

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TECHNOLOGY

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April 24, 2016

Start: 1:00 p.m.

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HELD AT: 250 Broadway- Committee Rm, 16th Fl.

B E F O R E: JAMES VACCA
Chairperson

COUNCIL MEMBERS:

ANNABEL PALMA

DAVID G. GREENFIELD

BARRY S. GRODENCHIK

JOSEPH C. BORELLI

A P P E A R A N C E S (CONTINUED)

Mindy Tarlow
Director of the Mayor's Office of Operations

Anne Roest
City's Chief Information Officer and Commissioner
Of the Department of Information Technology and
Telecommunications or DoITT

Miguel Gamino
Chief Technology Officer for the City of New York

Tyyab Walker
Director of Enterprise Solutions New York Mayor's
Office of Operations

Laura Negrón
General Council and Chief Privacy Officer for the
Mayor's Office of Operations

Thomas Kamber
Executive Director and founder of Older Adults
Technology Services or OATS

Story Bellows
Chief Innovation and Performance Officer at
Brooklyn Public Library

John Olsen
New York Executive Director for the Internet
Association

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2 [gavel]

3 CHAIRPERSON VACCA: Okay, thank you
4 everyone, thank you for coming this afternoon. My
5 name is James Vacca and I'm Chair of the New York
6 City Council Committee on Technology and I'd like to
7 welcome everyone here. We're here today to discuss
8 the privacy of data in New York City. As digital
9 technologies have become common in our normal
10 everyday lives they have also become key to the
11 operation of government. Over the past decade, the
12 city has implemented new technologies and systems to
13 better provide services to its inhabitants. By their
14 very nature several of these technologies rely upon,
15 generate, and store data; some personal and other
16 anonymous. These technologies in data can be and are
17 being used in ways to make our city more efficient,
18 more equitable and more transparent. Yet as these
19 projects continue developing we must be vigilant in
20 ensuring the privacy and security of people in this
21 city. And because many of these projects are done in
22 partnership with private partners we need to ensure
23 these entities are also held to high standards of
24 privacy and security. Data privacy is a wide-ranging
25 issue and seemingly touches almost every aspect of

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2 our city services and in this hearing, we're going to
3 examine a number of those areas. One area is the
4 city's efforts to bridge the digital divide and its
5 pursuit of universal affordable high speed internet
6 access by 2025. Internet access is a fundamental
7 human right and the city is executing several
8 projects to provide internet to low income
9 individuals most notably the ongoing roll out of
10 LinkNYC and the expansion of broadband services in
11 NYCHA developments. These efforts are to be commended
12 but also represent an area in which we must be
13 particularly vigilant. Many national studies indicate
14 that lower income people are disproportionately
15 burdened by data collection and privacy violations.
16 Additionally, data digital advertising all too often
17 targets these groups. Privacy is not a luxury item
18 but a fundamental right of all people. With the
19 recent federal, federal repeal of the data privacy
20 measures for internet service providers this
21 discussion takes on added importance. Another topic
22 we will examine is the city's policies and procedures
23 for protecting people from data breaches, hacks and
24 unauthorized transfers. Unfortunately, these kinds of
25 attacks are now part and parcel of digital use. Last

1
2 month Attorney General Eric Schneiderman announced
3 that his office received approximately 1,300
4 notifications regarding data breaches of
5 nongovernmental systems in 2016, that is a 60 percent
6 increase from the previous year. In the past several
7 years there have also been a number of egregious
8 breaches of New York City government data with
9 several unsettling examples detailed in today's
10 committee report. The Department of Information
11 Technology and Telecommunications, DoITT, manages a
12 citywide information security program and carries out
13 efforts to protect the city against breaches some of
14 which we will hear about today. The third area we
15 will touch upon today is the internet of things in
16 New York City meaning the connection of physical
17 devices infrastructure to the internet. These
18 evolving technologies have been touted as having the
19 potential to transform government services throughout
20 the world making municipalities into smart cities.
21 Even at this early stage it's important we consider
22 the potential benefits and drawbacks. Along with the
23 possibility of leading to greater efficiency and
24 sustainability. Smart city technologies have the
25 potential to exponentially increase data collection.

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2 Despite the early phase of these technologies New
3 York City is already at the forefront winning the
4 award for best smart city at the 2016 smart city expo
5 world congress. In addition, the Mayor's Office of
6 Technology and Innovation worked to develop one of
7 the first guidelines for the internet of things which
8 includes privacy and security concerns. The fourth
9 and final topic that we're going to be covering today
10 is HHS Connect and its work to establish data privacy
11 and protection standards. As many of you may know HHS
12 Connect is an office working in the Mayor's Office of
13 Operations and the task of this entity is to link
14 computer systems of city agencies that provide help
15 and human services. HHS Connect includes both public
16 and internet internal facing systems that are aimed
17 at improving the ways data is stored and shared and
18 making it easier for people to apply for city
19 services and benefits. There is a large amount of
20 personal highly sensitive data stored within these
21 systems and the city must make sure that the data is
22 only accessed when necessary. I know we're covering a
23 lot today but I hope we can have a productive and in
24 depth discussion and that today's hearing serves as
25 the start of a wider public conversation on data

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2 privacy. Lately digital privacy rights and countless
3 other rights have been under attack by the federal
4 government. Our city has the opportunity to stand as
5 an example for other cities around the country that
6 are looking to adopt the latest technology while
7 maintaining resident's privacy. So, I look forward to
8 hearing what the administration is doing, how we can
9 do even better and go forward together. And I'd like
10 to introduce the members of the council that are with
11 me on my committee; Council Member Barry Grodenchik
12 to my right and I'd now like to introduce our first
13 panel; Commissioner Anne Roest, Commissioner of
14 DoITT; Miguel Gamino, City's Chief Technology
15 Officer; and Mindy Tarlow, the Director of the
16 Mayor's Office of Operations. I have to swear you in,
17 would you please raise your right hand, do you affirm
18 to tell the truth, the whole truth and nothing but
19 the truth in your testimony before this committee and
20 to respond honestly to Council Member questions?

21 [panel affirms]

22 CHAIRPERSON VACCA: Thank you so much,
23 who would like to lead off?

24 MINDY TARLOW: That falls to me Chair.

25 CHAIRPERSON VACCA: Okay, thank you.

1
2 MINDY TARLOW: Good afternoon Chairman
3 Vacca, members of the Committee on Technology. My
4 name is Mindy Tarlow and I'm the Director of the
5 Mayor's Office of Operations. I am here today with
6 DoITT's Commissioner Anne Roest, Chief Technology
7 Officer Miguel Gamino, and two colleagues from my
8 office; Laura Negrón, Chief Privacy Officer and
9 General Counsel, and Tayyab Walker, Director of
10 Enterprise Data Solutions. On behalf of the
11 Administration and my colleagues, I would like to
12 thank you for the opportunity to testify at this
13 oversight hearing on city data privacy. As you know,
14 Commissioner Roest and I appeared before this
15 Committee last year in February 2016 regarding the
16 city's data privacy and security practices and share
17 the Committee's interest in these important issues.
18 Then, as now, Operations remains committed to
19 advancing important multiagency data-sharing
20 initiatives and human subject research, with the goal
21 of improving the quality and coordination of services
22 delivered to all New Yorkers, while ensuring vigilant
23 data privacy and security practices. Such efforts are
24 in furtherance of the city's goal, set forth in
25 OneNYC, of expanding its internal data integration

1 capacity so that our residents receive the right
2 resources and services at the right time, leveraging
3 technology to streamline efficiencies. I'd like to
4 take this opportunity to update committee members on
5 our efforts and advances since last year. HHS-
6 Connect, known today as Worker Connect, is a
7 technology initiative established in 2008 to help
8 improve coordination and delivery of health and human
9 services across city agencies. Since then, this kind
10 of work has been expanded under the Mayor's Office of
11 Operations, as part of an overarching strategy to
12 more efficiently and effectively address the social
13 service needs of New Yorkers, using advances in
14 technology, including as one example, ACCESS NYC, a
15 public benefits screening tool. Operations' Worker
16 Connect program remains a valuable data matching tool
17 and resource for facilitating interagency case
18 management, benefits outreach, and related purposes.
19 An Interagency Data Exchange agreement among
20 participating agencies, and a formal business use
21 case process, grant read-only access to limited data
22 elements from a limited number of city agencies for
23 program specific purposes, subject to prior written
24 legal approval of the agency data owner or owners.
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2 Beyond the requisite use case approvals, Worker
3 Connect incorporates a broad array of additional
4 protocols to help safeguard the privacy and security
5 of client data. As examples, user training and
6 computer log in banners address confidentiality
7 restrictions and citywide IT security requirements. A
8 "terms of use" agreement, signed by agencies
9 receiving data, memorializes the limited purposes for
10 which data access has been authorized. Encryption and
11 secure file transfer protocols are used to transmit
12 data between agencies and users. We are planning
13 enhancements to Worker Connects underlying
14 technology; the Common Client Index or CCI, an
15 algorithm based tool that enables electronic matching
16 of encrypted records. Planned enhancements will allow
17 city agencies to use the CCI as a secure service to
18 meet their electronic data matching needs and to de-
19 identify linked records to support cross-agency
20 research. Building upon the important groundwork
21 established by the Worker Connect model, we developed
22 and launched a Citywide Data Integration Initiative.
23 This initiative is governed by a Steering Committee
24 established by the First Deputy Mayor, which is
25 facilitated by the Office of Operations and includes

1 DoITT's Commissioner, the Deputy Mayor for Health and
2 Human Services, and appointees of the First Deputy
3 Mayor's Office. Like Worker Connect, the Citywide
4 Data Integration Initiative advances important
5 multiagency data sharing work while ensuring robust
6 privacy and security practices. The Citywide Data
7 Integration Initiative memorializes Administrative-
8 wide support for a "one city" approach to data, using
9 the city's central technology platform, DataBridge.
10 It also provides the legal privacy and data security
11 framework and operational protocols for developing
12 multiagency projects involving the integration of
13 data from three or more agencies. With our Steering
14 Committee's support and guidance, the Administration
15 has undertaken additional efforts to help strengthen
16 the city's data privacy and security practices. For
17 example, the Administration sought a HIPPA Security
18 Rule assessment of the DataBridge platform. This
19 review, led by an outside consultant in cooperation
20 with DoITT and Operations, was launched to gauge
21 whether DataBridge and its staff were equipped with
22 the physical, technical, and administrative resources
23 and protocols required by law to handle personally
24 identifiable information. Following a four month
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1 review it was determined that DataBridge is compliant
2 with HIPPA security rule requirements. Finally,
3 Operations working with the Law Department and other
4 city colleagues with expertise and data privacy and
5 security has provided internal guidance for handling
6 third party requests for information held by city
7 agencies, to help supplement existing agency
8 practices. Working with our city colleagues, we will
9 develop training materials on this subject matter
10 that will be rolled out to agencies and can be
11 adapted for their use with employees and contracted
12 providers in the months ahead. Thank you for the
13 opportunity to share our progress today with the
14 committee. In closing, I want to reiterate our
15 commitment to advancing important data integration
16 work, leveraging innovations in the city's technical
17 capabilities, while protecting the privacy and
18 security of resident's personal data, particularly
19 for our most vulnerable populations. We believe that
20 our comprehensive protocols and working relationships
21 across agencies, and with the City's Law Department,
22 enable important city work to go forward under our
23 collaborative leadership, with vigilant and
24 protective stewardship. We look forward to our
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1 continued conversations on this important topic, and
2 my colleagues and I are happy to answer questions.

3 Thank you.

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5 CHAIRPERSON VACCA: Thank you, I now want
6 to mention we've been joined by Council Member Joseph
7 Borelli to my right, always to my right. Would anyone
8 else like to testify, Commissioner Roest?

9 ANNE ROEST: Yes, thank you. Good
10 afternoon Chair Vacca and the members of the New York
11 City Council Committee on Technology. My name is Anne
12 Roest and I'm the City's Chief Information Officer
13 and Commissioner of the Department of Information
14 Technology and Telecommunications or DoITT. I am
15 joined by Mindy Tarlow, the Director of the Mayor's
16 Office of Operations and the Chief Technology
17 Officer, Miguel Gamino, in addition to two of my
18 DoITT colleagues, Michael Pastor, DoITT's General
19 Counsel, and Geoffrey Brown, the Citywide Chief
20 Information Security Officer. Thank you for the
21 opportunity today to testify on the privacy of city
22 data. I commend the Committee for its timely
23 examination of this topic. I want to begin by
24 articulating the values that animate our work DoITT
25 and across the entire administration, with respect to

1 data privacy. I believe, as do my colleagues beside
2 me, that New Yorkers' private information should stay
3 that way, private. We also believe that the city's
4 systems and assets must stay secure, shielded from
5 outside threats. That's what drives our work every
6 day. I know that the council shares these values and
7 we are grateful for your collaboration on these
8 critical fronts, particularly in a time when the
9 actions of the federal government appear to be
10 working against the privacy and security of New
11 Yorkers. I'd first like to highlight DoITT's work in
12 this arena by focusing on our excellent Citywide
13 Cybersecurity team, which leads the effort to protect
14 the city's systems and assets from ever-evolving
15 cyber threats. This administration has made a
16 tremendous commitment to fortify the cybersecurity
17 team in recent years, with a significant increase in
18 investment for enhanced technology to stay ahead of
19 these threats, and the addition of a Citywide CISO to
20 spearhead proactive and progressive risk-management
21 strategies. That has put the city in a better
22 position than we've ever been on that front. One
23 strategy the cyber team has employed is intensifying
24 the role of employees in the defense of our networks.
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1 We recently created a security awareness video to
2 help employees understand the importance of using
3 strong passwords, a simple but extremely effective
4 way to protect our systems. We have subsequent videos
5 in development, including one scheduled for release
6 in May. A second strategy recognizes phishing as a
7 significant attack vector. Phishing is the use of
8 emails to trick a victim into clicking a malicious
9 link or into providing sensitive data. We've started
10 launching test phishing emails, a standard security
11 practice, to see how employees respond, and
12 subsequently perform detailed analysis and provide
13 training for those who need it. At the same time, we
14 are strengthening the technical defenses to our
15 citywide email flow. The Cybersecurity team also
16 establishes Citywide Information Security policies
17 and standards, to which city agencies and their
18 employees must adhere. These policies and standards,
19 which we are currently updating, inform the practices
20 of all city agencies' interactions with the public,
21 both online and in person. People are thinking about
22 privacy now more than ever. With that in mind I can
23 detail a few more forward thinking policies that keep
24 New Yorkers' information secure. We are proud of our
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1 laws and policies that promote transparency. However,
2 much of the information collected, generated, or
3 maintained by the city is not public record and
4 should remain as such including the personal
5 information that New Yorkers provide to agencies. To
6 that end, one of DoITT's most vital information
7 security policies is the data classification policy,
8 which ensures that agencies number one, appropriately
9 characterize their information assets, and number
10 two, apply the appropriate degree of protection to
11 that information. This is critical because all data
12 with a classification of private or confidential may
13 not be stored and or transmitted across any
14 communication mechanism unless it is protected using
15 approved encryption technology. Similarly,
16 applications whether public facing or internally
17 accessible must go through a software security
18 assurance process. This ensures that the tools that
19 the city develops to support city functions are built
20 in a secure fashion and must comply with our robust
21 policies, standards, and industry best practices. For
22 example, the Department of Finance just released a
23 new mobile application to either pay or dispute
24 parking tickets. As anyone who has had to go through
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1 that process knows, it may be necessary to enter
2 credit card information, which must be transmitted
3 over a secure network. The security assessment
4 process gives New Yorkers confidence that this
5 convenience does not require a tradeoff for safety.
6 The proper physical storage of data and destruction
7 of that data when the physical vessel is no longer in
8 use is extremely important. That's why DoITT
9 formulated a digital media reuse and disposal policy
10 requiring that all digital media, such as computers,
11 flash drives, smart phones, and photocopiers, undergo
12 proper data sanitation when the devices will no
13 longer be used. With this committee's guidance, a new
14 law has been passed to codify this policy. Taken
15 together, the law and policy ensure that any private
16 information that agencies store could never
17 accidentally fall into the wrong hands. These and our
18 other citywide information security policies are
19 thorough and effective for city agencies but DoITT's
20 role in data privacy does not end there. When
21 possible, we leverage our franchises to better
22 educate New Yorkers of their rights, while enhancing
23 privacy protections. Over 1.4 million residents and
24 visitors have connected to LinkNYC, the city's first
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1 of its kind franchise to transform outdated payphones
2 into state of the art free Wi-Fi kiosks. This is one
3 of the few franchises that this administration has
4 negotiated from beginning to end and it was our
5 priority to start to negotiate a strong, user first
6 privacy policy with our franchise, CityBridge. Just a
7 month ago, we unveiled an update to the privacy
8 policy that made clear that CityBridge does not and
9 will never store browsing history, track the websites
10 that the Wi-Fi users visit, or share or sell data to
11 third parties. This latest version of the privacy
12 policy was applauded by the New York Civil Liberties
13 Union for being responsive to concerns and improving
14 privacy protections for LinkNYC Wi-Fi users and we
15 are unaware of a public Wi-Fi network that has a
16 stronger privacy policy. The LinkNYC privacy policy,
17 taken together with the privacy policy for
18 Queensbridge, Queensbridge Connected, to which the
19 CTO will speak, demonstrates that the city has set a
20 high bar for privacy considerations across the board.
21 We look forward to continuing the discussion with the
22 committee today. Before concluding, I'd once again
23 like to reinforce that we share the council's
24 concerns about recent, recent actions at the federal
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1 level. As you know, congress recently passed, and the
2 President signed, legislation that unravels essential
3 protections of Americans' online privacy.

4 Unfortunately, with the leadership in place in the
5 White House, congress, and at the FCC these kinds of
6 mandates will only become more commonplace. We will
7 continue to monitor these efforts and comment as
8 necessary in collaboration with the CTO's office, but
9 we also welcome your feedback and suggestions on
10 these critical matters. Data privacy is an urgent
11 consideration that the city takes seriously. I hope
12 my testimony has underscored that. Thank you for the
13 opportunity to testify today and I will now turn it
14 over to Miguel Gamino, the City's Chief Technology
15 Officer, to provide more detail on broadband privacy
16 and the Internet of Things.

17
18 CHAIRPERSON VACCA: Thank you
19 Commissioner, please proceed.

20 MIGUEL GAMINO: Thank you. Good
21 afternoon, Chairman Vacca and members of the
22 Technology Committee. I am Miguel Gamino, Chief
23 Technology Officer for the City of New York and I
24 also lead the Mayor's Office of Technology and
25 Innovation. I appreciate the opportunity to speak to

1
2 issues regarding data privacy, an area that I agree
3 is of paramount importance as we continue to connect
4 New Yorkers to the internet and harness the
5 opportunities presented by the proliferation of the
6 Internet of Things. As you are aware, Mayor de Blasio
7 has set the goal that every resident and business
8 will have access to affordable, reliable, high speed
9 internet service everywhere by 2025. While our office
10 actively works to close the digital divide, and get
11 New Yorkers online, we are also acutely aware of the
12 emerging internet borne threats to human rights and
13 democracy that increased connectivity could expose.
14 In fact, reports show that the city's most vulnerable
15 communities are increasingly likely to experience
16 harassment, discrimination, a loss of privacy, and
17 barriers to civic engagement through their use of the
18 internet. Like you, we are also concerned that these
19 threats may escalate in the wake of the recent
20 decision by congress and President Trump to reverse
21 the Federal Communication Commission's internet
22 privacy protections, which would have placed limits
23 on how internet service providers can use sensitive
24 personal data, including browsing history,
25 geolocation, and financial and medical information.

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2 To access the internet and the opportunities that
3 come with it, we need these internet service
4 providers to connect us to websites, network our
5 devices, complete our calls and deliver our text
6 messages. They should not be able to exploit this
7 gatekeeper position to collect and sell information
8 about our consumer habits, health conditions and
9 political views, especially without even letting us
10 know they are doing it. Yet this is precisely what
11 the federal government has just enabled. Despite
12 these threats, the answer is not to shy away from the
13 promotion of internet adoption, but rather to double
14 down on our efforts to safeguard and empower our
15 communities. That is why this administration has
16 always taken seriously the need to implement measures
17 to help protect New Yorkers, particularly vulnerable
18 populations, through the formulation and enforcement
19 of strict privacy policies. Vigorous advocacy on
20 federal policy and broad outreach to educate the
21 public on best practices around internet privacy and
22 health. As we recently consolidated broadband
23 oversight within my office, we worked with the
24 council and to the Mayor to initiate a comprehensive
25 legal review of the city's authority to protect New

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2 Yorkers' privacy when connected to the internet.
3 Specifically, this review includes an evaluation of
4 the authority the city may have over the privacy
5 policies of internet service providers; how and to
6 what extent the city is exercising this authority
7 currently; and whether the city can expand the
8 exercise of its available authority to achieve, at
9 minimum, the privacy protections for internet service
10 consumers that congress and the President have
11 recently repealed. Projects such as Queensbridge
12 Connected, which will bring high... free high speed
13 broadband to over 7,000 NYCHA residents, show the
14 potential for the city taking a strong role in
15 setting the terms of internet service for New
16 Yorkers. In particular, we would highlight that the
17 policy for Queensbridge is communicated in a clear
18 and concise manner and restricts the transfer of
19 personal information to third parties including the
20 city. As was mentioned in Commissioner Roest's update
21 on LinkNYC, we believe these policies set a high bar
22 for privacy and we will always look to improve upon
23 them and expand best practices to other projects. I
24 am also joining with the Commissioner of the New York
25 City Commission on Human Rights to convene an

1 interagency work group on Internet Health and Human
2 Rights, which will be a first of its kind for
3 municipalities looking for new methods to educate and
4 empower their residents. The working group will
5 review broadband programs to advise on how to ensure
6 New Yorkers privacy, security, and basic human rights
7 are preserved when they go online. Public education
8 is also essential in order to equip residents and
9 organizations with information they need to protect
10 themselves. That is why we are working closely with
11 the city's public libraries to address the evolving
12 digital literacy needs of New York City residents
13 through training courses and informal responses to
14 their questions. The city with Brooklyn Public
15 Library, New York Public Library, and Queens Library
16 will set a goal that every library branch will be
17 equipped to respond to patron inquiries related to
18 protecting their digital privacy and security. The
19 city is collaborating with Mozilla Foundation on a
20 groundbreaking effort to create a digital security
21 training program for city contracted community based
22 organizations that serve vulnerable populations.
23 These workshops will be tailored to fit the unique
24 needs of the participating organizations, with the
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1 overall mission of developing standards and
2 procedures for managing data and addressing evolving
3 threats to digital security. The ultimate goal is to
4 produce a scalable framework, and the Nonprofit
5 Resiliency Committee will provide additional guidance
6 on how this model could apply in service to all New
7 Yorkers. Lastly, before closing, I also want to speak
8 to important efforts that are underway to help
9 prepare for, and manage, the proliferation of
10 connected devices commonly referred to as the
11 Internet of Things. By 2020, its estimated that the
12 number of connected devices will exceed 50 billion.
13 When used effectively, these devices like sensors
14 that capture pollution in the air or lights that only
15 turn on when someone is in the room can produce cost
16 savings, bolster civic engagement, and strengthen
17 public health and safety. They, they can also carry
18 significant challenges and risks for cities,
19 particularly in the area of privacy and data
20 security. To help city agencies prepare for the
21 introduction of new technologies and mitigate
22 potential risks, in 2015, the Mayor's Office of
23 Technology and Innovation kicked off an extensive
24 effort to develop a first of its kind set of
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1 guidelines for the Internet of Things. The guidelines
2 incorporate best practices from more than 50 cities
3 around the world as well as input from subject matter
4 experts representing universities, regulatory and
5 standards bodies, public interest groups, and private
6 companies. Since the release of these guidelines in
7 May 2016, more than 40 cities around the world have
8 followed New York City's lead and committed to a
9 common set of guiding principles for the responsible
10 and equitable use of IoT technologies. The guidelines
11 are designed to provide practical advice for agencies
12 as they explore and consider adopting new IoT
13 technologies while also reinforcing existing city
14 policies and laws around cybersecurity, data
15 classification, and open data. Building on these
16 guidelines, staff at my office are also available to
17 assist agencies in this process providing subject
18 matter expertise and a center of excellence on best
19 practices and lessons learned related to IoT. Lastly,
20 in March, our office announced that Brownsville,
21 Brooklyn will be the home to the city's first
22 Neighborhood Innovation Lab. Through this unique
23 public private partnership, city agencies will be
24 able to partner directly with community residents and
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1
2 technology companies to demonstrate and test smart
3 city devices within these communities, gathering
4 community feedback every step of the way. Although
5 much work remains to be done in our effort to more
6 connect New Yorkers to the internet and harness the
7 opportunities presented by the proliferation of IoT,
8 I could not be more pleased with the pace of progress
9 the incredible leadership team at DoITT, the Mayor's
10 Office of Operations and across the city. We will
11 remain diligent in our efforts to protect the privacy
12 of New Yorkers and appreciate the city council's
13 continued support in this important area.

14 CHAIRPERSON VACCA: I thank you, I thank
15 all those who testified. I also want to thank my
16 committee staff; Malaika Jabali and Patrick Mulvehill
17 and John Russell, the Financial Analyst and I want to
18 thank Zack Heck my Legislative Director for helping
19 put this hearing together. I'm impressed by so much
20 of what you spoke of, all of you but I, I do have
21 questions of course but would it be best to have
22 someone or some agency coordinating all this, who,
23 who... where... who is the lead agency and is there a
24 body that coordinates all that we're doing in the... in
25 the privacy area?

1
2 MINDY TARLOW: Well just one general
3 comment I would make when it comes to privacy issues
4 specifically we really do rely on the Law Department
5 and think the Law Department has kind of the
6 overarching role and view of how to work through
7 privacy issues legally.

8 CHAIRPERSON VACCA: But the Law
9 Department is not an administrative agency, you, you
10 go to the Law Department to gather legal advice for
11 your actions so my question is from an administrative
12 point of view what agency is leading this effort or
13 is there an... is there a formal interagency group that
14 does this?

15 MINDY TARLOW: I would say that there are
16 a few things I think that were linked to cross our
17 testimony that I think somewhat get to answering your
18 question. One is that we do have a, a steering
19 committee on data integration now that was put
20 together by the First Deputy Mayor and I think a lot
21 of the way data is shared when its across multiple
22 agencies is kind of housed underneath that committee.
23 I also think that each of us together and separately
24 have put together a, a series of guidance for
25 agencies that we administer either individually or

1
2 together to help make sure that all governments
3 workers sort of understand how to work with private
4 data or how to handle requests for data if you want
5 to add to that...

6 CHAIRPERSON VACCA: I, I just think going
7 forth that it's something that I would be considering
8 as well from a legislative point of view but from an
9 administrative point of view you may want to think of
10 having a, a standing type entity that deals with
11 privacy, going forth this is going to increase in
12 public interest and the need to protect the public
13 will increase I think and I would think that
14 something of a standing nature is what we would look
15 for and I know we have an entity now that is supposed
16 to be dealing with this in a generic way, its
17 comprised of the public advocate and several others,
18 it's, it's called Copic, Committee on Public
19 Information and communications, Copic.

20 ANNE ROEST: I don't know if... [cross-
21 talk]

22 CHAIRPERSON VACCA: Are you aware of
23 this?

24 ANNE ROEST: I... [cross-talk]
25

1
2 CHAIRPERSON VACCA: You are, somebody's
3 shaking their head... [cross-talk]

4 ANNE ROEST: ...yes, I am... [cross-talk]

5 CHAIRPERSON VACCA: I am aware of it...
6 [cross-talk]

7 ANNE ROEST: ...so... [cross-talk]

8 CHAIRPERSON VACCA: ...but I, I, I just am
9 concerned that this group has not met in a long time.

10 ANNE ROEST: Yeah, so we, we can look
11 into that and, and how often they meet and exactly
12 what they're doing, I didn't understand that they
13 were responsible for ensuring privacy as much as
14 ensuring information sharing and availability but we
15 will look into that and get back to you.

16 CHAIRPERSON VACCA: Thank you. I wanted
17 to talk about... let's, let's start with LinkNYC, I'm
18 happy to see the new privacy policies issued by
19 CityBridge a few weeks ago and I wanted to ask,
20 seeing as how CityBridge is not a city entity what
21 role did your office have in securing and determining
22 the new privacy policy?

23 ANNE ROEST: Well they're not a city
24 entity, they are under contract with a city, their
25 franchise agreement so we negotiated the privacy

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2 policy with CityBridge that they're responsible to
3 comply with so we had... we were significantly involved
4 in the privacy policy and drove the direction of that
5 policy and ensured that the administration's
6 priorities were embraced in that policy.

7 CHAIRPERSON VACCA: Now do you have
8 mechanisms in place for the city to ensure that they
9 comply with your policies?

10 ANNE ROEST: So as a... as a partner
11 absolutely, they're required to comply with the
12 policy but we do if we believe that they were not
13 complying with the policy we do have audit
14 capabilities and you've seen us use those in other
15 franchises before.

16 CHAIRPERSON VACCA: Yes, okay. Is the
17 audit a yearly audit?

18 ANNE ROEST: It, it's as we deem
19 necessary.

20 CHAIRPERSON VACCA: As you deem
21 necessary, so the audit would be triggered by a
22 concern?

23 ANNE ROEST: If we had a concern in that
24 area.

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2 CHAIRPERSON VACCA: And to date you, you,
3 you don't?

4 ANNE ROEST: We don't, we think that
5 they're good partners and that they're following the
6 franchise agreement.

7 CHAIRPERSON VACCA: Do you see areas of
8 privacy that we should be strengthening?

9 ANNE ROEST: In, in the LinkNYC... [cross-
10 talk]

11 CHAIRPERSON VACCA: As part... [cross-talk]

12 ANNE ROEST: ...in particular?

13 CHAIRPERSON VACCA: Yes, yes.

14 ANNE ROEST: no we don't, we're certainly
15 open to comments or concerns that folks have but
16 again we believe that the privacy policy we have for
17 Link is as strong as any, we haven't seen any
18 stronger privacy policies.

19 CHAIRPERSON VACCA: Now how is the
20 current privacy policy displayed to people who use
21 the LinkNYC, how do they know about it?

22 ANNE ROEST: So when they first sign on
23 they get a link to the privacy policy and if there
24 are any changes we notify anyone who signed up of the
25 changes in the policy. So, when we recently changed

1
2 the policy a notification went out to everyone who
3 has signed up for the Link service.

4 CHAIRPERSON VACCA: Is there... is there
5 mention of this policy on your website, on the DoITT
6 website, I, I haven't looked to be honest I just
7 wanted to know... I'm sure there's a link on your
8 website to LinkNYC about... [cross-talk]

9 ANNE ROEST: There is a... and, and...
10 [cross-talk]

11 CHAIRPERSON VACCA: ...that I've seen...
12 [cross-talk]

13 ANNE ROEST: ...there's a whole section on
14 LinkNYC and their privacy policy, you can get to it
15 from our website.

16 CHAIRPERSON VACCA: Oh so it is posted
17 there... [cross-talk]

18 ANNE ROEST: ...in the LinkNYC... [cross-
19 talk]

20 CHAIRPERSON VACCA: ...and you can get to
21 it... [cross-talk]

22 ANNE ROEST: ...yes, it is, yes.

23 CHAIRPERSON VACCA: Okay. Now do people
24 need to actively engage with the policy to access Wi-

1
2 Fi services or is it the policy just available on the
3 internet?

4 ANNE ROEST: The policy is just... its
5 available to them but they don't have to engage...
6 [cross-talk]

7 CHAIRPERSON VACCA: They don't have to
8 engage?

9 ANNE ROEST: Right.

10 CHAIRPERSON VACCA: Okay. Now if somebody
11 signs on the wireless network once and agrees to the
12 privacy policy do they need to agree to the policy
13 each time their phone logs onto the network?

14 ANNE ROEST: No, they don't.

15 CHAIRPERSON VACCA: Okay, so they can
16 agree once?

17 ANNE ROEST: Right, it's a seamless...
18 [cross-talk]

19 CHAIRPERSON VACCA: It'll be
20 automatically logged in?

21 ANNE ROEST: You're automatically logged
22 in as you go from link to link or when you get near
23 to the links again.

24 CHAIRPERSON VACCA: Would the fact that
25 they only have to log on that one time would that

1 risk their privacy in your opinion, would, would that
2 enable it... enable easier tracking?
3

4 ANNE ROEST: No, not at all. The way they
5 log on... the way it logs them on automatically from
6 link to link is not based on any personal
7 information, it's a technical capability.

8 CHAIRPERSON VACCA: Okay. Does LinkNYC
9 support do not track browsing?

10 ANNE ROEST: Support... do not track
11 browsing and I'm not sure what you mean by that... we
12 don't track browsing.

13 CHAIRPERSON VACCA: You don't track
14 browsing.

15 ANNE ROEST: We do not track browsing at
16 all and that's... [cross-talk]

17 CHAIRPERSON VACCA: Okay... [cross-talk]

18 ANNE ROEST: ...that was made more clear in
19 the privacy policy that was just released.

20 CHAIRPERSON VACCA: Now are there blue
21 tooth beacons in the link kiosks?

22 ANNE ROEST: Are there... there are beacons
23 in the kiosk that are only activated if you opt in.

24 CHAIRPERSON VACCA: What's their purpose?
25

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2 ANNE ROEST: So actually I don't believe
3 they're used at all right now, I'm just looking...
4 yeah, they're not used at all right now, there's a
5 capability if someone has an app that is location
6 dependent and someone uses the app and they're asked,
7 you know do you want us to use location based
8 information that... the beacon can be used for that so
9 it can interact with an app but someone would have to
10 say yes, I want to use this functionality.

11 CHAIRPERSON VACCA: Now why are these
12 beacons described in the marketing content but not
13 the privacy policy, they're not in the privacy
14 policy, is that something you think you should look
15 to add?

16 ANNE ROEST: I can look at... if there is
17 something that the beacons could do that's not
18 addressed... now the privacy policy does say things
19 like we won't push advertisement to you which means
20 we won't use beacons to do that. So, we don't address
21 any specific technology, we do talk about in the
22 privacy policy what we will or won't do with your
23 data but not how we would do it but if there's some
24 way to make that clearer we would certainly take that
25 into consideration if you have a suggestion.

1
2 CHAIRPERSON VACCA: Okay. There was
3 something that occurred to us when we were going over
4 this but to make sure that the privacy policy was all
5 inclusive I would think that you wanted to have some
6 kind of a statement on that.

7 ANNE ROEST: On beacons, okay.

8 CHAIRPERSON VACCA: Now going back and
9 forth the ACCESS HRA we were talking about that a
10 little, little while ago but is it correct that the
11 link kiosk devices people can sign up for Access HRA
12 on the link at New York City?

13 ANNE ROEST: So folks can sign up for the
14 city services that are available through, through our
15 government websites so yes.

16 CHAIRPERSON VACCA: Now so far do you
17 have statistics on how many people have done that,
18 how useful has LinkNYC been in getting people to sign
19 up for city services?

20 ANNE ROEST: Well we don't track exactly
21 what people are doing, we can tell you... [cross-talk]

22 CHAIRPERSON VACCA: Okay... [cross-talk]

23 ANNE ROEST: ...how many sessions we've had
24 and how long they are but exactly what folks are
25 doing, no.

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2 CHAIRPERSON VACCA: Okay. When they... if
3 and when they sign out... if and when they sign up for
4 these services and then they walk away from the link
5 kiosk is there an automatic sign out, do... are they
6 automatically signed out or how long is it before
7 their information is gone basically, that's what I'm
8 looking for?

9 ANNE ROEST: So, so when folks are doing
10 that I'm... you're talking about on the tablet,
11 actually... [cross-talk]

12 CHAIRPERSON VACCA: Yeah... [cross-talk]

13 ANNE ROEST: I don't know the time of how
14 long it purges, I'll have to... I'll have to get... I'll
15 get back to you on that just...

16 CHAIRPERSON VACCA: I would think that
17 would be an issue to see... once they leave the kiosk
18 how long is... does it take for the kiosk to then say
19 that the person's information is no longer there for
20 the next person to go and observe it or look at it.

21 ANNE ROEST: Yeah, I, I... yeah, I know
22 that we do flush the sessions but I don't know the
23 timing, I will get back to you with that.

24 CHAIRPERSON VACCA: Now these link kiosks
25 I understood were going to have cameras... [cross-talk]

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ANNE ROEST: Uh-huh... [cross-talk]

CHAIRPERSON VACCA: ...are, are those cameras on and working at every site or some sites, what, what's the status of the cameras?

ANNE ROEST: So the cameras are working, the cameras are used only for protection of the kiosks against vandalism or graffiti and the, the video is saved for seven days and then deleted, the cameras are not used for anything else and the video is not shared with anyone else. So, it's only for the operation of kiosks.

CHAIRPERSON VACCA: Now every kiosk has a camera at this... [cross-talk]

ANNE ROEST: All the... [cross-talk]

CHAIRPERSON VACCA: ...point, every, every... [cross-talk]

ANNE ROEST: ...kiosks have... [cross-talk]

CHAIRPERSON VACCA: ...kiosk has, has two?

ANNE ROEST: Has two security cameras and there is also a camera on the tablet but that can only be activated by the... by the customer, by the person using the tablet.

CHAIRPERSON VACCA: Are the two cameras being... are the two cameras working at this point?

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ANNE ROEST: Yes.

CHAIRPERSON VACCA: They're all working...

[cross-talk]

ANNE ROEST: Yes... [cross-talk]

CHAIRPERSON VACCA: ...in the city, okay.

When you said you retain it for seven days who is
you, your agency retains it?

ANNE ROEST: No... [cross-talk]

CHAIRPERSON VACCA: Or the PD... [cross-

talk]

ANNE ROEST: ...no, no, the, the vendor

retains the video... [cross-talk]

CHAIRPERSON VACCA: Oh the vendor who...

[cross-talk]

ANNE ROEST: ...which... [cross-talk]

CHAIRPERSON VACCA: ...has the... okay...

[cross-talk]

ANNE ROEST: Yes, yes so CityBridge

retains the video and again its only used for issues
with vandalism, graffiti that kind of thing.

CHAIRPERSON VACCA: And if there is an

instance of vandalism or graffiti that tape is turned
over to the police department for prosecution?

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2 ANNE ROEST: So, there is... the
3 information that CityBridge has is only shared when
4 legally required so if there's vandalism police would
5 have to ask for that or subpoena that video from
6 them.

7 CHAIRPERSON VACCA: No but if there's
8 vandalism and there's no policeman on the block when
9 the vandalism happens the only thing that would
10 record it would be the camera... [cross-talk]

11 ANNE ROEST: So... [cross-talk]

12 CHAIRPERSON VACCA: ...so the camera would
13 have to be... that video footage in order for an arrest
14 to be effectuated would have to be shown to someone
15 in law enforcement.

16 ANNE ROEST: So CityBridge if they chose
17 to would file a complaint with the police department
18 and it would follow the usual course that it follows;
19 the police would gather the evidence and they would
20 ask CityBridge for that video, they would have to
21 subpoena the video I believe... yes... because we have a
22 contract with them that they can't share it unless
23 required.

24 CHAIRPERSON VACCA: Oh so the police
25 department would have to... [cross-talk]

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ANNE ROEST: Yes.

CHAIRPERSON VACCA: Okay. Have they expressed a hesitancy about that or have they...
[cross-talk]

ANNE ROEST: No... [cross-talk]

CHAIRPERSON VACCA: ...have there been instances of vandalism where CityBridge has requested prosecution of someone?

ANNE ROEST: Not that I'm aware of, no.

CHAIRPERSON VACCA: I must tell you that that strikes me as... in the entire city we've had no vandalism against any kiosk?

ANNE ROEST: They love the kiosks.

CHAIRPERSON VACCA: I know I love... we, we all love them it just seems like that's a... [cross-talk]

ANNE ROEST: No, I'm, I'm unaware of any we'll... we can verify that with CityBridge.

CHAIRPERSON VACCA: Okay. Now does DoITT have access to all the data generated from the link, link kiosk or does CityBridge?

ANNE ROEST: CityBridge has access...
[cross-talk]

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2 CHAIRPERSON VACCA: ...CityBridge... [cross-
3 talk]

4 ANNE ROEST: ...to the data.

5 CHAIRPERSON VACCA: Okay, you've answered
6 that. As I'm sure you're aware there was recently the
7 repeal of the, the FCC regulations... [cross-talk]

8 ANNE ROEST: Uh-huh... [cross-talk]

9 CHAIRPERSON VACCA: ...that prevented
10 internet service providers from sharing and selling
11 consumer, customer data, who is the ISP for link
12 internet service provider?

13 ANNE ROEST: So they have a fiber
14 provider, it's not... it's not an ISP based service but
15 regardless CityBridge is the one who gets the data
16 and their contract with us means that this change in
17 law does not affect what happens on the links at all,
18 their contract overrides whatever the FCC would,
19 would mandate.

20 CHAIRPERSON VACCA: Okay. Is there any
21 issue with them collecting the data?

22 ANNE ROEST: No, in fact if you... if you
23 read the privacy policy they are collecting very
24 little data and they can't share it, they can't sell
25 it, there is very little data and they're, they're

1
2 really not able to do anything with it even if they
3 did collect it.

4 CHAIRPERSON VACCA: Okay. Just to turn
5 for a second I think Miss Tarlow spoke about NYCHA,
6 did you mention Queensbridge Houses... [cross-talk]

7 MINDY TARLOW: No, that's... [cross-talk]

8 CHAIRPERSON VACCA: ...oh no, you did I'm
9 sorry... [cross-talk]

10 MINDY TARLOW: Yeah.

11 CHAIRPERSON VACCA: Okay, you spoke about
12 NYCHA and I wanted to get into that a little bit and
13 you mentioned Queensbridge Houses can you give me a
14 quick status on those efforts in Queensbridge and who
15 is the internet service provider?

16 MIGUEL GAMINO: So the partner is a
17 company called Spot On Networks, they've completed
18 one of I think... one of five buildings...

19 UNIDENTIFIED MALE: [off mic] Half of the
20 six super blocks...

21 MIGUEL GAMINO: Half of the six super
22 blocks and they're on course to deliver the rest of
23 the... the rest of the community.

24 CHAIRPERSON VACCA: What's the time
25 table?

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MIGUEL GAMINO: Third quarter.

CHAIRPERSON VACCA: Of this year?

MIGUEL GAMINO: Yes.

CHAIRPERSON VACCA: Completion?

MIGUEL GAMINO: Yes.

CHAIRPERSON VACCA: Oh okay. Does the city offer digital privacy literacy training, are you offering literacy... [cross-talk]

MIGUEL GAMINO: There is... there is a program there that I actually visited that was on the property at Queensbridge that engaged seniors and other residents at Queensbridge property around digital literacy in the last... on, on the property.

CHAIRPERSON VACCA: Okay. Now we continue to roll out so much internet services to the residents here we have another example and many internet providers simultaneously are lobbying the federal government for fewer privacy regulations so do we ever begin having the conversation about alternatives to these public private partnerships or at least a change in how we negotiate franchises when we have privacy in mind?

MIGUEL GAMINO: Well I think what I'll say is that as mentioned in all of the testimony and

1
2 then in the discussion around LinkNYC that the issue
3 of privacy is top of mind in all of these instances
4 and I think that we're doing several things to try to
5 strengthen that position and one of the things that
6 we've done that I mentioned in my testimony was reach
7 out to the... to the council to investigate what we can
8 do as a city to further strengthen our... what, what
9 tools we have available to us, methods to strengthen
10 that privacy position for New Yorkers as they access
11 the internet. So, we're still... we've asked for that
12 evaluation to, to occur.

13 CHAIRPERSON VACCA: Well certainly this
14 committee is willing to work with you legislatively
15 if there's a recommendation you have my only concern
16 here is that when we talk about public private
17 relationships is that... is that going to be meeting
18 the privacy needs of our residents based on the
19 partnerships that we've established, is that not as
20 strong as we would wish those partnerships are they...
21 is there... is there something missing there that we,
22 we should be concerned about possibly?

23 MIGUEL GAMINO: I can't speak to the, the
24 broad category of partnerships but I think as we've,
25 we've said today LinkNYC and Queensbridge frankly are

1
2 very good examples of how the city can play a role in
3 making sure that a very strong privacy policy is in
4 place and then again at, at the result of the
5 investigation into what other means we have available
6 to us and I think we'll be able to, to opine on other
7 things we could do to, to continue to strengthen that
8 but I think it's, it's, it's safe to say we are all
9 interested in making that internet environment as
10 safe as possible for New Yorkers.

11 CHAIRPERSON VACCA: I, I do want to know
12 where we have... where we continue to have these
13 private public partnerships if someone feels that
14 their privacy is endangered who does that person
15 call, who does that person... these are private
16 agencies that we've contracted with, do they... is it...
17 is it... do we make it known who people can call if
18 they think their privacy has been breached whether
19 it's by intent of design or not?

20 ANNE ROEST: Well when it comes to the
21 contracts that the city is entered into for example
22 the franchises they would call the agency where that
23 franchise was held to do it. For example, we take
24 complaints or concerns about what our providers have
25 done and would be very interested in any concerns

1 anyone has about privacy with their ISP or any other
2 provider. So, yes, they would call DoITT or the
3 franchise holder in the case of those contracts.
4

5 CHAIRPERSON VACCA: I think we have to
6 let that be known to people somehow that any
7 complaint regarding privacy, I don't know if you want
8 to use 311 or you want to use some type of a... I don't
9 want to use the word complaint number but some, some
10 type of a person that they could call, a unit in one
11 of your offices should be... should be accessible to
12 them and transparent as to who they can talk to.

13 ANNE ROEST: I, I think that... that's a
14 really good suggestion and I think it's really timely
15 based on what we see happening.

16 CHAIRPERSON VACCA: Thank you. Now I know
17 the municipal Wi-Fi networks are illegal in several
18 states but I do not believe that that is the case in
19 New York, can New York City ever make a purely fully
20 public Wi-Fi network, would that be a good idea?

21 MIGUEL GAMINO: Can it legally, you're
22 correct that, that there are some states that
23 prohibit it and we are not in one of them whether we
24 should is something that we're actively investigating
25 in a broader scope to the broadband plan that we're

1
2 working on now and I think that is one of the major
3 concerns that we're using the plan to discover is
4 what is the right relationship that the government
5 should have with that future internet service.

6 CHAIRPERSON VACCA: Okay. Now I want to
7 continue on some of the things you spoke about, you
8 spoke about the Internet of Things?

9 MIGUEL GAMINO: Yes, sir.

10 CHAIRPERSON VACCA: Okay, going forth and
11 it's supposed to bridge the gap between city
12 infrastructure and technology so given that these are
13 just guidelines that we're talking about how will the
14 city ensure accountability in that the guidelines are
15 actually being implemented?

16 MIGUEL GAMINO: So, they are guidelines
17 and we have to now take it the step further to
18 understand how they interact with law and other
19 policies across the city and, and figure out where
20 those things are in support of one another and
21 actually now moving also to a more detailed plan on
22 how those guidelines can be implemented and in my
23 office we're, we're working on formalizing and
24 focusing the IOT strategy for the office and for the
25 city that will include much more discussion on the

1
2 implementation of smart and connected infrastructure
3 that, that is in the category of, of the Internet of
4 Things.

5 CHAIRPERSON VACCA: Okay, are you also
6 concerned about the city having public private
7 partnerships in the... in the area I spoke about before
8 in so much as compliance is concerned, is that a
9 concern that you look at, at the... if we, we establish
10 these partnerships is compliance a concern of yours
11 or how to effectuate compliance?

12 MIGUEL GAMINO: I would say it is
13 something that we are concerned about to make sure
14 that it is not a concern of, of issue going forward
15 meaning I think the public private partnerships will
16 be valuable to the, the, the forward movement of this
17 technology and implementation for good outcomes. I
18 think we can learn from the good work done on the
19 public Wi-Fi front that we've already discussed and
20 some of those other things to make sure that we not
21 only implement strong policy but exercise the same
22 mechanisms to ensure that it's being adhered to. So,
23 it is concern from the aspect of it's top of mind but
24 I think we've got a lot of tools to leverage to make
25 sure that it is a safe an environment as possible.

1
2 CHAIRPERSON VACCA: Just a question I
3 have, have you been contacted at all, has the
4 administration been contracted about our policies at
5 all since the new administration in Washington, have
6 we been told that we may not be in compliance with
7 the recent executive order or anything like that?

8 MIGUEL GAMINO: Not to my knowledge, I...
9 I'm, I'm not aware of any direct contact from the
10 federal government.

11 CHAIRPERSON VACCA: Okay. Now I wanted to
12 go into the current framework of the digital policy.
13 Now basically the current framework is notice and
14 consent so people are provided information about
15 policies and technologies and then they're given the
16 option to use services whether or not they want to
17 use them it's up to them, now when it comes to the
18 Internet of Things in a city this framework is not so
19 straightforward because the technology and services
20 are not generally actively used by people but they
21 are passively engaging, people will just be walking
22 past a lot of this stuff and I do think it's really
23 important that when we implement interest of, of
24 things policy we consider this dilemma. With regard
25 to consent the interest of things guidelines

1
2 stipulate that policy responsibilities would be made
3 via a city government website but that... but is that
4 really good enough as these technologies are rolled
5 out because citywide in the neighborhoods people work
6 and live in should we require people to go online and
7 find these policies or is there any other kind of
8 public notice that your office has been considering?

9 MIGUEL GAMINO: I think the comment about
10 public notice is noted and something we could
11 continue to do and do more of. I think that you are
12 hitting on the, the notion that the Internet of
13 Things is an emerging technology in an emerging
14 situation that we are ahead of most other cities in
15 our thinking with, with the guidelines and evidence
16 by the fact that many cities are subscribing to them
17 openly and in fact I'm the co-founder of a council of
18 global city CIO's so this is not just a, a... an
19 American thing but a global thing that the guidelines
20 has helped push that conversation forward but you're
21 bringing up some of the issues that we are actively
22 discussing in, in, in terms of making sure that we
23 find the best way to ensure the balance between the,
24 the positive impacts of these technologies and the

1
2 privacy and security concerns that they.. that they
3 emerge.

4 CHAIRPERSON VACCA: With the statement
5 that I want to make is this, I want this all done
6 correctly and all inclusively and I'm sure you do
7 too... [cross-talk]

8 MIGUEL GAMINO: Uh-huh... [cross-talk]

9 CHAIRPERSON VACCA: ...but I do want to ask
10 for a time table of sorts from you because sometime
11 city government moves very slowly, too slowly, we all
12 know about that and I do think that these concerns
13 are important enough that we have a time table of
14 action that is going to be taken when...
15 implementation. So, if you could get back to my
16 committee staff or my legislative director, director
17 and let us know what your time table looks like.

18 MIGUEL GAMINO: Absolutely.

19 CHAIRPERSON VACCA: Okay. Now when I was
20 looking at this policy and talking to the staff about
21 the intent of things.. Internet of Things I, I was
22 thinking that this kind of looks like to me, I'm a
23 community board person, I was a district manager of a
24 community board, it kind of looks like some type of
25 process where when we used to consider a new

1 building, the community board has input of a general
2 advisory nature, so we're given notice and then we
3 have public discussions so I don't know but I had a
4 feeling this might be as close to cut... to consent as
5 possible although with an advisory consent and was
6 wondering if your office had considered anything like
7 this when it comes to building these tech projects
8 somehow of engagement and process with community
9 boards I think would be the only entity I could think
10 of off the top of my head because they're legally
11 constituted under the city charter but I wanted to
12 know if you have thought of that?

14 MIGUEL GAMINO: So, I mentioned the
15 neighborhood innovation labs which is not necessarily
16 focused on the privacy aspect of things but certainly
17 on the implementation of the impacts to the community
18 of implementing some of these things and an
19 opportunity to create a direct feedback loop with
20 those communities and so that's again an effort that
21 was just very recently announced and is in the.. in
22 the beginning stages of being implemented but your
23 feedback is not only congruent with the intention of
24 that but helps us maybe be even more focused on that
25 feedback and consent discussion loop as a component

1 of that program. So that's, that's one thing that is
2 very recent and very tangibly aligned with, with what
3 you're talking about and then more broadly to the
4 privacy concerns I think we will continue to receive
5 as, as best we can and as often as we can that input
6 and, and feedback loop with the community to make
7 sure that these things are being... that we're... that
8 we're listening.

10 CHAIRPERSON VACCA: I think as we go
11 forth in the years ahead this is going to be a very,
12 very big issue so I'm interested in your advice and,
13 and your cooperation but I think that when it comes
14 to community engagement we have to codify a process
15 at a certain point, there has to be a formal process
16 of community engagement, you know I was Chairman of
17 the Transportation Committee of the council when the
18 bike lanes came and all the sudden people were so
19 engaged, I'll put it that way and what we did is that
20 we legislated a formal process at that point for
21 consultation, input, advice, advice, and it's
22 something you may want to be ahead of the curb rather
23 than behind the curb, I think it's coming and I'd be
24 open to working with you but I think we have to
25 codify something.

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2 MIGUEL GAMINO: I appreciate that
3 invitation, I think the, the neighborhood innovation
4 lab does put us ahead of the curb to some degree but
5 I'm happy to work with you to, to further that and
6 more... and formalize that, that to... [cross-talk]

7 CHAIRPERSON VACCA: Okay. Now the
8 guidelines say that this data should only be
9 collected, transmitted, processed, and used for
10 specified explicit and legitimate purposes, how does
11 that work if a city agency retains that data and
12 another agency or government body requests it, is
13 there any way to limit or regulate usage further down
14 the line? Miss Tarlow?

15 MINDY TARLOW: Could you repeat that?

16 CHAIRPERSON VACCA: No, I'm saying... this
17 is when, when information is, is, is... [cross-talk]

18 MINDY TARLOW: ...right... [cross-talk]

19 CHAIRPERSON VACCA: ...exchanged via
20 several agencies... [cross-talk]

21 MINDY TARLOW: ...data exchanges... [cross-
22 talk]

23 CHAIRPERSON VACCA: ...or more than one...
24 [cross-talk]

25 MINDY TARLOW: ...uh-huh... [cross-talk]

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CHAIRPERSON VACCA: ...agency is there any way to limit or regulate usage?

MINDY TARLOW: Yes... [cross-talk]

CHAIRPERSON VACCA: ...further down the line this... [cross-talk]

MINDY TARLOW: Yeah, I mean what... [cross-talk]

CHAIRPERSON VACCA: ...for the... [cross-talk]

MINDY TARLOW: ...what we're trying to do... [cross-talk]

CHAIRPERSON VACCA: ...and this, this... [cross-talk]

MINDY TARLOW: ...right... [cross-talk]

CHAIRPERSON VACCA: ...on the Internet of Things.

MINDY TARLOW: Yeah, that's why I was sort of not... [cross-talk]

CHAIRPERSON VACCA: Right... [cross-talk]

MINDY TARLOW: ...completely with you. I think what we're trying to do around data exchanges generally is focus on exchanges of three agencies or more, it's a framework, we're not requiring agencies to exchange data, we're not pressing things one way

1
2 or the other, we're simply saying if you are going to
3 exchange data with three or more agencies you have to
4 operate through certain kinds of gates. One just
5 around the data dictionary and the cleanliness and
6 clarity of the data itself but also of the authorized
7 uses the permitted purposes all the kinds of things
8 that you would imagine would be important when data's
9 going back and forth between agencies and ultimately,
10 it's very important that any further use of that data
11 even if its combined into a new data set goes back to
12 the original agency owners of that data. If it's
13 three or more agencies you would go back to the
14 original agency data owner who retains ownership of
15 their data and it can't just be reused because they
16 agreed to use it for a particular purpose. ...

17 CHAIRPERSON VACCA: I understand, okay.
18 My last point I wanted to go back to executive order
19 114 of 2008 and the MOU... oh I've been joined by
20 Council Member Greenfield, welcome him. Where is the
21 city... we talked about the HHS Connect... [cross-talk]

22 MINDY TARLOW: Yes... [cross-talk]

23 CHAIRPERSON VACCA: ...before and where is
24 the city right now in its implementation of HHS
25 Connect, is it finished at this point?

1
2 MINDY TARLOW: We are upgrading that
3 technology actually right now and I am delighted to
4 turn that question over to Tyyab Walker from our
5 office who oversees as I think you know that whole
6 enterprise.

7 CHAIRPERSON VACCA: Oh I have to swear
8 you in. Do you promise to tell the whole truth?

9 TYYAB: Yes.

10 CHAIRPERSON VACCA: That's fine, okay.

11 TYYAB: So, good afternoon Chairman Vacca
12 and members of the Technology Committee. In regard to
13 HHS Connect the original... [cross-talk]

14 CHAIRPERSON VACCA: State, state your
15 name, I'm sorry... [cross-talk]

16 TYYAB: Sure, sorry about that, Tyyab
17 Walker, I work in the Mayor's Office of Operations,
18 the Director of Enterprise Solutions with the unit
19 known as HHS Connect that initiative.

20 CHAIRPERSON VACCA: Okay, yes sir.

21 TYYAB: So, the original roadmap when HHS
22 Connect was rolled out included two primary
23 initiatives; Access NYC and Worker Connect, those two
24 technologies were rolled out, Access NYC starting
25 around 2006, Worker Connect 2008 and they have been

1 completed launched they're out. Currently where we
2 are today right now is in the process of enhancement
3 and upgrade particularly around Access NYC coming
4 into the new age of mobile responsiveness, of user
5 center design, we're very proud to announce that in
6 March we're able to release a very mobile friendly,
7 user friendly design of Access NYC that was developed
8 with a lot of engagement and what we call user
9 research through a lot of human centered design
10 approaches. Worker Connect the same thing along with
11 just to reiterate what Director Tarlow mentioned
12 about some of the upgrades to make our primary
13 infrastructure more robust but also now putting an
14 overlay to make... you know having looked at the
15 technology for nine years and being able to
16 understand who's actually using it and the best way
17 to use it with also kind of an overlay of privacy
18 around it how best to, to re-release and upgrade
19 that. So that's in process now.

21 CHAIRPERSON VACCA: So when you say
22 release and upgrade you, you're still looking to add
23 more information to it, you're in the process of
24 finishing its roll out so to speak or updating it?

1
2 TYYAB: The, the... not in terms of data,
3 in terms of... so there's a frontend application that...
4 what you see on the screen where buttons are, where
5 icons are, even color strategy and making it sort of
6 one... from a public point of view making sure that it
7 meets all kind of forms of accessibility for
8 residents regardless whether they're visually
9 impaired or what not even in terms of the way the
10 information is out there that it reads in a... at a
11 third grade level so that it's understandable to move
12 from one screen to the next and that users are able
13 to engage it appropriately.

14 CHAIRPERSON VACCA: What do you do if a
15 city agency retains data like that and then another
16 agency wants it?

17 TYYAB: So, I will clarify data in our
18 world but we follow all the protocols that have been
19 discussed today that note first the concept of
20 ownership, who owns the data and if an agency... and
21 any kind of inner agency data exchange if there's an...
22 there's always an agency that's the provider of an
23 owner within all of our framework regardless of where
24 or how that is exchanged the agency that's providing
25 retains ownership of that data therefor anybody,

1
2 anybody can ask, anybody can request however they
3 must go through a proper channel protocol governed by
4 our governance framework by which an agency that has
5 that ownership right makes a determination of who,
6 how, and what is permitted use.

7 CHAIRPERSON VACCA: Okay. Now one thing I
8 wanted to mention so we have the guidelines now for
9 the personally identifiable information and it is
10 good that the city will secure and regulate how much
11 is shared however would you agree that the definition
12 in itself is... could be problematic to, to, to a
13 degree?

14 TYYAB: So, so I think maybe clarify the
15 definition of personal... [cross-talk]

16 CHAIRPERSON VACCA: No, that was... [cross-
17 talk]

18 MINDY TARLOW: What definition... [cross-
19 talk]

20 CHAIRPERSON VACCA: ...that was... [cross-
21 talk]

22 MINDY TARLOW: ...are you referring...
23 [cross-talk]

24 CHAIRPERSON VACCA: ...pertaining,
25 pertaining... [cross-talk]

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2 MINDY TARLOW: ...to... [cross-talk]

3 CHAIRPERSON VACCA: ...that was pertaining
4 to the... I'm going back, I'm sorry, stay there though.
5 I was... I was going back a little bit. Maybe I should
6 just continue with the MOU for now, let me go back to
7 that and I'll come back maybe in way. With Worker
8 Connect, now Worker Connect is another name for this
9 program?

10 TYYAB: Yes and, and I will clarify
11 because it's, it's, it's a... [cross-talk]

12 CHAIRPERSON VACCA: What's the connection
13 between... [cross-talk]

14 TYYAB: Yes. Sure, so HHS Connect was...
15 the simplest way to think about it was, it was a
16 unit, it was a people, it was the office, it was a
17 place where all of this was happening, HHS Connect as
18 an office, a unit at that time was the Deputy Mayor
19 for helping human services was in charge of visioning
20 and bringing forth these technologies. These
21 technologies included Worker Connect an internal
22 facing application and Access NYC a public facing
23 application.

24 CHAIRPERSON VACCA: Okay. Now have there
25 been any instances where NYPD or law enforcement

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2 people have requested this data and, and, and if the
3 NYPD did request it would they need a warrant or
4 would they just go to you?

5 TYYAB: So we... there's not been a request
6 from NYPD around that data, we done presentations of
7 Worker Connect where NYPD has been in the room, a
8 very general presentations part of larger
9 conversations and larger agendas but they have not
10 approached us about accessing that, I would actually
11 just refer to a lawyer in the room we generally again
12 there are stated policies and protocols that the city
13 follows and we adhere to in terms of any third party
14 request that may come through it again we... you know
15 primarily say whether you're law enforcement or even
16 some seemingly innocuous we don't own the data
17 therefor you know the ownership we must... we must
18 council with our council and the agency council's
19 that maintain ownership of the data so we do not
20 feel... we do not see ourselves as having the right to
21 respond to those requests without the agency and our
22 own internal council.

23 CHAIRPERSON VACCA: So what you're also
24 telling me is that you've not made a determination if
25 the day comes where the New York City Police

1
2 Department does request the information, you've not
3 made a determination to whether or not NYPD would
4 have to get a court order or not, you've not faced
5 that... you've not faced that bridge and we haven't
6 been there but you've not made a policy decision on
7 that yet?

8 TYYAB: It, it... [cross-talk]

9 CHAIRPERSON VACCA: That's what I'm
10 hearing.

11 TYYAB: It would be... it would be the same
12 protocol that we, we follow.

13 CHAIRPERSON VACCA: No, there's a
14 protocol but there's not an... there's not an answer to
15 the question, with all due respect... [cross-talk]

16 TYYAB: ...uh-huh... [cross-talk]

17 CHAIRPERSON VACCA: ...no, I mean there's
18 not an answer to the question so I, I understand that
19 but I just raised it as something that I think you
20 may want to have in... have an answer on.

21 MINDY TARLOW: Yeah, go ahead.

22 CHAIRPERSON VACCA: Do you want to come
23 forth?

24 MINDY TARLOW: Yes, this Laura... [cross-
25 talk]

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2 CHAIRPERSON VACCA: ...Oh please... [cross-
3 talk]

4 MINDY TARLOW: Negron our Chief Privacy
5 Officer and General Council.

6 CHAIRPERSON VACCA: Okay.

7 MINDY TARLOW: it's a merry band...

8 CHAIRPERSON VACCA: Its really great...
9 [cross-talk]

10 LAURA: Good afternoon... [cross-talk]

11 CHAIRPERSON VACCA: You promise to tell
12 the truth?

13 LAURA: I do.

14 CHAIRPERSON VACCA: Okay.

15 LAURA: My name is Laura Negron and I'm
16 the General Council and Chief Privacy Officer for the
17 Mayor's Office of Operations, good afternoon.

18 CHAIRPERSON VACCA: Good afternoon, thank
19 you.

20 LAURA: Okay. As my colleagues mentioned
21 there is a... that's... as, as my colleagues mentioned we
22 do have a robust and a comprehensive assessment
23 process, a legal in factual assessment process for
24 any requests for information from the city, you asked
25 specifically about the police department and law

1 enforcement if we were to receive an... a request from
2 police department or law enforcement it would be
3 brought to my attention. We, we tend to flag those
4 that are of, of concern that are outside the normal
5 business agencies and in the event, that such a
6 request were to come in to an agency employee it
7 would be flagged for, for operations for my
8 consideration or for the agency data owner would be,
9 be in touch to advise them of such a request. Such a
10 request would go through our standard factual and
11 legal assessment process which includes examination
12 of the authority of the requestor in this case the
13 police department, we would look at the relevant
14 statutory and regulatory authority, we would
15 determine if the scope of the request was permissible
16 under applicable law and city policy and we would
17 make a determination as to whether or not the
18 information was permitted to be disclosed in
19 conjunction again with the agency date owner making
20 the final decision as to information that would be
21 under their purview.

22
23 CHAIRPERSON VACCA: Okay.

24 LAURA: Does that answer your question?
25

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2 CHAIRPERSON VACCA: Almost, you, you, you
3 did better. You did better but I understand... I
4 understand your clarification so I'm going to accept
5 it for now but I still think it's a point you may
6 have to come back to at a certain given time.

7 LAURA: I'd be happy to do that.

8 CHAIRPERSON VACCA: Okay, now maybe I
9 just need you here one more minute for the next one
10 or two questions. So, when an individual provides
11 information for one purpose let's say SNAP benefits
12 do they have the option to manage the permissions of
13 how their information is shared cross agency or once
14 the individual agrees to share their information with
15 one agency is it then shared across providers because
16 you assume that that can be the case?

17 LAURA: Well we certainly don't assume
18 anything. Again, the data that originates with a
19 particular agency may be governed by specific agency
20 policies as well as specific federal law or state law
21 or regulations that govern the disclosure of that
22 information. There may be instances A, where the
23 individual has consented to sharing that information,
24 signed a particular consent form to allow the
25 disclosure for a different purpose and if the

1 individual has not done so and there may be a related
2 benefit we would examine the appropriate legal
3 framework, the federal, state, and local laws that
4 govern the disclosure of, of that information. The
5 law does recognize as you may know the ability to
6 share information in certain instances for providing
7 benefit services and cares to, to... care to
8 individuals. The SNAP regulatory and statutory
9 framework happens to be very restrictive but there
10 are other laws that enable for example the exchange
11 of public assistance information for the provision of
12 services and eligibility determinations.

14 CHAIRPERSON VACCA: So you think that
15 there... those regulations allowing for the sharing
16 interagency those regulations you would describe as
17 very liberal at this point?

18 LAURA: I would... I would not describe
19 them as liberal, liberal I would describe them as for
20 a limited purpose expressly to... for example a person
21 with a particular job function say case management,
22 say an agency wanted to provide information about an...
23 a benefit that the individual... say a public
24 assistance recipient might be eligible for, a tax
25 benefit, I'm thinking about EITC as one example it

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2 would be for a particular purpose to a particular
3 type of employee whose performing a specific function
4 that could serve... meet the service needs of that
5 individual.

6 CHAIRPERSON VACCA: So much of what
7 you're talking about it, it, it interests me because
8 people... I want people to get the services that...
9 sometimes when somebody applies for food stamps they
10 don't know that they can also go on Heap and they
11 don't know they can have whatever, WIC, whatever the
12 program may be. So, my, my only question though is
13 that while all of you seem so knowledgeable about
14 this do you orientate your staff, is, is there staff
15 to... well we, we would... we would call staff training,
16 staff development are they aware of what your
17 expectations are and do you update them with changes
18 in federal law, changes in policy that protect
19 privacy?

20 TYYAB: Okay, let me make sure the camera
21 can see me. So just to, to say this internally with
22 staff there is a great deal of ongoing training and
23 discussion just to say we're not all technologists, I
24 mean half of our staff really is kind of focused on
25 policy, privacy, and governance issues, extending

1 that model any user that is coming intact... especially
2 with something like Worker Connect, we have a lot of
3 robust training, we provide everywhere that we can
4 spread the message of privacy we put it out there
5 some way. So, it's... from the moment you... before you
6 even log in your reminded of your responsibilities
7 for confidential information, we provide a monthly
8 training whether you like it or not, it's available
9 and we make it convenient for people. Anybody who is
10 coming on board they go through training that we have
11 and privacy and the information kind of security and
12 their responsibility around information is something
13 that's shared... I mean that we put kind of a lot of
14 emphasis on and additionally we support privacy, we
15 consider sort of a shared responsibility not only
16 with our kind of role in this but with the agency
17 roles as well and we support them by providing them
18 user reports, we provide weekly reports so they are
19 aware of who within their agency is using it and we
20 try to maintain a connected liaison network both... a
21 connected communication channel with agencies that
22 are... participate with Access NYC though... so that we
23 may stay informed of new policies that are coming in
24 place that may affect impact eligibility for programs
25

1
2 that should be reflected in Access NYC as well as
3 anything regarding privacy on the Worker Connect and
4 data side.

5 MINDY TARLOW: And one thing you said a
6 minute ago Chair is about wanting people to know if
7 you're eligible for this you're also eligible for
8 this and this and that is the almost exact purpose of
9 Access NYC, which is a screening tool, there's no PII
10 that gets exchanged there, it's simply... [cross-talk]

11 CHAIRPERSON VACCA: I'm calling him next...
12 [cross-talk]

13 MINDY TARLOW: ...putting in fact that
14 allow you to understand as the user the different
15 benefits that you might be eligible for and it acts
16 as a gateway to getting those benefits from the right
17 agencies.

18 CHAIRPERSON VACCA: Okay. Council Member
19 Greenfield has a question and I'll come back.

20 COUNCIL MEMBER GREENFIELD: Thank you Mr.
21 Chairman I appreciate it, thank you for convening
22 this important hearing. I just want to specifically
23 focus on data retention policies, as far as you know
24 since this administration took, took over in the
25

1
2 beginning of January 2014 has there been any major
3 data that's been stolen from any government agency?

4 ANNE ROEST: So, I, I just want to check
5 the date again, since 2014?

6 COUNCIL MEMBER GREENFIELD: Since the
7 beginning of this administration, January 1st, 2014.

8 ANNE ROEST: If, if you recall in a prior
9 testimony we did talk about a breach at ACS... [cross-
10 talk]

11 COUNCIL MEMBER GREENFIELD: Okay... [cross-
12 talk]

13 ANNE ROEST: ...and also there was in the
14 paper an article about some data from the fire
15 department, FDNY, it was limited data but there was
16 some data there that is to the best of my knowledge
17 the... [cross-talk]

18 COUNCIL MEMBER GREENFIELD: That was data
19 that was what stolen or lost or both?

20 ANNE ROEST: Stolen.

21 COUNCIL MEMBER GREENFIELD: Stolen, what
22 about data that was lost? Yeah, that's a... [cross-
23 talk]

24 ANNE ROEST: ...I'm, I'm not... [cross-talk]
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2 COUNCIL MEMBER GREENFIELD: ...common
3 occurrence... [cross-talk]

4 ANNE ROEST: ...aware of... [cross-talk]

5 COUNCIL MEMBER GREENFIELD: ...in agencies
6 where... is there a protocol where if some information
7 is lost in a government agency that they have to
8 report it, is there an obligation, how does that
9 work?

10 ANNE ROEST: Absolutely, if there's data
11 that's lost that contains any personal information...
12 [cross-talk]

13 COUNCIL MEMBER GREENFIELD: Yeah... [cross-
14 talk]

15 ANNE ROEST: ...there is a protocol, the
16 same as if its stolen they have... [cross-talk]

17 COUNCIL MEMBER GREENFIELD: So that's
18 never happened in the last three plus years?

19 ANNE ROEST: That I'm aware of.

20 COUNCIL MEMBER GREENFIELD: Okay... [cross-
21 talk]

22 ANNE ROEST: No... [cross-talk]

23 COUNCIL MEMBER GREENFIELD: How about
24 hacking, a lot of... a lot conversation these days
25 about our friends in the Russian community who are... I

1 refer of course not the American Russian community
2 but to the Russian, Russian community who are hacking
3 United States have, have there been any attempts
4 successful or unsuccessful to hack into any New York
5 City data?
6

7 ANNE ROEST: There are attempts ongoing,
8 I mean it, it is... this is probably the greatest
9 challenge of technology these days, I'm sure you're
10 aware. So, there are attempts regularly that's why
11 we've been investing in this administration... [cross-
12 talk]

13 CHAIRPERSON VACCA: ...it's specifically..
14 [cross-talk]

15 ANNE ROEST: ...has been so focused on..
16 [cross-talk]

17 CHAIRPERSON VACCA: ...from Russian..
18 [cross-talk]

19 ANNE ROEST: ...ever... [cross-talk]

20 CHAIRPERSON VACCA: ...sources can you tell
21 that or just generic attempts that you're... [cross-
22 talk]

23 ANNE ROEST: ...I believe we've... [cross-
24 talk]

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2 CHAIRPERSON VACCA: ...speaking about...
3 [cross-talk]

4 ANNE ROEST: ...had... I'm looking at Jeff,
5 we've seen Russian IP coming in... yeah, it's, it's
6 hard to know, I mean we see things coming... [cross-
7 talk]

8 CHAIRPERSON VACCA: Yeah... [cross-talk]

9 ANNE ROEST: ...in from that part of the
10 world but that can be real or not...

11 CHAIRPERSON VACCA: None... nothing has
12 been successful as far as you know?

13 ANNE ROEST: As far as I know, nothing
14 has been... [cross-talk]

15 CHAIRPERSON VACCA: ...and what... [cross-
16 talk]

17 ANNE ROEST: ...successful... [cross-talk]

18 CHAIRPERSON VACCA: ...about the, the email
19 phishing or, or, or variations thereof of those
20 different scams have any of them been successful as
21 far as you know, have you ever had someone call you
22 and say hey someone's taking over my e-mail account?

23 ANNE ROEST: So just talking about
24 phishing... [cross-talk]

25

1
2 COUNCIL MEMBER GREENFIELD: I mean that's
3 pretty amazing by the way, I mean if you're saying
4 that data... except for those two incidences no stolen
5 data, no lost data, no hacking, we should put you
6 guys in charge of the entire federal government's
7 infrastructure that's pretty good... [cross-talk]

8 ANNE ROEST: Well thank you, we're pretty
9 proud. I will say this though... [cross-talk]

10 COUNCIL MEMBER GREENFIELD: Yeah... [cross-
11 talk]

12 ANNE ROEST: ...with phishing you know
13 people do click the link so... [cross-talk]

14 COUNCIL MEMBER GREENFIELD: Yeah... [cross-
15 talk]

16 ANNE ROEST: ...so even in government we do
17 get e-mails come in people click the link and an
18 infection of that computer could start but we have
19 really good detection and remediation of that so
20 we've had... and I don't have the number in front of me
21 but hundreds in the past year of incidents where
22 malware got into our system but didn't get anything
23 out and that would speak to the need to not just have
24 protections up but also be ready to respond and...
25 [cross-talk]

1
2 COUNCIL MEMBER GREENFIELD: Yeah... [cross-
3 talk]

4 ANNE ROEST: ...I think our team does a
5 really, really good job with that so we have
6 protections up when things get in they're caught and
7 we've responded.

8 COUNCIL MEMBER GREENFIELD: Okay and do
9 you mind sending to the Chair and I just the follow
10 up information on how many those incidents... [cross-
11 talk]

12 ANNE ROEST: Sure... [cross-talk]

13 COUNCIL MEMBER GREENFIELD: ...specifically
14 e-mail, phishing, stolen e-mail access, etcetera
15 things like that. The final question I have is, we've
16 seen some reports recently from the COIB of
17 individuals who have inappropriately accessed private
18 information... [cross-talk]

19 ANNE ROEST: Uh-huh... [cross-talk]

20 COUNCIL MEMBER GREENFIELD: ...and whatever
21 particular agency that done it for whatever reason,
22 what protections if any do you have built into the
23 system to indicate when an individual has the ability
24 in a respective agency to access someone's private
25 information is accessing information that, that

1 individual shouldn't be accessing, right, so for
2 example I'm just making this up, if you're an ACS and
3 you have a client and you're accessing that
4 information that makes sense but if you just decided
5 to now research some other client that has nothing to
6 do with you are there any internal flags that go up
7 whether it's at ACS, or NYPD or any other agencies,
8 are there any internal flags that say whoa this
9 should not have happened and is someone notified when
10 that happens to protect the privacy of New Yorkers
11 because in many cases some... many people... a variety of
12 agencies have access pretty much to everyone's
13 information in the city.

14 ANNE ROEST: Yeah, so that's, that's a
15 really interesting problem as you suggest you... you're
16 talking about people who have access to data... [cross-
17 talk]

18 COUNCIL MEMBER GREENFIELD: That's right...
19 [cross-talk]

20 ANNE ROEST: So it makes it hard to...
21 [cross-talk]

22 COUNCIL MEMBER GREENFIELD: Internally...
23 [cross-talk]

24
25

1
2 ANNE ROEST: ...right and it makes it
3 harder... [cross-talk]

4 COUNCIL MEMBER GREENFIELD: Yes... [cross-
5 talk]

6 ANNE ROEST: ...to detect but I will say
7 that is a focus right now of the cyber security
8 offices finding an implement in the technologies that
9 detect abnormal behavior... [cross-talk]

10 COUNCIL MEMBER GREENFEILD: Okay... [cross-
11 talk]

12 ANNE ROEST: ...and so I would say that
13 the... we don't have that in place broadly across the
14 city, it's a pretty new front in cyber but that is
15 something that we're looking at implementing not
16 just... you know is it the right time, are you doing it
17 from the right place, has there been an abnormal
18 amount of activity so that's, that's one way and also
19 is information flowing somewhere where it shouldn't
20 be flowing and that's a technology that has been
21 implemented in, in some part in the city so would
22 detect for example if a social security number is
23 being... [cross-talk]

24 COUNCIL MEMBER GREENFIELD: Yeah... [cross-
25 talk]

1
2 ANNE ROEST: ...emailed. So that is the
3 focus of the cyber group, we've got some great
4 people... [cross-talk]

5 COUNCIL MEMBER GREENFIELD: ...can you... in
6 that same letter would you mind updating us on that
7 as well?

8 ANNE ROEST: Sure... [cross-talk]

9 COUNCIL MEMBER GREENFIELD: ...to the
10 extent that you've had incidents how many incidents
11 have you had and what if any actions have been taken,
12 do you just do it internally, do you then refer to
13 COIB, what are the internal consequences, I'm just
14 curious about sort of the processes, is it just sort
15 of don't do this or it goes to the supervisor, is
16 someone reprimanded, does it go to COIB, etcetera,
17 etcetera and what your future plans are for that I'm
18 certainly interested in knowing more about that.
19 Thank you very much. Thank you Mr. Chair.

20 CHAIRPERSON VACCA: Thank you... thank you
21 Council Member Greenfield. One last question, I
22 wanted to complete the HRA Access questioning. So,
23 when HRA determines eligibility for benefits and when
24 their benefits are up for review and renewal does the
25 city deploy machine learning algorithms, to what

1 extent are benefits determined by computer programs
2 namely and if people are denied how can they contest
3 that decision?
4

5 TYYAB: That's a great question.

6 CHAIRPERSON VACCA: See.

7 TYYAB: So currently right now with
8 Access NYC the eligibility screener when a user puts
9 information in anonymously about characteristics of
10 their household it runs what we call a rules engine
11 and that rules engine basically sort of in a digital
12 form kind of mimics sort of the decision process that
13 would have been at an agency so do you meet the
14 income eligibility, do you meet the age requirement,
15 are there children in your household if you're
16 searching for child care very basic like that and
17 that... so that's what drives it in... I would not
18 classify that as machine learning and one of the key
19 things that historically has always been a part of
20 Access NYC is that even stated within our disclaimer
21 is that this is the output, there's a layout of
22 potential eligibility, final eligibility
23 determination verification would have to be done at
24 the agency level.

25 CHAIRPERSON VACCA: Okay. And...

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TTYAB: We don't...

CHAIRPERSON VACCA: Did you want to add something?

TTYAB: No, just to say I'm just overly... maybe wrap out the question too. From the... from Mayor Office, Office of Operations and particularly the work that we do benefit outreach and kind of accessibility is a key theme on nearly every project, a lot of the projects and the work we're doing around data integration and so, you know whether or not... get, getting into sort of the rules eligibility can be a very complicated process in some places because it's an overlay of city, state, and federal policy our goals... there are other ways to kind of effect of outreach outside of this. We do not deny access, we don't tell you when you're on Access NYC if you put information that you are not eligible for... you know any number of programs but layout... here's a series of programs you may be eligible for and the last thing with... rely with the agency in charge of the program.

CHAIRPERSON VACCA: Okay. I think this would be for DoITT but local law 11 of 2017 was a piece of legislation that I sponsored dealing with the disposal of devices and the Mayor signed into law

1
2 and I wanted to know how many agencies currently
3 dispose of storage devices without contacting a
4 third-party vendor and how many use third party
5 vendors?

6 ANNE ROEST: I don't... I'd have to get
7 back to you with those numbers, I apologize.

8 CHAIRPERSON VACCA: Okay, would you?

9 ANNE ROEST: Yep.

10 CHAIRPERSON VACCA: Now in the 2016
11 Mayor's Management Report DoITT noted that it was
12 transitioning into using more in house resources for
13 telecommunication services, are these resources
14 exclusive to network repairs and resolving other
15 service incidents or does this apply across the board
16 to other DoITT functions?

17 ANNE ROEST: So you're referring to our
18 in-source initiative so we, we did call out the
19 telecommunications function that was a contract that
20 we're, we're bringing in house but it did cross all
21 of our functions, the fact that we took contractors
22 out of service and put state... sorry, city employees
23 into, into service.

24 CHAIRPERSON VACCA: Given the sensitive
25 nature of some agency data is it feasible to

1 transition into more in house disposal services
2 instead of contracting out?

3 ANNE ROEST: That's an interesting
4 question. A lot of the disposal services require
5 equipment so I think we'd want to look at not every
6 agency doing that, it probably wouldn't be cost
7 effective to have every agency do it but it is a good
8 question whether the city should have some disposal
9 services that we run ourselves.
10

11 CHAIRPERSON VACCA: It would just appear
12 to me possibly that contracting out does present
13 privacy issues, I'm wondering if those we contract
14 out too are as diligent as we want them to be and
15 are, are they as much aware of what we expect from
16 them and are they sensitive to the issues of what...
17 and is there a way for you to make sure that they
18 implement these policies, I know you mentioned an
19 audit... [cross-talk]

20 ANNE ROEST: Right... [cross-talk]

21 CHAIRPERSON VACCA: ...before but an audit
22 often comes after the case, after the fact... [cross-
23 talk]

24 ANNE ROEST: ...Uh-huh... [cross-talk]

1
2 CHAIRPERSON VACCA: ...so I, I worry about
3 their, their day to day interactions so... please keep
4 that on your... [cross-talk]

5 ANNE ROEST: We will... I will do that,
6 thank you.

7 CHAIRPERSON VACCA: You're... what... okay.
8 Prior to the... to the enactment of this law how did
9 DoITT ensure that agencies and vendors properly
10 followed the digital media reuse and disposal policy?

11 ANNE ROEST: We, we did have a policy
12 and, and agencies are required to certify that they
13 follow the policy, there was not a, a formal audit
14 but agency heads were required to certify that they
15 did in fact follow the policy.

16 CHAIRPERSON VACCA: Okay. Okay, wow this
17 was a lot of questions. A lot of answers and very
18 technical. I want to thank you all for coming and I
19 appreciate your time and all you do, thank you...
20 [cross-talk]

21 ANNE ROEST: Thank you... [cross-talk]

22 CHAIRPERSON VACCA: ...very much and we
23 have a panel; John Olsen of New York State Internet
24 Association, Story Bellows, Brooklyn Public Library,
25 Thomas Kamber, OATS. Okay, how are you?

1 JOHN OLSEN: Good, good to see you guys...

2
3 [cross-talk]

4 CHAIRPERSON VACCA: I haven't seen you in
5 a while.

6 JOHN OLSEN: I've been hiding.

7 CHAIRPERSON VACCA: Okay, I don't swear
8 these people in, right? I don't swear you in I just
9 swear at you so that's... it's, it's a little, little
10 different, Mr. Kamber why don't you start and then
11 we'll go down the line, okay?

12 THOMAS KAMBER: Sure... [cross-talk]

13 CHAIRPERSON VACCA: Introduce yourself
14 for the record.

15 THOMAS KAMBER: My name is Thomas Kamber,
16 I'm the Executive Director and founder of Older
17 Adults Technology Services, OATS. We lost half of our
18 audience and... we're not as exciting and we run 24
19 different technology labs and programs in the city
20 that are servicing senior citizens in a variety of
21 classes and programs and we also work with a lot of
22 partnerships around the city in trainings and
23 different consultancies that help provide different
24 kinds of programs for seniors around technology. So,
25 should I stop there and then just start the, the

1 critical part here, hold on I've got my test... in, in
2 traditional fashion here I've got my testimony on my,
3 my phone. So, I just want to, you know talk just
4 briefly about what we've been... what we do at OATS
5 and, and how we think about the privacy issues that
6 are being raised and also the, the collaboration that
7 we had with the city government so far around these
8 issues. OATS has been around for 14 years since we
9 have... we're training about, depending on how you
10 count it, about 10,000 people a year or different
11 ways that are coming through the system or coming in,
12 in to ask... into contact with the technology and we
13 are... when we... the, the lab that we run on 25th
14 Street... on... in, in Chelsea on 25th Street's called
15 the Senior Planet Center and that's sort of our key
16 not... our flag ship location, people come in and get
17 all sorts of training and we have two different
18 levels of, of privacy issues that are raised. One is
19 the actual networks that we run because people come
20 in and use our public computer terminals all the time
21 and so those are protected with standard encryption
22 services like Endpoint and things like that that are
23 fairly commonly used by commercial providers. We also
24 do... we use Deep Freeze at all the labs that we
25

1 support which effectively resets the, the computers
2 every night so if anybody was to leave anything
3 personal on a machine in one of the supported labs we
4 would be in a position... it would be reset and erased
5 for the next day. So there's, there's issues around
6 how to keep the local labs themselves secure and then
7 there are issues around what OATS does in terms of
8 the training which is the most important work because
9 behavioral risks are the most serious ones in terms
10 of people losing their privacy because so often what
11 happens especially with older users over the age of
12 60 is that they haven't really quite learned all of
13 the standard things to look out for in terms of
14 phishing e-mails or possible fraud efforts, you know
15 where they're being scammed and things like that. So,
16 we include educational information for people about a
17 wide variety of things that happen or could happen to
18 them when they're online and those are, are
19 integrated through all of the training. So, they get
20 basic trainings, there's a... beyond the training as
21 you know from the work that we've done with, with
22 your office, we teach these ten week courses and each
23 of those courses includes things like how to protect
24 your personal information online. We actually
25

1 specifically go into online banking and we show them
2 how to do it through simulated online banking
3 interfaces and things like that and most recently
4 we've been working a lot at Queensbridge Houses and,
5 and, and in collaboration with the Mayor's Office and
6 DFTA and DoITT on a, a project where we're training
7 seniors how to use the Wi-Fi access at the city
8 public housing developments. We've got a team out in
9 Queensbridge that's been doing focus groups and
10 knocking doors and, and researching what people want
11 and then developing programs that match their needs
12 as older users so it's a, a sort of customized
13 community based set of solutions for people and I
14 have a fairly long list of things that we've been
15 teaching around privacy protection in there but there
16 are about 25 different elements in there that range
17 from looking out for Medicare scams or the famous
18 grandparent scam that's been coming around recently
19 for people, learning how to, to use PayPal
20 successfully because many people are using Ecommerce
21 so we teach them to protect their information online
22 that way, things like social media, what kinds of
23 information is safe to share on social media. So, for
24 example as people are traveling away from the home
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2 they don't always want to let people know that
3 because that makes it more likely they might be
4 burglarized. These are all sort of related to privacy
5 considerations and they are things that we teach
6 pretty consistently. I will say we've worked real
7 closely with the folks at the Mayor's office around
8 what we teach, we've had... I mean there must be at
9 least a dozen meetings about the planning of the
10 curriculum, what we are delivering and privacy
11 considerations are one of the... probably the... maybe
12 the most common first question people ask is how are
13 you making sure that people are protecting their
14 data. So, we've really been working closely with them
15 and they've been... it's one of their real concerns and
16 we've been implementing it on the ground from the,
17 the training site for the users. I'll stop there,
18 there's a lot more but I can...

19 CHAIRPERSON VACCA: It's great to know,
20 it's my district I want them to... [cross-talk]

21 THOMAS KAMBER: Yeah, I... [cross-talk]

22 CHAIRPERSON VACCA: ...have their privacy...
23 [cross-talk]

24 THOMAS KAMBER: I, I, I will... [cross-
25 talk]

1
2 CHAIRPERSON VACCA: ...protected... [cross-
3 talk]

4 THOMAS KAMBER: ...say just as, as an... as
5 an endpoint to this we've been traveling around the
6 country doing work with a, a bunch of partners
7 Comcast and the Urban League in Florida and different
8 groups, we were in, in Israel recently and we've been
9 touring similar programs on the ground and we visited
10 probably 20 different cities over the last year and a
11 half and I will say in my experience with what we're
12 doing in terms of training the users to be aware of
13 and implementing state of art information about
14 protecting their privacy is at a higher level than
15 anything we've seen anywhere so far, I think we're
16 doing a really good job, it does not mean that we're
17 solving the problem because obviously it's a lot of
18 risk, a lot of different moving targets to be
19 addressing but we certainly have the most robust set
20 of efforts from the, the users side of anything I've
21 seen out there so far.

22 CHAIRPERSON VACCA: Okay, thank you.

23 THOMAS KAMBER: Sure.

24 CHAIRPERSON VACCA: Thank you, next,
25 introduce yourself please.

1
2 STORY BELLOWS: Sure, my name is Story
3 Bellows and I'm the Chief Innovation and Performance
4 Officer at Brooklyn Public Library and libraries have
5 a very long tradition of protecting privacy and the
6 New York City librarians are often at the frontlines
7 of addressing privacy concerns of New Yorkers across
8 the city. For the past year, the three systems have
9 been working to train staff to be able to effectively
10 respond to patron's privacy and security concerns
11 through the data privacy project and this initiative
12 was funded through a 2015 institute of museum and
13 library services grant to Brooklyn Public Library and
14 it works to help librarians better prepare
15 individuals and communities for the challenges of our
16 always on digitally networked and often easily
17 surveilled lifestyles. It teaches New York City
18 librarians how information travels, how it's shared
19 online, some of the common risks encountered online
20 by users, and the importance of digital privacy and
21 literacy. This is however an evolving threat in the
22 rapidly evolving digital landscape and we're really
23 grateful to you all, to the administration for
24 highlighting the importance of this topic in an
25 ongoing fashion. The libraries look forward to

1 continuing to partner and collaborate with the CTO's
2 Office, with the Mayor's Office who have been really
3 wonderful champions for us thus far to ensure that
4 New Yorkers can continue to turn to librarians, to
5 receive guidance and best practices and the most
6 current and up to date information regarding their
7 privacy concerns.
8

9 CHAIRPERSON VACCA: Thank you, sir.

10 JOHN OLSEN: I'm from the Internet and I
11 actually have a piece of paper.

12 THOMAS KAMBER: Do you want to switch?

13 JOHN OLSEN: Good afternoon Chairman
14 Vacca and distinguished member of the City Council
15 Committee on Technology. My name is John Olsen and I
16 am the New York Executive Director for the Internet
17 Association. Internet Association is the unified
18 voice of the internet economy, representing interests
19 of leading internet companies and their global
20 community of users. It is dedicated to advancing
21 public policy solutions that foster innovation,
22 promote economic growth, and empower people through
23 the free and open internet. IA has established an
24 office in New York State to provide knowledge and
25 guidance to public policymakers on matters including

1
2 privacy, cybersecurity, and data storage and
3 processing. Association members service nearly every
4 resident of New York City either through the
5 internet, such as through apps on mobile devices or
6 daily visits to member websites, thanks in large part
7 to cloud computing. Moreover, several of IA's members
8 offer cloud solution services to make governments,
9 business, and consumers' lives run more securely and
10 efficiently. I am here before you today to comment on
11 the storage, use, and disposal of data and how cloud
12 computing services increase efficiencies with respect
13 to all three of these aspects. Cloud computing has
14 been embraced by governments large and small. Most
15 notably, the federal government has seen a dramatic
16 uptick in agencies moving to cloud based services
17 since President Obama's "cloud first" directive
18 issued in 2011. Government agencies with high level
19 security needs such as US military and intelligence
20 services, health care agencies, and scientific
21 research missions have moved to cloud computing and
22 in so doing, have greatly improved the security of
23 their IT and increased their agility in responding to
24 global challenges. Cities like Atlanta, Chicago,
25 Seattle, and San Francisco have, have also moved to

1 cloud based solutions to improve government
2 functions, reduce waste, conserve energy, and quickly
3 respond to the needs of their work forces and
4 citizens. Some New York City agencies have also begun
5 to leverage cloud computing to begin to deliver new
6 and innovative services across the entire city.
7 Despite these first few steps forward, there is a
8 huge, untapped potential for New York City to benefit
9 from harnessing the power of cloud. That is because
10 cloud offers greater flexibility when it comes to
11 scaling operations as opposed to traditional on site
12 data servers and maintenance. All infrastructures
13 maintained off site in secure locations, and IT
14 departments are able to devote resources and cost to
15 increasing bandwidth, updating technologies, and
16 building great applications. Reducing overhead allows
17 governments to devote capital to improve operations
18 and creates greater efficiency in the workforce.
19 Cloud services offer increased access to data and
20 allow massive amounts of information to be stored and
21 analyzed. Health records, criminal records, vehicle
22 registrations, etcetera are all available at your
23 fingertips with cloud. In addition, data analytics
24 help identify fraud, waste, and abuse in government
25

1
2 systems, further increasing cost savings to
3 municipalities. With cloud, essential data is
4 identified quickly and unnecessary information can be
5 quickly and securely disposed. With an eye towards
6 security specifically, cloud service providers offer
7 systemic superiority when it comes to keeping private
8 data secure. There are several key points that
9 enforce this concept. One, cloud provides a deep
10 integration of compliance and security with adherence
11 to strict industry and regulatory standards and extra
12 security tools like encryption and access management
13 for customers. Two, cloud providers handle much of
14 the "surface area" by maintaining and securing the
15 physical infrastructure, customers like government
16 agencies can focus security personnel on more
17 important tasks such as monitoring the application
18 used for unauthorized access to storage and
19 processing. Three, the cloud offers greater
20 visibility and access to data, security and log data
21 can be analyzed for vulnerabilities and weaknesses
22 quickly remediated. Four, cloud platforms surround
23 traditional IT systems and provide greater insight
24 into the behavior and function of those systems. This
25 includes security issues and creates defense in depth

1
2 and finally, economies of scale allow for greater
3 savings with cloud in respect to massive amounts of
4 data and the security personnel required to maintain
5 that data. As state and local governments are
6 consistently being asked to do more with less, cloud
7 computing offers an elegant and cost effective
8 solution to securely storing data and harnessing it
9 for new emerging technologies like data analytics. A
10 city like New York which serves millions of people
11 daily could great, greatly benefit from a cloud first
12 approach to its IT decision making. The ease of use
13 and accessibility of cloud allow 21st century
14 governments to be more responsive to their citizens,
15 while at the same time improving services through
16 data analytics and reducing the use of taxpayer
17 dollars on duplicative or wasteful programs. I thank
18 you for your time today and would be happy to answer
19 any questions you may have.

20 CHAIRPERSON VACCA: I thank you and I
21 thank our panel for coming today and I thank all of
22 our panelists from the city as well. It is now 2:40
23 and there being no further testimony this hearing of
24 the technology committee of the New York City Council
25 is adjourned.

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COMMITTEE ON TECHNOLOGY

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

May 8, 2017