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Effective Date: December 1, 2021

Policy on Gift Evaluation and Accession

Purpose: City officials receive gifts as part of their work in public service. The Department of Records and Information Services determined that gifts fall within the definition of records in the City Charter.¹ This policy is intended to assist City employees in managing gifts received on behalf of the City.

Policy: The broad definition of “record” in the City Charter encompasses most gifts accepted by public officials. Each gift received by a City official in their official capacity must be documented using criteria established by the Municipal Archives. It is therefore important that agencies correctly document the receipt, storage, and disposition of gifts, and transmit that information to the Municipal Archives on a regular basis and before a gift is disposed of.

This policy is separate and apart from any and all laws, rules, and regulations governing receipt of personal gifts. This policy does not authorize the acceptance of any gift that would be otherwise prohibited under the law or other regulation. Employees are encouraged to consult with the [Conflicts of Interest Board \(COIB\)](#) for guidance in accepting personal gifts.

Exceptions: The following types of gift are not covered by this policy:

- Perishable items such as food or flowers. COIB advises that such items should generally be shared with the recipient’s office by placing the items in a common area.
- Unaltered published materials such as books and magazines are excluded from the definition of “record” and therefore do not need to be tracked or reported to DORIS. However, if those materials have been personalized—for example, if a book is signed by its author—then they do not fall within the exception, and must be cataloged as described in this policy.

Procedure: Upon Receipt of Gift: When a gift is received by an official, immediate steps should be taken to document the origin, provenance and context in which it was received, including:

- A unique identifier assigned by the Agency; (DORIS recommends assigning a serial number that includes information about the receiving agency and the year in which the gift was received, such as “DOF2022-001, DOF2022-002, . . . et seq.”)
- Information about the source of the gift (full name of person or organization);
- Reference photo of each gift
- The identified recipient(s) of the gift, including title (if an individual) or business unit (if an agency division, or department);
- The date received;
- A short description of the occasion or event at which the gift was presented;
- A description of any unique qualities or features of the gift. For example, original artwork should be described as such with the name of the artist;

¹ See N.Y.C. Charter Chap. 72, § 3011(2) (“Records means . . . any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official city business.”).



- Any additional information that would help explain the context of the gift, including any known motivations or interests of the giver, and their connection to the business of the agency or official.

This information should be maintained by the agency in a manner that can be readily shared.

After Receipt: Agencies have discretion on how to handle gifts in their possession prior to disposition, subject to the applicable retention schedules. This includes the ability to publicly display the gift, or store it for later disposition. Agencies should consider the following factors when deciding how to maintain gifts in their possession:

- How many similar items does the agency have? Is this gift unique, or similar to other items already received?
- What is the physical size/extent of the gift(s) both in storage and while displayed? Are there special considerations for storage?
- Is the item or any part thereof likely to deteriorate quickly, such as magnetic media meant to be read by a machine, biological material (fur, etc.), or fabric of any type?
- Is the item damaged? Are there signs of mold, deterioration, water damage, etc.?

Prior to Disposition or Destruction: The retention period for gifts received is three years from the date of receipt. At the end of the retention period, the RMO should complete a disposal application and attach the gift inventory to it. Gifts will be evaluated by the Municipal Archives for potential accession. The Archives may ask the originating agency to retain the gift for display or other purposes.

Additional Instructions for RMOs: At the end of each mayoral Administration or term of office, each agency's Records Management Officer must submit to DORIS a spreadsheet detailing the gifts received during that period.