card, information on such documents, applicant photos taken for the card, image templates derived from such photos, and any other information that may be used on its own or with other information to identify a person.

Pursuant to NYC Administrative Code Section 3-115(e)(4), applicants' and cardholders' personally identifiable information will be protected to the maximum extent permissible under law. **Disclosures of such information to third parties are expressly prohibited unless approved in writing by the HRA General Counsel and the Commissioner or their designees.**

### **III. NOTIFICATION TO APPLICANT OR CARDHOLDER**

When a request or demand for disclosure of personally identifiable information is made by any entity or individual other than the applicant or cardholder or his or her legal guardian, if applicable, by HRA, or by another City agency when such request is for the benefit of the applicant or cardholder pursuant to NYC Administrative Code Section 3-115(e)(4)(iii), HRA will make reasonable efforts to provide notification, in writing, at the time the request is made, to the individual whose information is being requested (or his or her legal guardian or legal custodian, if known to the IDNYC Program), *except* if such notification would be unlawful or contrary to public policy, or if the individual, or his or her legal guardian or legal custodian, if applicable, has already authorized disclosure in writing pursuant to Section 3-115(e)(4)(i). It is the policy of the City of New York to promote immigrant access to City services and HRA's policy to preserve the privacy and confidentiality of IDNYC applicants' or cardholders' personally identifiable information. Accordingly, if HRA is served with a subpoena for an applicant's or cardholder's personally identifiable information in the context of a civil immigration proceeding or investigation, HRA will provide notice to the applicant or cardholder unless doing so would be unlawful.

Written notification to the applicant or cardholder (or his or her legal guardian or legal custodian if known to the IDNYC Program) will be in a form reviewed and approved by the Executive Director of the Program and HRA General Counsel. The determination not to give notification to the applicant or cardholder pursuant to one or more of the

exceptions detailed above must be authorized in writing by the HRA General Counsel and the Commissioner or their designees.

***IV. REDACTION OF INFORMATION***

Prior to releasing information to a third party pursuant to a valid request under NYC Administrative Code Section 3-115(e)(4)(ii)-(iv), HRA will redact any information unrelated to the purpose of the request, if ascertainable, to the extent appropriate and permissible under the law.

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*Classification 1*

*Effective: Immediately*