

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TECHNOLOGY

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February 1, 2016
Start: 1:00 p.m.
Recess: 2:00 p.m.

HELD AT: Committee Room - City Hall

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)

Anne Roest, New York City Information Officer
Commissioner of the Department of Information
Technology and Telecommunications

Mindy Tarlow, Director
Mayor's Office of Operations

Laura Negron,
Chief Privacy Officer & Special Counsel
Mayor's Office of Operations

Tayyab Walker
Director of Enterprise Data Solutions
Mayor's Office of Operations

Matthew Klein, Executive Director
Center for Economic Opportunity
Senior Advisor, Service Innovations
Mayor's Office of Operation

Will Colegrove Appearing for:
Gale Brewer, Manhattan Borough President

Dominic Morrow, Staff Attorney
Reinvent Albany
Appearing for: Gene Russianoff, Senior Attorney
Transparency Working Group and NYPIRG's Senior

Noel Hidalgo
BetaNYC and Data and Society

2 [sound check, pause]

3 CHAIRPERSON VACCA: Okay, it's 1:00 p.m.

4 We will now start this hearing. I'd like to welcome

5 everyone here. I'm James Vacca. I'm Chair of the

6 Technology Committee of the New York City Council.

7 At this time I'm joined by my colleague Annabel Palma

8 to my left, and all--all of you are welcome. Thank

9 you for coming. We're here today to discuss three

10 bills that would tighten up the cities current

11 security practices that would protect New Yorkers

12 from personal data breaches. I've sponsored one of

13 the bills we are considering today, Intro 1052-2016.

14 This bill would explicitly require all city agencies

15 to properly erase data from hardware prior to

16 disposal. Additionally, we will be hearing two bills

17 sponsored by Council Member Kallos at the request of

18 the Manhattan Borough President Gale Brewer. Intro

19 626 of 2015 would require that each agency develop a

20 comprehensive security program that provides

21 administrative, technical and physical safeguards for

22 the handling of information that can be used to

23 identify an individual in records maintained by those

24 agencies. Their other bill Intro 627 of 2015 would

25 enable agencies to collect--collect personal

2 information that is relevant and necessary to duties
3 of that agencies--that agency. Nearly every single
4 New Yorkers entrust at least some of their personal
5 information to the city of New York. Very common
6 practices require people to provide personal
7 information. For example, paying a parking ticket
8 only, providing a Social Security Number to the Human
9 Resources Administration for services or being
10 treated at a hospital overseen by the Health and
11 Hospitals Corporation will all result in the city
12 retaining financial, personal and medical
13 information. Obviously, it is the city's job to
14 safeguard that information that people with nefarious
15 intentions do not use it for fraudulent activity.
16 However, government data breaches have occurred. For
17 those who are unfamiliar, a data breach is an
18 unauthorized acquisition of computerize data that
19 comprises the security, confidentiality or integrity
20 of personal information. Just last year, there were
21 multiple breaches of an Administration for Children's
22 Services server containing sensitive client
23 information, and there were several medical data
24 breaches at four different hospitals. The causes of
25 these types of breaches are various: Hacking,

2 abusive access by employees, theft or loss of
3 personal media, computer glitches and improper
4 disposal of electronic devices are possible issues
5 that lead to breaches. Agencies operating outside of
6 DOITT's secure infrastructure or the use of obsolete
7 hardware may exacerbate these problems. So how does
8 the City safeguard us against such incidents? The
9 Administrative Code requires licensees of the
10 Department of Consumer Affairs to disclose security
11 breaches to DCA, and both DCA licensees and city
12 agencies must dispose of a record containing personal
13 identifying information in a manner intended to
14 prevent retrieval of that information. Additionally,
15 DOITT promulgated a citywide information security
16 policy regarding digital media reuse and disposal
17 policy that requires all digital media to go through
18 a data sanitat--sanitization process before hardware
19 disposal or reuse. Each agency must internally
20 document such procedures. Due to the rare occurrence
21 of publicized data breaches, we can assume that DOITT
22 in conjunction with all city agencies has prevent
23 rampant data breaches. These policies and laws,
24 however, do not cover everything and Council Member
25 Kallos and Borough President Brewer's bills would add

2 clarity to these policies for an all-encompassing
3 personal information security strategy. Intro 626
4 would require each agency--agency to develop a
5 comprehensive security program that provides
6 administrative, technical and physical safeguards for
7 personal information security including detailed
8 requirements regarding the handling of both physical
9 and electronic records. Intro 627 would ensure that
10 agencies only collect relevant and necessary
11 information for individuals. My bill Intro 1052
12 would codify and strengthen existing policies
13 concerning the complete erasure of data from
14 electronics before they are disposed. I want to
15 thank the members of this committee. I want to thank
16 my Deputy Chief of Staff Stacy Gardener who is in
17 charge of legislation--legislation as well. Brad
18 Reed, the attorney for the committee who sits to my
19 left, and without to do, we will call upon our first
20 panel. Mindy Tarlow, Director of the Mayor's Office
21 of Operations is here and Anne Roest, Chief
22 Information Officer and Commissioner of the New York
23 City Department of Information and Technology and
24 Telecommunications, DOITT.

2 Right before you testify, I have to ask
3 you. Do you affirm to tell the truth and the whole
4 truth, and nothing but the truth in your testimony
5 before this committee, and to respond honestly to
6 council member questions?

7 COMMISSIONER ROEST: I do.

8 MINDY TARLOW: I do.

9 CHAIRPERSON VACCA: Okay, thank you.
10 Would you please proceed. Who would like to go
11 first? Commissioner Roest please.

12 COMMISSIONER ROEST: I win again. So
13 good afternoon, Chair Vacca. My name is Anne Roest,
14 New York City Information Officer and Commissioner of
15 the Department of Information Technology and
16 Telecommunications. Thank you for the opportunity to
17 testify today on Intro 626 in relation to the
18 security of personal information and Intro 1052 in
19 relation to the disposal of electronics for city
20 agencies. Taken together, these bills aim at
21 addressing a constant imperative of the digital
22 world, information security and I thank the committee
23 for its focus on such a vital area of city
24 operations. I am joined today by Mindy Tarlow,
25 Director of the Mayor's Office of Operations who will

2 speak to Intro 627. In a connected city IT security
3 posture is only as good as the weakest link and in a
4 weak link successfully exploited in one agency can
5 have significant consequences in other agencies and
6 on the lives of the New Yorkers they serve.

7 Accordingly, DOITT maintains and promulgates a range
8 of citywide information security policies and
9 standards as strong and dynamic as the city we serve
10 to which every agency must adhere. Our robust IT
11 Security Division also manages the overall security
12 of the city's shared data and information technology
13 assets through the management of an integrated
14 security network consolidating desktop and server
15 security on a single citywide platform. DOITT also
16 maintains email intrusion prevention systems, Next
17 Generation Firewall protection, and security
18 monitoring. In this way, New York City maintains the
19 ability to keep pace with rapidly evolving threats by
20 centrally implementing and enforcing citywide
21 policies and standards with the ability to update
22 them dynamically. There is always an opportunity to
23 further improve upon the jobs we do, and in an area
24 as vital as IT security, it is essential to do
25 so. New York City is an incredibly inviting target

2 for our cyber adversaries the world over, and these
3 parties are constantly developing new and
4 increasingly complex means of attack. The city in
5 turn must have the ability to keep pace with these
6 rapidly evolving threats by centrally implementing
7 and enforcing citywide policies and standards, and by
8 continuing to update them as necessary. To that end,
9 the de Blasio Administration has been aggressive and
10 progressive in the support of a strong cyber security
11 program. Since the start of the administration we
12 have increased our security headcount and invested
13 tens of millions of additional dollars in new
14 training and technologies to improve our security
15 posture, and to keep pace with the ever-evolving
16 threat landscape. Together, these measures reflect
17 the great emphasis we place on protecting the
18 security of New Yorkers' information against the many
19 thousands of daily attempts to improperly access city
20 systems and data. The spirit and aim of Intro 636
21 align with these efforts, and with the high standards
22 New Yorkers expect and deserve when entrusting the
23 city with their personal information. I very much
24 appreciated the opportunity to discuss with the
25 Council last week my concerns on the bill as draft,

2 and look forward to continuing our dialogue about the
3 City's Cyber Security Program. Our interest and the
4 Council's in protecting the sensitive information
5 could not be more closely aligned.

6 Next, Intro 1052 would require city
7 agencies to ensure erasure of all information we're
8 disposing with electronics. The city recognizes the
9 importance of such practices and our Citywide
10 Information Security Policy on Digital Mid--Media Re-
11 Use and Disposal established in 2011 requires that
12 all digital media undergo a data sanitation process
13 prior to disposal or re-use to protect against
14 unauthorized access to information. Not only is this
15 a policy to which all city employees must adhere, but
16 it is also one that any vendor handling any of our
17 equipment must adhere as well. We will continue
18 updating these policies as new electronic tools
19 become available and are happy to keep the Council
20 apprised of our progress. I appreciate the
21 opportunity to testify today, and I thank the Council
22 for highlighting the vital issue of information
23 security. By developing policies nimble enough to
24 adapt to the ever-evolving and sophisticated means of
25 technology attacks within a centralized framework of

2 current best practices, we can continue successfully
3 protecting the information of New Yorkers. I look
4 forward to working with you. Thank you.

5 CHAIRPERSON VACCA: Thank you,
6 Commissioner. Ms. Tarlow, would you introduce
7 yourself, please.

8 MINDY TARLOW: Good afternoon, Chairman
9 Vacca, members of the Committee on Technology. My
10 name is Mindy Tarlow. I'm the Director of the
11 Mayor's Office of Operations. I'm here today along
12 with Commissioner Roest as well as two colleagues
13 from my office, Laura Negron, Chief Privacy Officer
14 and Special Counsel, and Tayyab Walker, Director of
15 Enterprise Data Solutions. On behalf of the
16 administration and my colleagues I'd like to thank
17 you for the opportunity to testify at this hearing,
18 and I hope you will indulge that I am going into some
19 detail in this testimony. It's a very important bill
20 and I want to make sure that we reflect our
21 enthusiasm for it but also our concerns.

22 Intro 627 proposes new and broad sweeping
23 requirements governing personal information, privacy
24 and security. We understand this legislation is
25 motivated by laudable goals to prevent unlawful

2 public access to residents' sensitive personal
3 information, and ensuring diligent data stewardship
4 and security by entities and persons having such
5 information in their custody. This is a position we
6 wholeheartedly support. Although the administration
7 unequivocally believes in the importance of personal
8 privacy and data security and the need for robust
9 protocols and practices to safeguard individuals'
10 personal data, we are concerned that this legislation
11 will inadvertently impede the delivery of critically
12 needed services to New Yorkers and the Human Services
13 research currently made possible through legally
14 authorized interagency data exchanges that are
15 facilitated through technology. As written, Intro
16 627 would restrict city agencies from collecting,
17 using and sharing clients' personal information
18 except for those purposes relevant to an agency's
19 mission. With few exceptions this legislation
20 requires clients' prior written consent for
21 disclosure of their personal data outside of the
22 agency that collected, and requires agencies to
23 notify clients of any and all intended uses. These
24 provisions will not only constrain unfettered public
25 disclosure, which we understand agree is critical,

2 but unfortunately in practice these provisions will
3 equally apply to the kinds of confidential
4 interagency data exchanges that are needed to deliver
5 coordinated client services and conduct valuable
6 research studies. While complying with privacy laws,
7 the city must also fulfill it's duty to responsibly
8 serve its children, adults and families and break
9 down information silos between agencies that impede
10 effective and timely service delivery. As you know,
11 New York City's agencies deliver a vast array of
12 services each year to millions of people many of whom
13 are served by multiple agencies. Each agency is
14 separately tasked with identifying client needs,
15 determining eligibility, delivering services,
16 providing case management and evaluating client
17 outcomes. Coordination of services among and between
18 city agencies is challenging but essential to
19 providing the right services to clients at the right
20 time, and in many instances is critical to averting
21 an impending health or safety crisis. In the past
22 decade, the city has developed a number of citywide
23 programs and initiatives facilitated by technology
24 innovations that have made coordinated service
25 delivery increasingly possible. For example, through

2 algorithm based data matching, knowledge held by one
3 agency that a child's family was at risk of eviction
4 for non-payment of rent enabled a city worker from a
5 different agency to help the family secure public
6 benefits and avoid homelessness. Also, through
7 interagency data exchange, the city has been able to
8 conduct comprehensive outreach to families of
9 children eligible for Pre-K, and enroll tens of
10 thousands of children. We've located families of
11 toddlers abandoned in Port Authority, identified safe
12 havens for victims of suspected abuse, and prevented
13 vulnerable elderly people from eviction. We already
14 have robust legal privacy compliance processes and
15 Data Stewardship Protocols in place governing our
16 technology facilitated data sharing initiatives,
17 which we would like to explain briefly. When an
18 agency identifies a need for another agency's client
19 data, the requesting agency prepares a business use
20 case that is vetted by both Operations Chief Privacy
21 Officer and Counsel for the agency data owner or
22 owners. The use case must describe in writing the
23 specific data elements needed, users who will have
24 access to the information and the purpose for which
25 the information will be used. Each data element is

2 separately analyzed to determine whether it may be
3 legally disclosed for the purposed provide--proposed
4 and only those data elements offered by law for
5 sharing are approved. In according with City IT
6 Security Policy and applicable law, any confidential
7 client data approved for sharing is transmitted and
8 must be stored in encrypted form. Overarching legal
9 agreements signed by participating parties
10 memorialize agencies' obligations to comply with
11 strict data use, access confidentiality and data
12 security protocols. We believe that Intro 627 while
13 raising important concerns is overbroad, and as a
14 result could unintentionally have a chilling effect
15 upon the city's continued ability to coordinate these
16 critically important interagency data exchanges for
17 the limited purpose of providing clients with
18 benefits, services and care and ensuring their
19 safety. We're concerned that the bill's provisions
20 may unravel the good progress that we've made toward
21 achieving the one city vision of client services for
22 New Yorkers articulated by this administration.
23 There are certain provisions in the proposed
24 legislation that are of particular concern. These
25 restrict the collection and maintenance of

2 information about an individual only as needed to
3 accomplish an agency purpose required or authorized
4 by law. We believe that these provisions could
5 undermine agencies' ability to collect and maintain
6 client information from other agencies for future
7 integrated service delivery purposes where the same
8 client is services by multiple agencies, many of
9 which may not be known at the time of initial data
10 collection by an agency. The extensive notice
11 provision in the legislation concerning the use of an
12 individual's data not only presents significant
13 operational challenges for agencies serving a large
14 volume of clients, but could also undermine the
15 City's ability to rely on existing legal privacy
16 exceptions that permit the exchange of data between
17 agencies without such notice requirements.

18 Particularly in emergency circumstances such as
19 finding a relative to house a child in cases of
20 suspected abuse or neglect, and under similar
21 circumstances where notice is not feasible.

22 Intro 627 requires client consent to
23 disclose personal information outside of the agency
24 that collected it with very few exceptions. These
25 include disclosure for certain law enforcement

2 purposes in response to court orders, and where
3 specifically authorized by state or federal law
4 regulation. These enumerated exceptions overlook
5 laws that permit interagency data sharing without
6 client consent to provide benefits, services and
7 care. There are also federal and state legal
8 exceptions permitting disclosure of confidential
9 client information that do not contain data
10 collection restriction and notice requirements. It
11 is unclear how those imposed by this legislation
12 would be reconciled with federal and state legal
13 exceptions that do not contain them. We not for your
14 consideration that Intro 627's consent requirements
15 do not address instances where an individual may lack
16 the capacity to consent due to mental health issues,
17 age in the case of minors, or other circumstances
18 leaving the provision open to further legal
19 interpretation and debate. We also want to point out
20 that the consent restrictions could inadvertently
21 restrict the important work of municipal archives,
22 which provides invaluable historical documents to the
23 public containing exactly the type of information
24 prohibited from disclosure.

2 Finally, we are concerned that the
3 proposed legislation imposes new requirements for
4 records retention and data destruction that may
5 create ambiguity in the city's records management
6 processes, and could have the additional unintended
7 consequence of impairing important research that
8 relies on the availability of historical data. To
9 conclude, we believe that the important privacy and
10 data security protections sought by this legislation
11 are already embedded in existing robust city
12 practices and protocols. We're concerned that
13 despite its well meaning intentions, this legislation
14 as written would inadvertently impede the city's
15 ability to deliver coordinated services to New
16 Yorkers, create ambiguity through its terms, and
17 cause confusion in relation to existing privacy and
18 other laws. If enacted, this could not only set back
19 the City's progress in data analysis, integrated case
20 management and human services research, but we
21 believe it might also discourage future technological
22 innovations that could further improve the delivery
23 of city services to our children, adults, and
24 families. The City has raised its concerns about
25 Intro 627 with the bill sponsor, who has been

2 receptive to further discussion on the issues, and we
3 greatly appreciate that. We also wish to reiterate
4 that we are aligned with what we believe is the
5 underlying goal of Intro 627 to ensure that our city
6 has sufficiently rigorous protections in place to
7 safeguard the privacy of personal data. We look
8 forward to our continued conversations concerning
9 this legislation, and are happy to answer any
10 questions. Thank you.

11 CHAIRPERSON VACCA: Thank you. Now, you
12 do not have positions on the other two bills or did
13 you want to speak primarily on that bill?

14 MINDY TARLOW: I support Commissioner
15 Roest's testimony, but we are here to largely focus
16 on Intro 627. Okay, now on Intro 1052, Commissioner
17 Roest, do you think your agency is open to something
18 like this to formalize what we currently do? Is this
19 something that your agency would look favorably, or
20 tell me how you--how you view that?

21 COMMISSIONER ROEST: So our concerns are
22 around being specific in--in around technology and--
23 and law because technology changes so much. So we're
24 certainly open to a conversation about how to
25 strengthen our posture there without specifying

2 specific technologies that could change and inhibit
3 us from moving on to new approaches.

4 CHAIRPERSON VACCA: Okay, I want to
5 mention we've been joined by Council Member Borelli,
6 Council Member Grodenchik and Council Member Ben
7 Kallos who is a sponsor of two of the bills. Let me
8 introduce Councilman Kallos. He has a statement and
9 I want to hear his statement. Thank you. [pause]

10 COUNCIL MEMBER KALLOS: Thank you
11 Technology Chair Jimmy Vacca. We are very lucky to
12 have your leadership on these issues though we may
13 disagree on their sexiness. [laughs] And thank you
14 to our Committee Counsel Brad Reed, and also the
15 members of the committee. We all want to live in a
16 world where we continue to enjoy the benefits of
17 technologies with putting ourselves, without putting
18 ourselves at risk. Unfortunately, that's becoming
19 increasingly difficult as data breaches of personal
20 information like Social Security numbers, medical
21 records and credit and debit card information are on
22 the rise. Most of the time, this information is
23 obtained electronically, but in occasions including
24 here in the city the information was obtained through
25 stolen laptops and other electronic devices as well

2 as employee error or malfeasance. Data breaches
3 affect schools, hospitals, government agencies, and
4 businesses big and small. City government has the
5 responsibility to protect the information of our
6 residents by codifying security measures and
7 protocols, and that is what Introduction 626 seeks to
8 do. These bills were originally introduced by now
9 Manhattan Borough President Gale Brewer, and I'm
10 honored to carry them as a re-introducer at the
11 request of the Manhattan Borough President in this
12 current section. We have heard a lot about what the
13 two bills would do from DOITT and Operations. I
14 think the key pieces that we're hoping to accomplish
15 for myself as well as the Borough President is to
16 provide a minimum standard and floor for security
17 protocols so that when agencies say these are the
18 policies that need to be followed in city with
19 350,000 employees all of which have agency heads who
20 may or may not wish to cooperate, you are able to
21 then say there's a law, and you have to do this by
22 law. As that tends to compel people in a much
23 stronger way than policies, though those are just as
24 strong. For what it's worth, this would also apply
25 to our body. Specifically, I look forward to working

2 with both the Mayor's Office of Operation and
3 Department of Information, Technology and
4 Telecommunications to further refine personal
5 information such that it would not frustrate open
6 data, and such that you're able to see how much a
7 council member or a commissioner is making and who
8 are their employees. And all the things that are
9 already there on ACRIS or other places without
10 reveling so much information that you are able to
11 steal a person's identity. So if a Social Security
12 is inadvertently leaked, those are things we'd like
13 to prevent, and then similarly to the extent that
14 certain city employees have access to a person's
15 health status who is perhaps HIV positive, only those
16 people should be able to that. And making sure that
17 other people aren't able to get it just because they
18 happen to be another employee, and I think a lot of
19 the policies speak to that. Additionally, in terms
20 of the hardware just making sure that if the hardware
21 is misplaced, even if it isn't even disposed of that
22 those pieces are encrypted, which means that if a
23 person gets their hands on it by accident or on
24 purpose that that person finds something that is
25 actually useless to them in the form that it is

2 obtained. And sadly for me, that means that I can
3 never use my wife's laptop because it's work laptop,
4 and the bank encrypts it and I don't have the bank
5 encryption password. So I can't even get on the file
6 if I want something on the computer. Similarly, with
7 regard to protecting our personal information, it's
8 all out there, and I--the introduce--the intro--I've
9 introduced a bill called Automatic Benefits,
10 Introduction 855 where I encourage and follow and I
11 hope to have the Mayor's Office of Operation and HHS
12 Accelerator really using every single piece of data
13 that they have from people to get them the benefits
14 they need. And there is nothing in this legislation
15 that in intends to frustrate that. The goal is again
16 to make sure that employees don't gain access to
17 things they shouldn't have access to, and codifying
18 some of the robust--robust requirements that I have
19 seen in HHS Accelerators Worker Connect along those
20 things. And last, but certainly not least, jut thank
21 you for working with us on--working with us through
22 all of this, and helping us to--at the same time as
23 we provide as many services to people as possible
24 still provide protections. And I think one think one
25 last piece is just I have a Facebook account. So

2 many other people do and the number one thing any
3 security professional will tell you is don't do that.
4 Don't trade your personal information in exchange to
5 being able to click like on somebody else's photo.
6 And it would be amazing, absolutely amazing if I
7 could write to Facebook and say, "How many people
8 have you sold my data to, and what are you using it
9 for?" And in that same way, a laudable goal would be
10 for people to be able to send a request to the city
11 and say, "What are you using all of my data for?"
12 And I actually think that if somebody found out in
13 their response that oh, we took your data. We ran it
14 through Access NYC and screened you for 40 different
15 government benefits. And by the way that letter you
16 got last month saying here you go, you get this
17 benefit automatically. There are actually states
18 where you can get an EVT cards in the mail without
19 applying for it. So you can get food stamp benefits
20 without having to apply, and in that sys--instance
21 people I think would be incredibly happy. And then
22 sadly one thing that is prevalent through every
23 single bill I've ever seen is we have privacy
24 requirements except for law enforcement, which is the
25 one place people would actually hope for them most.

2 But this law also doesn't go there, but I think it
3 shows by example some great things we can do. And
4 thank you for your testimony and working with us to
5 improve the legislation, and thank you to Chair
6 Vacca.

7 CHAIRPERSON VACCA: Thank you, Chair
8 Greenfield.

9 COUNCIL MEMBER GREENFIELD: Can we ask
10 some questions?

11 CHAIRPERSON VACCA: Chair Greenfield.
12 We're thinking of--Grodenschik I know--

13 COUNCIL MEMBER GREENFIELD: It's your own
14 opinion. (sic)

15 COUNCIL MEMBER KALLOS: I don't know who
16 is going to be more offended, me or David.

17 CHAIRPERSON VACCA: [laughs] Very good
18 then. All right. Let me ask some questions. When
19 devices are transferred internally between agencies,
20 under what circumstance do you believe the data
21 should be destroyed? [pause]

22 COMMISSIONER ROEST: Any personal
23 information on the devices should be destroyed.

24

25

2 CHAIRPERSON VACCA: When though? When--
3 when it's transferred before agencies. So you're
4 saying before your agency surrenders it to--

5 COMMISSIONER ROEST: [interposing] yes.

6 CHAIRPERSON VACCA: --to another agency
7 it should be destroyed?

8 COMMISSIONER ROEST: Right.

9

10 CHAIRPERSON VACCA: Is that--is that
11 what's being done right now?

12 COMMISSIONER ROEST: That should be being
13 done right now?

14 CHAIRPERSON VACCA: Is there a memorandum
15 on that that you could shoot to the agencies that the
16 Mayor has issued? Is there a directive?

17 COMMISSIONER ROEST: So I'd have to read
18 the, um, the policy again on the, um, erasure of
19 information. I'd have to go through the policies to
20 make sure of that.

21 CHAIRPERSON VACCA: I'd appreciate if
22 you'd forward some. We have many offices in our city
23 that help senior citizens with SCRIE. They help
24 people with food stamps and things like that. So

25

2 when you fax things, for example, all their personal
3 information is in there.

4 COMMISSIONER ROEST: Yep.

5 CHAIRPERSON VACCA: So this is what
6 worries me that we have good intent helping people
7 who are our constituents, but then that information
8 remains there unless we have a consistent policy.
9 And I'd like you to make sure that we have the
10 appropriate memorandum that's been issued--that have
11 been issued.

12 COMMISSIONER ROEST: Yeah, we'll share
13 those with you at the end. It does say "Amber Use"
14 (sic) the--the policy on erasure. So at least it's
15 covered there and I'll check and see where else it
16 may be covered, but we'll share this policy with you
17 at the end of the testimony.

18 CHAIRPERSON VACCA: Okay, and this is one
19 of the things that my bill is concerned about, you
20 know, of course. I wanted to go into the other bill,
21 626 and 627. Are you aware of any agencies that
22 release personal information to non-city entities?

23 COMMISSIONER ROEST: That release
24 personal information? [pause] No.

25 MINDY TARLOW: No, I'm not aware of any.

2 CHAIRPERSON VACCA: Do we release
3 information to non-profits because I know sometimes
4 city agencies work with not-for-profits on social
5 service cases, and I'm wondering do we release that
6 or do we have to clarify?

7 MINDY TARLOW: I'm going to ask a
8 colleague who knows better than I do to answer that
9 question. This is Matthew Klein from our team who
10 has the Center for Economic Opportunity and all of
11 the HHS Accelerator Connect and the other entities
12 you mentioned before Council Kallos.

13 CHAIRPERSON VACCA: [interposing] Mr.
14 Klein.

15 MATTHEW KLEIN: The answer is not--

16 CHAIRPERSON VACCA: Promise that--you
17 promise to tell the truth?

18 MATTHEW KLEIN: I do.

19 CHAIRPERSON VACCA: There was a TV show
20 called that once, To Tell The Truth, and I'll make
21 sure you do.

22 MATTHEW KLEIN: [off mic]

23 CHAIRPERSON VACCA: It's in reruns.
24 That's how I saw it.

25 MINDY TARLOW: My dad was on that show.

2 CHAIRPERSON VACCA: I'm glad.

3 MATTHEW KLEIN: We don't currently share
4 privacy information with non-profits, but as you
5 mentioned there are potentially very valuable uses
6 for non-profits to access information. For example,
7 after school programs to be able to know more about
8 their students. For example, when they're absent.
9 So that they can intervene in the lives of students.
10 So we're exploring opportunities in certain
11 circumstances where non-profits are contracted with
12 the city and can function as the agent of the city to
13 receive information about the clients that they're
14 serving, and those would go through the same robust
15 legal analysis that we do any time information is
16 shared between agencies.

17 CHAIRPERSON VACCA: But do you forward
18 information to the non-profits if you're working on a
19 case? Do--do city agencies forward non-profit's
20 information.

21 MATTHEW KLEIN: No.

22 CHAIRPERSON VACCA: No. But we have many
23 non-profits that are city funded.

24 MATTHEW KLEIN: Yes, and those are the--

2 CHAIRPERSON VACCA: [interposing] I
3 wonder--I wonder about--I wonder about the
4 relationships

5 MATTHEW KLEIN: --those are entities--
6 those are the entities that we do want to make that
7 kind of information available. There are non-profits
8 that receive information about clients when it's
9 gathered for the purpose--when it's intended from the
10 very beginning and gathered for that purpose and then
11 shared with that non-profit. What 627 suggests is
12 that if the information is gathered for a different
13 purpose then that information can't be shared. And
14 what I'm suggesting is there might be circumstances
15 that would be very valuable. So for example,
16 attendance data. That's captured for the student--
17 for the Department of Education, but it may be that a
18 non-profit contracted by DYCD could benefit from
19 knowing if a student has been absent for five days in
20 a row.

21 CHAIRPERSON VACCA: Yes.

22 MATTHEW KLEIN: And so in that case,
23 Intro 627 would prohibit the sharing because it
24 wasn't captured for that specific purpose. And so in
25 that sense it's a little--we think it's overbroad.

2 We want to facilitate that but to your question are
3 we doing that now? The answer is now.

4 CHAIRPERSON VACCA: My other question now
5 that we're talking about non-profits is that we in
6 the city provide funding to a host of non-profits.
7 We in the city have regulations dealing with the
8 disposal of equipment in New York City, transfer of
9 equipment from agency to another. Do we have policy
10 that relates to non-profits that when--that if they
11 get city money, and if they transfer equipment or
12 discard equipment that the equipment must have
13 information erased before they do so?

14 COMMISSIONER ROEST: It would be in
15 contracts that they would have to adhere to.

16 MINDY TARLOW: I--I would assume having
17 led a non-profit before coming back to the city that
18 had a lot of government funding, generally there are
19 contract provisions in standard contracts that
20 require non-profits to behave as city agencies would
21 in--in those circumstances, but I don't know for
22 certain. Also, just to your question before a lot of
23 non-profits are dealing with clients directly, and
24 get certain waivers of information accessed from the
25 client directly when the client first enrolls.

2 CHAIRPERSON VACCA: I just want to make
3 sure that we close this possible, you know, it's an
4 extension of what we want I think, but I think that
5 we have to make sure that the non-profits think it's
6 city funding are not keeping the information on those
7 machines. So--

8 MINDY TARLOW: [interposing] Uh-huh.

9 CHAIRPERSON VACCA: --please look into
10 that and--

11 MINDY TARLOW: [interposing] Yes, we can
12 check that--

13 CHAIRPERSON VACCA: And would you get
14 back--

15 MINDY TARLOW: [interposing] --and get
16 back to you.

17 CHAIRPERSON VACCA: --because that may be
18 a way where working with you I may want to look at my
19 legislation and see if we could develop it a little
20 more because that's--that's what comes to mind as I'm
21 talking to you right now.

22 MINDY TARLOW: Understood.

23 CHAIRPERSON VACCA: Okay, why don't we go
24 onto other questions from other members. Mr.
25 Grodenchik.

2 COUNCIL MEMBER GRODENCHIK: [off mic]

3 Thank you. [on mic] I just have one. Ms. Tarlow,
4 at the end you talked about additional unintended
5 consequences of important research. Can you just
6 give me one example? I'm curious. I've worked with
7 historical archives over the years and-- [pause]

8 MINDY TARLOW: From an archiving
9 standpoint?

10 COUNCIL MEMBER GRODENCHIK: I'll take it
11 from anybody. Yes.

12 MINDY TARLOW: Yes.

13 COUNCIL MEMBER GRODENCHIK: Well when--
14 it's not necessary from an archiving standpoint, but
15 from a data analytic trends analysis. So, for
16 example, we might look at questions of how many young
17 people are dual engaged with ACS and the Criminal
18 Justice system, and look at the trends over time to
19 be able to identify how we can better target
20 supportive services. I think that would look back
21 historically to help us shape what services we do
22 going forward. So from a maintenance of data over
23 historical basis that--that would be an example of
24 the kind of social service research we would do.
25 Thank you very much. Thank Mr. Chair.

2 CHAIRPERSON VACCA: All right, Council
3 Member Kallos, do you have questions. [pause]

4 COUNCIL MEMBER KALLOS: Could DOITT give
5 an estimate of how many of the computers that we're
6 operating in the city, which are specifically laptops
7 or portable--portable devices either have a two-
8 factor authentication or encryption, and whether or
9 not that happens at the agency level. Or, whether or
10 not we just have a contract Dell or one of our other
11 providers to make sure that when they provide us a
12 hard drive it's encrypted or-- That may be an overly
13 complex question for people watching us on TV or over
14 the Internet. [laughs]

15 CHAIRPERSON VACCA: [off mic] It is a
16 bit.

17 COUNCIL MEMBER KALLOS: Right. [laughs]

18 COMMISSIONER ROEST: I have to get back
19 to you on--on a number, an estimate of how many are
20 encrypted or protected by two-factor authentication.
21 We have a minimum standard that there--there should
22 be encryption. Anywhere there's potentially personal
23 information, there must be encryption, anywhere there
24 is personal information, but how many are covered by
25 that I'd have to get back to you.

2 COUNCIL MEMBER KALLOS: And with regard
3 to destruction of physical evidence I'm a big fan of
4 Jimmy's Vacca Introduction 1052. So as far as I've
5 seen if you Google how Google handles their old hard
6 drives they actually have this machine that eats
7 them. Do you have--what is the current standard, and
8 is it better to physically actually destroy and shred
9 a hard drive or solid state device or better to
10 degauss or just low-level format, or what type of
11 technology do we currently use, and do you recommend?

12 COMMISSIONER ROEST: So there's a few
13 options and it would really depend on if you're
14 really done with that device. If you have no further
15 use for it, there's--I think destroying it is
16 actually great, and a lot of agencies actually do
17 that with the smaller devices, USB devices or when
18 they're at end of life. If you want to lose it,
19 obviously degaussing would probably be the best for
20 it--the best approach. But it really depends on
21 what you want to do with it afterwards.

22 COUNCIL MEMBER KALLOS: Okay, and then
23 for the Mayor's Office of Operations I guess how--I--
24 I understand you do this on a daily basis. How do
25 you deal with okay, we can use this information for

2 Universal Pre-K, but we need to exclude-- So for
3 instance, I--I read the paper you folks published in
4 the--which college paper, which university's paper
5 was it in?

6 MATTHEW KLEIN: [off mic] Harvard.

7 COUNCIL MEMBER KALLOS: So, there was a
8 Harvard Business Review I think an article you wrote
9 where you're pulling data from ACS and other places
10 in order to local 4-year-olds. If you can just share
11 for the public and others just how you're able to
12 pull data on ACS that would otherwise reveal to a
13 third party that that child is dealing with abuse.
14 And just make sure that those who would be doing the
15 outreach to ask them hey would you like to enroll in
16 UPK--Universal Pre-Kindergarten, how that is
17 accomplished, and how you're able to protect that
18 data while still sharing what's important.

19 MATTHEW KLEIN: So I'm going to invite
20 colleagues up to talk both about how we weed out the
21 Worker Connect Tool, and then also what legal
22 analysis went into play before any data was shared
23 for even outreach purposes.

24 COUNCIL MEMBER KALLOS: Thank you and
25 that's my final question.

2 [background noise, pause]

3 TAYYAB WALKER: Good afternoon, Tayyab
4 Walker, Mayor's Office of Operations.

5 CHAIRPERSON VACCA: So, do you swear to
6 tell the truth.

7 TAYYAB WALKER: I do.

8 CHAIRPERSON VACCA: Thank you.

9 TAYYAB WALKER: So to answer the question
10 about the UPK particularly a use case, with--within
11 the Mayor's Office of Operations, our integrated data
12 platform contains a registry style master plan index
13 that allows for, as Mindy referred to earlier the
14 algorithm based data matching. This--this master
15 plan index sits on an imprinted database, and its
16 very limited kind data, enough to provide a robust
17 match to prevent false positives and false negatives.
18 Within that we were able to identify through data
19 birth information families that have four-year-olds
20 or children turning four within the upcoming school
21 year. So, that's is what resides within the
22 database. However, the process of a use case that we
23 talked about earlier, is what really gives us the key
24 to actually access that data, and provide it and
25 legally disclose it to a third party. In this case,

2 our partners working at DOITT and the Department of
3 Education to do the outreach. So a use case was
4 developed to describe how that query would be
5 developed to find a four-year-old, who the
6 information would be disclosed to. And in this case,
7 all the--any agency for whom data was queried that
8 owns data or provides data to a Master Plan Index was
9 provided this use case for a legal review to
10 determine if it was allowable. And through that
11 process for what they authorize and what they approve
12 through Social Service law both city, state, federal,
13 that is what--what we were able to query, pull and
14 extract. Anything that was not approved we were not
15 allowed to touch.

16 MINDY TARLOW: Which I just want to
17 underscore as a really important, right, was the use
18 cases mean just that. It's a use case. So it's very
19 narrowly defined, and so the data elements are
20 narrowly defined, who can see them is narrowly
21 defined, and keeping all the other encryption
22 procedures in place. It's not like people can go in
23 and look at everything. They can only look at the
24 thing that they need for the specific use that's been

2 approved by privacy counsel and legal counsel on the
3 other side.

4 TAYYAB WALKER: Exactly, and we could
5 not--we could not do like query to just do open
6 discovery. That query has to be vetted and approved
7 by legal counsel for all the data agency owners.

8 COUNCIL MEMBER KALLOS: Thank you for a
9 great example.

10 CHAIRPERSON VACCA: Let me ask. I know
11 that DOITT has a policy on dig--digital media that
12 requires the data contained on the computers or
13 printers or other devices to be permanently
14 unreadable, but are you aware of any agencies or
15 vendors failing to follow that policy since it was
16 issued? [pause]

17 COMMISSIONER ROEST: Since it was issued
18 in 2011, no I'm not. No.

19 CHAIRPERSON VACCA: Do agencies--agencies
20 report under the digital media disposal successes and
21 failures to DOITT of the Office of Operations? Who
22 do they report to?

23 COMMISSIONER ROEST: They--they--they're
24 not required to report back. They're required to
25 comply, and I do want to say that one of the issues I

2 think we have with compliance with policy is
3 education. And one of the things that DOITT is
4 doing, and if you look in the budget this year, we
5 are getting a significant increase in headcount for
6 the cyber group, and one of those positions is for
7 training. Because we think it's important that
8 policies like this we have people going out and
9 making sure that people number one are aware of the
10 requirements in the policy, and number two, have the
11 tools and technologies to comply. So there is a
12 greater focus on ensuring compliance, and then on the
13 other end in, you know, auditing and following up on
14 policies. So I believe that people have complied
15 with this policy. We would like more resources
16 focused on that verification going forward.

17 CHAIRPERSON VACCA: And are we
18 undertaking the education now? Are we doing that
19 type of outreach?

20 COMMISSIONER ROEST: We have a position
21 that was allocated to us for education and we're in
22 the interview process right now. We do do education
23 and outreach. At some level we have a newsletter and
24 we bring the CIOs together regularly to talk about
25 cyber policies and issues, but we are looking for a

2 full-time resource focused on educating the entire
3 city workforce population, and also ensuring that
4 there is education around policies and standards.

5 CHAIRPERSON VACCA: And your current
6 Digital Media Disposal Policy allows you to transfer
7 the device to a vendor, and then for them to destroy
8 the data. But this exposes potentially sensitive
9 information to a third party, and increases the risk
10 of disclosure. Therefore, does DOITT or other
11 agencies have the in-house capacity to wipe devices
12 clean themselves without relying on vendors?

13 COMMISSIONER ROEST: We do have capacity
14 to do that. It could be a volume issue, and it--it
15 could be a volume issue, and I can look into whether
16 we have the capacity to handle the entire volume for
17 the city. The vendors who do this are vendors who
18 have been vetted in DOITT, it's their Core Competency
19 and they're required to comply with our security
20 policies. But I understand you're concern, and we'll
21 look to see if that could be handled completely in-
22 house.

23 CHAIRPERSON VACCA: Thank you. I have no
24 further questions. I do want to mention Councilman
25 Kallos other notice, otherwise notice Councilman

2 Greenfield is here. Since I mixed that up with
3 Councilman Kallos, I'll mix that up with you
4 Councilman Greenfield. Councilman Kallos will
5 explain. Okay, all right. Thank you we have another
6 panel coming up. Are there any questions. I'm
7 sorry. No. Okay, no further no questions. Thank
8 you Commissioner, Ms. Tarlow. Sir, thank you. Our
9 next panel is Will Colegrove Dominic Morrow, Reinvent
10 Albany, Noel Hildalgo, Beta New York. [pause] Mr.
11 Colegrove, would you want to go first?

12 WILL COLEGROVE: Sure.

13 CHAIRPERSON VACCA: Introduce yourself.

14 WILL COLEGROVE: Thank you. Hello, my
15 name is Will Colegrove, here to testify on behalf of
16 Manhattan Borough President Gale Brewer. Thank you
17 very much, Chair Vacca, for holding this hearing
18 today as well as the staff of the committee for their
19 hard work in preparing for these hearing. I'm here
20 to speak about two bills that have been introduced at
21 my request by Council Member Ben Kallos, and also to
22 thank him for carrying this legislation. The two
23 bills we've introduced are Intro 626 and Intro 627.
24 As has been discussed, the legislation would require
25 each city agency to develop comprehensive security

2 protocols to ensure that personal information of all
3 city residents who interact with an agency be
4 protected. I first introduce this legislation
5 several years ago when data breaches in city agencies
6 became evident. Perhaps the most famous was the 2010
7 theft of 1.7 million HHC medical records from
8 unsecured VAN. The widespread use of Technology
9 brings many benefits, but also growing risks of
10 hacking, identify theft and other cyber crime-related
11 challenges. As a city, we must ensure that personal
12 information we collect is protected using the most
13 up-to-date methods available. At the initial hearing
14 on this legislation in 2012, DOITT expressed support
15 for the spirit of data security legislation, but had
16 concerns about specific bill language. To their
17 credit, the staff a DOITT have promulgated citywide
18 IT security policies including requirements for
19 contractors and vendors that personal information
20 including that stored readable media be encrypted. I
21 hope that today's hearing will update us on the
22 current status of DOITT's policies and start a new
23 conversation on how best to protect client data in
24 New York. Obviously, much has changed since that
25 2012 hearing, notably the passage of another bill I

2 sponsored in New York City's Open Data Law. The Open
3 Data Law requires that agencies publish data to a
4 single portal in machine readable formats or removing
5 any personally identifiable information that could
6 cause security concerns. These dual requirements
7 that publish data while protecting the release of
8 anything that could be used to harm an individual's
9 privacy are at odds with one another, but surely not
10 insurmountable. I expect that changes thus be made
11 to Intro 626 and 627 to ensure full compatibility
12 with the letter and spirit of the Open Data Law while
13 protecting the privacy and security of New Yorkers.
14 For example, as was discusses earlier, there's a list
15 of exceptions in the current of legislation, which
16 would allow disclosure of personal information where
17 required by federal or state laws. They make sense
18 as has been suggested by some advocates to include
19 additional exceptions in order that specific data can
20 continue to be disclosed in compliance with the
21 spirit and intents of the Open Data Law. This would
22 allow agencies to continue publishing information
23 such addresses of those with open construction
24 permits, which might become restricted under and
25 unreasonably strict interpretation of personal

2 information envisioned by Intros 626 and 627. It is
3 certainly not my intention to pass any legislation
4 that would threaten the city's Open Data Program,
5 which I've spend years working to develop. The
6 default setting for non-personal information must
7 remain open. However, I also think it's crucial to
8 the future of the City's Open Data Program, as well
9 as the International Open Data Movement to send a
10 clear signal that personal information security and
11 open data are not mutually exclusive. For personal
12 information such as Social Security numbers, private
13 health information, et cetera, data security across
14 all agencies must be maintained. We've begun in
15 conversations with the Administration and sent
16 potential amendments to legislation that will protect
17 DOITT's ability to promulgate additional protections
18 on top of the minimum standards established by this
19 legislation. It is certainly not my intention to
20 prohibit the Administration from keeping pace with
21 advances in technology nor to prescribe specific
22 technologies that may become irrelevant in a short
23 time period. Rather, the intent of this legislation
24 is to establish a baseline law that all agencies must
25 comply with. I look forward to working with the

2 Council and the Administration to find a compromise
3 that protects the privacy and security of personal
4 data while expanding on the successes of the City's
5 Open Data Program. Thank you again for inviting me
6 to testify, and I'm happy to answer any questions you
7 may have.

8 CHAIRPERSON VACCA: Thank you, sir.

9 Thank you. Dominic.

10 DOMINIC MORROW: Good afternoon, Chairman
11 Vacca and members of the Technology Committee. I'm
12 Dominic Morrow, Staff Attorney of Reinvent Albany, a
13 good government watch dog, which co-chairs the New
14 York City Transparency Working Group. I'm also
15 presenting this testimony on behalf of Transparency
16 Working Group Co-Chair and NYPIRG's Senior Attorney,
17 Gene Russianoff, who was unable to attend today. We
18 are concerned that overly broad language in Intro 626
19 and 627 may undermine the assumption that city data
20 is open by default under the Open Data Law. We
21 believe these bills could force numerous data sets on
22 the Open Data Portal to be taken offline or redacted.
23 While we understand the--that the intent of these
24 bills is to protect New Yorkers' personal
25 information, we ask the City Council to delay a

2 further legislative action on these bills until
3 corporation counsel provides an opinion on what
4 implications these bills have for the implementation
5 of the city's Open Data Law and other data the city
6 has already published online. Both bills regulate
7 the publication of personal information, which is
8 defined as any information concerning an individual
9 which because of a number, symbol, mark or other
10 identifier can be used to identify that individual.
11 This is an extremely broad definition, which may
12 cover many data sets on the Open Data Portal, and
13 there would be hundred which contain information that
14 can be used to identify individuals. For example,
15 ACRIS boasts Environmental Control Board hearings
16 data set, the Department of Buildings job permits
17 data set, and the Campaign Finance Board's data set
18 affordable contributions would all qualify. Thank
19 you.

20 CHAIRPERSON VACCA: Thank you, Noel.

21 NOEL HIDALGO: [coughs] Excuse me.

22 Through the support of this committee New York City's
23 civic technology and open data community is larger
24 than ever, and as of today, we're over 3,200 members
25 strong, and this year our numbers will grow to

2 include--include community board members. In a
3 partnership with Manhattan Borough President Gale A.
4 Brewer, we've launched a program called the Civic
5 Innovation Fellows where we're partnering with CUNY
6 undergraduate students, with Manhattan Borough--
7 Manhattan--excuse me--Manhattan Community Boards with
8 the goal of marrying technology data designed to
9 increase hyper local civic participation. The Civil
10 Innovation Fellows Program was part of a broader
11 research at Data and Society Research Institution
12 located in Manhattan's Flat Iron District. Our
13 research is focused on cultural, social and ethical
14 issues arising from data centric technology
15 development. Significant ideological and
16 technological concerns have come up with these two
17 bills. In regards to Intro 626, in an age where
18 federal, state and municipal governments are
19 demonizing cryptology or math, we are very happy to
20 see the City Council outline a citywide policy
21 embracing cryptology and universal desire to secure
22 information. But as you know, City Council offices
23 and community boards are on the front lines of
24 solving problems, and historically they've been
25 under-resourced. When it comes to using technology

2 to catalogue and address community concerns, we're
3 not sure that this bill takes into--bill takes
4 consideration of their constraints. Volunteers have
5 a unique role within New York City government, and
6 this bill seems to ignore them. If enacted as
7 written, we see a negative impact on how council
8 members and community boards use, send and receive
9 information. If enacted, we foresee an increased
10 burden on community boards and city council offices,
11 and this bill scatters many more locks and keys
12 across the city's technology infrastructure. And
13 from my personal--professional experience, the
14 burdens are best addressed with dedicated staff,
15 increased training and the modernization of
16 technology. Both Data NYC and Data and Society are
17 available as resources to convene stakeholders to
18 ensure that constituent services, civic volunteers
19 and the distributed secure 21st century government
20 information systems are properly balanced. In
21 regards to 627, this bill contains some of the
22 community's greatest concerns. Our peers within the
23 transparency working group have testified that
24 personal information is attached to many open data
25 sets. The data in this bill is trying to exclude or

2 might remove our ability to look at permits, property
3 records, financial records, campaign contributions
4 and public safety records. We're warning the Council
5 that the bill's current language might prevent
6 council members themselves and community boards and
7 members of the BetaNYC community from actually doing
8 their jobs, and since this bill was introduced I've
9 received several concerns from businesses, city
10 employees and non-profit service providers. The bill
11 potentially harms the city's open data achievements
12 and will place undue constraints on the city's
13 service providers, advocacy organizations, public
14 interest organizations, journalists, and everyday New
15 Yorkers who need access to public records. This bill
16 seems to protect public information at the cost of
17 public interest. And once again, BetaNYC and Data
18 and Society are willing to be a resource to help the
19 City Council convene stakeholders to make sure that
20 government information systems strike the right
21 balance between privacy and public interests.

22 We're extremely fortunate to have a City
23 Council that understands the nuance of protecting
24 privacy and supporting public interest, and we thank
25 the Council for hearing us out.

2 CHAIRPERSON VACCA: Thank you. Now, both
3 of your groups did not indicate where you stood on
4 1052. Do you have an opinion on my bill?

5 NOEL HIDALGO: No exclusively.

6 CHAIRPERSON VACCA: What? That's my
7 bill. I only do good things here. Did--did you
8 review it?

9 NOEL HIDALGO: I--I--I did. It, um, and
10 I think that there are some significant concerns to
11 626 and 627 that take priority over that particular
12 bill.

13 CHAIRPERSON VACCA: And you can be
14 honest, but don't be that honest. [laughs]

15 NOEL HIDALGO: I--I know. I'm just feel
16 that these other two bills have more to do.

17 CHAIRPERSON VACCA: [interposing] So
18 you're--you're--you're concerned that those two bills
19 outweigh you're not being concerned with my bill
20 basically, or not feeling this ban bill? (sic)

21 NOEL HIDALGO: It's--it's--I mean it--
22 it--it is--if you were to put me on the spot and put
23 me and corner me into--put me in the corner, it's a--
24 it's a bill that has merit, and it should be
25 considered. But I think that these two particular

2 bills have more concern. I mean it--there's merit
3 within that bill, so--

4 CHAIRPERSON VACCA: Okay, thank you.
5 Sir, any comment?

6 DOMINIC MORROW: Um, the--your bill has no
7 implications for open data, and so we don't have a
8 comment on--on that bill.

9 CHAIRPERSON VACCA: Okay, that's fair.
10 His answer was better than yours, you know that.
11 Tell him you like that.

12 NOEL HIDALGO: You put me on the spot
13 first.

14 CHAIRPERSON VACCA: His answer was
15 better. I'll get you later. All right, Councilman
16 Kallos.

17 COUNCIL MEMBER KALLOS: I'm going to try
18 something unorthodox if the Chair will let me. I
19 would like to invite Gale Brewer's Office, Will to
20 address any questions or concerns that came up in the
21 testimony for Reinvent Albany or BetaNYC.

22 WILL COLEGROVE: Sure this is an
23 unfamiliar position for us to be on the opposite side
24 of our friends at BetaNYC and Reinvent Albany. I
25 think as--as we articulated in our testimony, there

2 are understandable challenges with some of the
3 definitions that I think I would agree are perhaps
4 overly broad in the current draft legislation.

5 Notably, we would like, of course, to make sure that
6 we're not doing anything that would unintentionally
7 inhibit the ability of the city to expand on its open
8 data practices. So I think we're certainly open to
9 looking at definitions of personally identifiable--
10 identifiable information for example including
11 exceptions for data sets that have already been
12 deemed public pursuant to the Open Data Law. I would
13 hope that when exploring those changes we would
14 become closer to an agreement on the bill. I think--
15 I would hope that my friends here on the desk would
16 agree with me that securing personal information
17 notably the concerns, you know, we're most--we're
18 most concerned about are things such as Social
19 Security number, you know, credit card information,
20 personal health data that would never be included in
21 the Open Data Law. So I would hope we could craft
22 perhaps a more finely tuned definitions that would
23 protect that information while continuing to expand
24 in open data.

2 COUNCIL MEMBER KALLOS: My question for
3 Reinvent Albany and BetaNYC if I were to in the next
4 minute or so post Introduction 626 and Introduction
5 627 onto my Get Help Repo gethelp.com/benkallos
6 /legislation, would you commit to sitting down with
7 your memberships at the Transparency Working Group as
8 well BetaNYC initiating a pull request modifying the
9 language that you see problematic and pushing back to
10 the Repo so we can accept it?

11 DOMINIC MORROW: I--I think if you want a
12 simple answer it's yes, and the problem with just
13 saying yes is that these issues are very severe.
14 They're serious issues, and they need deliberation
15 and discussion. What we heard previous to our
16 testimony is that the city already has pretty
17 detailed policies in regards to data use. How
18 [coughs] what is the statement? Analytical
19 algorithm-based data matching to secure alternative
20 service delivery. I think that's a very clear use
21 case that needs to be unpacked. We've heard that
22 there are articles in Harvard Business Review that
23 discuss how this data is being used. But we need to
24 be marrying those use cases with the letter of this
25 potential law, and really understand its impact. So,

2 yeah, we can, you know, take a look at it, get Help
3 Repo and fork it, make edits, but I think that
4 there's actually some discussion and there needs to
5 be some understanding of how the data is being used
6 and the legislation would impact it. There's
7 unintended--unintended consequences that need to be
8 discussed.

9 CHAIRPERSON VACCA: You seem to be saying
10 that both of those pieces of legislation should be
11 started from the ground up, basically starting--
12 starting all over. You don't think this is something
13 that should be tweaked. You're saying this is
14 something that has to be re-thought?

15 DOMINIC MORROW: If you use the procedure
16 of this house, then this is the beginning part of the
17 conversation or this is the second chapter in the
18 discussion. You know, very thankful to have
19 Manhattan Borough President Brewer make those
20 statements of willingness to sit down and have a
21 conversation, and that's where we really need to go
22 from here. There are just too many concerns. The
23 language is too vague. It's too open for this
24 particular legislation to move forward, and that's
25 where I encourage you to utilize our community plus

2 the research institution that I'm a part of, which
3 exclusively focuses on data in society and security
4 to have that conversation.

5 CHAIRPERSON VACCA: Well, this is why the
6 Council has hearings because at hearings we manage to
7 draw out from the stakeholders and from the agencies
8 issues that the bills may have, and we hope to take
9 you input back and talk further with you and the
10 sponsor. Of course, in this case is Councilman
11 Kallos and we--I think the hearing today raised
12 concerns that I think we should--we should be talking
13 about. We'll see. Yes, Councilman Kallos.

14 COUNCIL MEMBER KALLOS: So, just--just in
15 follow up, if--if--would one of you commit to mark
16 downing the legislation and then the other pieces I
17 understand that you need to a have a conversation
18 around it in order-- Is there a better platform that
19 would actually facilitate a conversation around
20 improvements and edits to legislation, and that be--
21 following that question. This question would be to
22 the Borough President of whether or not the Borough
23 President's Office would join me if we were going to
24 be a little bit on one point at a meeting with
25 BetaNYC and perhaps folks from Transparency Working

2 Group that BetaNYC could host where we could actually
3 sit down with folks to have this detailed
4 conversation you're looking for. In the interest of
5 disclosure and transparency we'd also need somebody
6 to live cast it and web cast, and happy to sit down
7 and work with you as folks say make the sausage
8 better with legislation. (sic) So, what say you?

9 DOMINIC MORROW: Yeah, we're--we're
10 absolutely happy to continue the conversation. I'm
11 not sure that Get Help would be the--the single best
12 software platform to do that on. There's a little
13 bit of a technical barrier to entry there, which
14 could meet out a lot of people. But we can find some
15 way to have this conversation. Absolutely.

16 CHAIRPERSON VACCA: Let me ask you how
17 long has Reinvent Albany been in existence?

18 DOMINIC MORROW: About five years now.

19 CHAIRPERSON VACCA: Five years?

20 DOMINIC MORROW: Maybe six.

21 CHAIRPERSON VACCA: So it's pretty new.
22 We haven't reinvented it yet, though. That's the
23 only thing. [laughter]

24 DOMINIC MORROW: Not quite.
25

2 CHAIRPERSON VACCA: Okay. Just keep
3 trying.

4 DOMINIC MORROW: In a year.

5 CHAIRPERSON VACCA: You will. Okay, good
6 as long as you promise. Okay, there are no other
7 questions and being that all witnesses have been
8 heard, I am officially adjourning this hearing.

9 [gavel] It is now--

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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 February 12, 2016