
DSS Policy Bulletin #2023-014
Date: July 20, 2023

DISTRIBUTION: ALL STAFF

DISPOSAL OF DIGITAL RECORDS AND ELECTRONIC MEDIA

■ AUDIENCE

This policy bulletin is directed at all Department of Social Services (DSS), Human Resources Administration (HRA), and Department of Homeless Services (DHS) staff.

■ BACKGROUND

All Department of Social Services, Human Resources Administration, Department of Homeless Services (DSS/HRA/DHS) [hereafter “Agency”] records are deleted/destroyed in accordance with policies and procedures set forth by Chapter 49, Section 1133 of the City Charter, and the referenced, applicable policies of the Department of Records and Information Services (DORIS).

It is imperative that staff ensure the below-established Agency policies, based on the above referenced guidelines, are followed precisely; and that, digital records and electronic media are not destroyed prior to the authorization for their destruction by an authorized authority.

■ POLICY

The Agency manages its digital records and electronic media in accordance with the established provisions in the New York City Charter and the policies of the Department of Records and Information Management (DORIS).

All staff must understand that the destruction of digital records and electronic media cannot occur independent of the three (3) policies noted below; and, as required, without prior approval from an authorized authority.

Once authorization to destroy digital records and/or electronic media has been granted, staff must follow the instructions, as defined by the three (3) policies listed below:

1. Policy on the Destruction of Obsolete Electronic Media

This policy permits agencies to dispose of obsolete electronic media (i.e., data that exists on computer media storage devices (e.g., floppy disks, magnetic data tapes, etc.) when the contents are either unidentified and inaccessible or duplicative.

2. Policy on the Automatic Deletion of Digital Records

Digitally stored data and other information made or received pursuant to law or ordinance, or in connection with the transaction of official City business are municipal records. Such records may only be destroyed or disposed of pursuant to Section 1133 of the New York City Charter. This policy establishes a process by which an agency may request and obtain prospective approval for the automatic deletion of specific, digitally stored records, following an adequate retention period.

3. Policy on Transient Generic Data

Digitally stored data, generated or collected through the normal operation of computer or information systems, are municipal records which may only be destroyed or disposed of pursuant to Section 1133 of the New York City Charter. This policy establishes a process by which agencies may delete such data following an adequate retention period, without requesting further approval.

Destruction Approval Process per Chapter 49, Section 1133 of the New York City Charter

All digitally stored data and information, made or received according to law or ordinance, or in connection with the transaction of official City business, are municipal records, and may only be disposed of according to the procedures set forth in Chapter 49, Section 1133 of the New York City Charter.

No records may be destroyed or disposed of without prior approval from:

1. The head of the agency which created or has jurisdiction over the records, and
2. The Municipal Archivist, and
3. The Corporation Counsel, and
4. The Commissioner of the Department of Records and Information Services (DORIS).

It is understood that there are records that may be automatically deleted; and that, some of those records may already have been deleted, without prior authorization.

For those records, an Application for Automatic Deletion of Records (**Attachment A**) must be filed, on which the deleted records must be listed, by series and closing dates.

Going forward, a completed Application for Automatic Deletion of Records must be submitted to and approved by an authorized authority, prior to their auto-deletion.

PLEASE NOTE:

All records, whether stored in digital or hard copy format, must be retained as per their retention schedule, until such time that staff request and receive authorization for their destruction, per the above referenced records destruction approval process.

To receive authorization for the destruction of records, staff must complete and submit an Application for Automatic Deletion of Records (**Attachment A**).

- For DSS/HRA staff, that application must be submitted to the Office of the Agency Records Officer at the Office of Media Production and Records Management at stockwellr@dss.nyc.gov.
- For DHS staff, that application must be submitted to DHS' Records Management Officer at DHS Record Information Services at DHSrecords@dhs.nyc.gov.

Effective Immediately

REFERENCES:

New York City Charter, Chapter 49, Section 1133

ATTACHMENTS:

Attachment A	Application for Automatic Deletion of Records
Attachment B	Department of Records and Information Services (DORIS) Doc. No. RMD-P-2020-01 – Policy on the Destruction of Obsolete Electronic Media
Attachment C	Department of Records and Information Services (DORIS) Doc. No. RMD-P-2020-02 – Policy on the Automatic Deletion of Digital Records
Attachment D	Department of Records and Information Services (DORIS) Doc. No. RMD-P-2020-03 – Policy on Transient Generic Data

CITY OF NEW YORK
DEPARTMENT OF RECORDS AND INFORMATION SERVICES
MUNICIPAL RECORDS MANAGEMENT DIVISION

APPLICATION FOR AUTOMATIC DELETION OF RECORDS

To:	Commissioner, Department of Records and Information Services		
FROM AGENCY:		DATE:	
NAME OF PRIMARY CONTACT REGARDING THIS APPLICATION:			
EMAIL:		TITLE:	
	PHONE No.:		

PERMISSION IS REQUIRED TO COMMENCE THE AUTOMATIC DELETION OF RECORDS DESCRIBED IN THIS APPLICATION. THIS APPLICATION COVERS ONLY THE DESCRIBED PROCESS TO AUTOMATICALLY DELETE RECORDS CREATED AFTER THE APPROVAL OF THIS APPLICATION. DISPOSAL OF PREEXISTING RECORDS MUST BE APPROVED BY A SEPARATE APPLICATION FOR RECORDS DISPOSAL. NO RECORDS MAY BE DELETED OR DISPOSED OF UNTIL THE REQUESTING AGENCY HEAD, CORPORATION COUNSEL, AND DEPARTMENT OF RECORDS AND INFORMATION SERVICES COMMISSIONER HAVE SIGNED AND DATED THIS APPLICATION.

Description of Records Subject To Automatic Deletion

Record Title	Number:	Name:	
Description of the records to be automatically deleted			
How are the records generated or created?			
Name and location of the data system(s) on which the records will reside, including any agencies or third-parties with responsibility or ownership.			
Primary use of these records, including business units, agencies, and outside entities that regularly request access.			

Specify any existing record series applicable to the records that will be subject to automatic deletion

E.g., "Location data from vehicle GPS" or "audio recordings of telephone calls received"

E.g., "automatically uploaded by device" or "requests entered by members of the public on [specific website]"

E.g., "Database on DoITT hosted server", "Cloud Service hosted by [company name] pursuant to contract number: XYZ123"

E.g., "litigation support, requested by Law Department", "auditing by Comptroller", "process management by [specific business unit]"

Date Range of Records

<p>Earliest date of the described records.</p>	
<p>Are there plans to purge records that pre-date approval of automatic deletion? If so, describe the criteria and process to be used to ensure necessary records are preserved until disposal is approved.</p>	<p><i>E.g., when did or will the data system begin collecting records that will be automatically deleted?</i></p> <p><i>This application is only applicable to prospective deletion of records; a separate disposal application must be submitted prior to deleting any pre-existing records.</i></p>

Reason for Automatic Deletion

<p>Why is automatic deletion appropriate or necessary for these records?</p>	<p><i>E.g., "Required by law" with cite to applicable statute or regulation;</i></p> <p><i>"Storage space constraints", describing the amount of data generated per month or year, and the cost of storage;</i></p> <p><i>"Records no longer relevant or needed after specified time", including basis for that assertion</i></p>
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Process for Automatic Deletion

<p>What criteria will be used to flag records for automatic deletion?</p>	<p><i>E.g., "All records created more than [n] months ago", "records that have not been accessed in [n] months"</i></p>
<p>How often will the automatic deletion process occur?</p>	<p><i>E.g., "Once a day/week/month"</i></p>
<p>What is the minimum time a record will exist before being flagged for automatic deletion?</p>	<p><i>The minimum number of months a record will exist prior to deletion;</i></p> <p>THIS NUMBER IS USED TO CALCULATE THE DATE WHEN AUTOMATIC DELETION CAN COMMENCE</p>
<p>Proposed date for automatic deletion to begin</p>	<p><i>No automatic deletion can occur prior to the date approved on this application.</i></p>

Process For Identifying And Preserving Necessary Records Prior To Automatic Deletion

NO PROCESS FOR AUTOMATIC DELETION WILL BE APPROVED UNLESS THERE IS A CLEARLY-DEFINED PROCESS FOR THE IDENTIFICATION AND PRESERVATION OF RECORDS NECESSARY TO THE BUSINESS OF THE CITY. IT IS THE REQUESTING AGENCY'S RESPONSIBILITY TO MAINTAIN THE PROCESS DESCRIBED, AND TO NOTIFY BOTH DORIS AND ALL REGULAR USERS OF THE RECORDS OF ANY CHANGES TO THE PROCESS, INCLUDING ANY CHANGE OF CONTACT INFORMATION FOR SUBMITTING REQUESTS TO PRESERVE PARTICULAR RECORDS.

<p>Name of Business Unit responsible for identifying and preserving necessary records from automatic deletion.</p>	<p><i>Who will field requests for such records and take action to ensure that requested records are not automatically deleted?</i></p>
<p>Describe process by which records will be identified and preserved.</p>	<p><i>Include how the responsible Business Unit will receive requests for preservation, and what steps they will take to ensure that those requests result in preservation of necessary records, including any third parties that will be involved in carrying out the preservation request. Please be as detailed as possible.</i></p>

Commencement of Automatic Deletion

<p>Has autodeletion already begun? If so, when did it begin. If not, when will the agency be ready to commence automatic deletion?</p>	<p><i>Also note any changes to the auto deletion protocol that have been made since it began.</i></p>
<p>Specify the date range of the described records that are no longer available.</p>	<p><i>E.g., the date range from when the records were first created until either the present or when automatic deletion was paused.</i></p>
<p>Describe any measures previously taken to preserve necessary records from deletion.</p>	<p><i>Include processes to copy necessary records to requesting parties.</i></p>

TO BE COMPLETED BY THE HEAD OF THE REQUESTING AGENCY

Permission is hereby requested to establish the automatic deletion of records described in this application beginning on the date approved by the Commissioner of the Department of Records and Information Services.

<p>SIGNATURE OF AGENCY HEAD</p>	<p>TITLE:</p>
<p>DATE:</p>	<p>DATE:</p>

REVIEW BY MUNICIPAL ARCHIVIST

This application for automatic deletion should be **APPROVED** because:

The records described above are **Non-Archival**; or

The records described above are **Archival**; and,

The requesting agency has agreed to **transfer an exact copy of all such records to the Municipal Archives** prior to automatic deletion on the agency's data systems, using the process described below; or

The requesting agency has agreed to **transfer an exact copy of a sample of such records to the Municipal Archives** prior to automatic deletion on the agency's data systems, using the process described below; or

This application for automatic deletion should be **DENIED** because the described records are **Archival** and no process has been established to ensure their proper preservation.

The requesting agency will establish and maintain the following process to ensure that the described records are preserved for archival purposes:

TO BE COMPLETED BY THE MUNICIPAL ARCHIVIST

The Municipal Archives has reviewed this application for automatic deletion of records and recommends that it be approved subject to any preservation process described above.

SIGNATURE OF MUNICIPAL ARCHIVIST: _____ DATE: _____

CERTIFICATIONS**TO BE COMPLETED BY THE CORPORATION COUNSEL**

I APPROVE THE AUTOMATIC DELETION OF RECORDS PURSUANT TO THE PROCESS AND CONDITIONS DESCRIBED ON THIS APPLICATION.

SIGNATURE:	DATE OF APPROVAL:
PRINTED NAME: MURIEL GOODE-TRUFANT	TITLE: MANAGING ATTORNEY
EMAIL ADDRESS: mgoode@law.nyc.gov	PHONE No.: (212) 356-2200

TO BE COMPLETED BY THE DEPARTMENT OF RECORDS AND INFORMATION SERVICES

The records identified in this application are properly identified and will be eligible for automatic disposal in the manner described beginning **on or after** _____, provided the process described for preserving necessary records is maintained and carried out and no subsequent preservation notice for the described records has been issued by the Law Department or other authorized agency.

SIGNATURE:	DATE OF APPROVAL:
PRINTED NAME: PAULINE A. TOOLE	TITLE: COMMISSIONER
EMAIL ADDRESS: ptoole@records.nyc.gov	PHONE No.: (212) 788-8607



Doc. No. RMD-P-2020-01

Version: 1.1

Effective Date: January 12, 2020

Policy on the Destruction of Obsolete Electronic Media

Purpose: This policy permits agencies to dispose of obsolete electronic media (e.g., floppy disks, magnetic data tapes, etc.)¹ when the contents are either *unidentified* and *inaccessible*, or else *duplicative*.

Policy: All digitally-stored data and information made or received pursuant to law or ordinance, or in connection with the transaction of official City business are municipal records,² and may only be disposed of pursuant to the procedures set forth in Section 1133 of the New York City Charter.

Electronic media containing information that is *inaccessible*³ and *unidentified*, or *duplicative*, do **not** constitute municipal records and may therefore be disposed of without following the disposal procedures set forth in Section 1133.

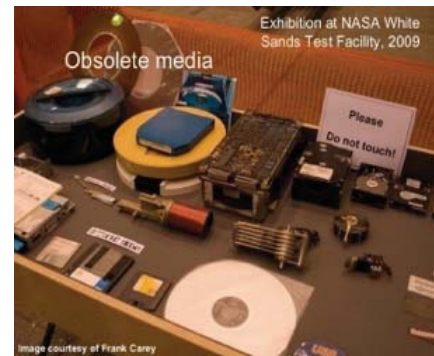
Definitions: As used in this policy, the terms “*inaccessible*”, “*unidentified*”, and “*duplicative*” are defined as follows.

Inaccessible — Data stored on electronic media is considered *inaccessible* when the agency no longer maintains equipment capable of accessing and reading the stored data and has not been instructed to upload the data to a viable platform. Data is also considered *inaccessible* when the physical condition of the electronic media has deteriorated to a point that its contents might only be accessed and recovered using forensic techniques beyond the agency’s routine technical ability.

- For example, where an agency has a box of 3.5” floppy disks, but no longer deploys any computers with a compatible drive, the contents of those disks are considered inaccessible.
- Similarly, the data on a malfunctioning hard drive is considered inaccessible if the agency’s IT staff advises that recovery might only be possible through an outside vendor at an excessive cost.

Unidentified — Data stored on electronic media may be considered *unidentified* when the media holding it is not adequately labeled, no record has been kept of what (if anything) was stored on the media, and the media is not stored in a context indicative of its contents.

- For example, the contents of an unlabeled tape cartridge stored in a box of miscellaneous other media is considered unidentified.



¹ This policy does **not** apply to microfilm or microfiche.

² See New York City Charter Chapter 72, § 3011(2) (“Records’ means any documents, . . . sound recordings, machine readable materials or any other materials, regardless of physical form or characteristics. . . .”)

³ The information may be inaccessible either because the technology is obsolete, or because the media has physically deteriorated.



- However, an unlabeled floppy disk stored within a labeled box, folder, or file is assumed to hold data relevant to the subject of that box, folder, or file, and should be preserved along with the other contents of that box, folder, or file.

Duplicative — Data stored on electronic media is considered **duplicative** when it is known that the same information was also preserved in another format.

- For example, where media is known to contain backups or snapshots of data systems that are still online (or which were migrated into systems that are still online), then the data stored on that media is merely a copy, and need not be preserved as a municipal record.
- Similarly, where an agency had a policy of printing all of its municipal records for storage in hardcopy (paper) format, it may dispose of obsolete electronic media containing information that was or would have been preserved in paper format.⁴



Exceptions: When obsolete electronic media is known to contain the only extant-copy of municipal records that have never been the subject of an approved disposal application, then the obsolete electronic media must be preserved pending an approved application for disposal.

This policy does **not** apply to information stored on microfilm or microfiche. The agency should contact DORIS for guidance on preserving or converting records stored on photographic media.

Process & Procedure: Agencies may dispose of obsolete electronic media that meet the criteria of this policy without further approval from DORIS or the Law Department.

Obsolete electronic media should be destroyed or disposed of pursuant to appropriate information security protocols and procedures, even when any data on that media is unidentified or inaccessible to the agency. This can generally be accomplished by ensuring the physical destruction (*e.g.*, shredding) of the electronic media.

When identified but inaccessible data comprises municipal records with a long retention period, agencies should consult with legal counsel and their information technology staff to explore ways of migrating that data to an accessible format.

⁴ The obsolete electronic media can be disposed of even if the stored-copy of the municipal records it contains were previously disposed of pursuant to a disposal application under Section 1133, as that application would also cover the copy contained on the obsolete electronic media.



The New York City Department of Records and Information Services
31 Chambers Street, Room 305, New York, New York 10007

Pauline Toole, Commissioner

Doc. No. RMD-P-2020-02

Version: 1.0

Effective Date: July 29, 2020

Policy on the Automatic Deletion of Digital Records

Purpose: This policy clarifies that digitally-stored data and other information are municipal records, which may only be destroyed or disposed of pursuant to Section 1133 of the New York City Charter. The policy further establishes a process by which an agency may request and obtain prospective approval for the automatic deletion of specific, digitally-stored records following an adequate retention period.

Policy: All digitally-stored data and information made or received pursuant to law or ordinance, or in connection with the transaction of official city business are municipal records.¹ No records shall be destroyed or otherwise disposed of absent prior approval from: (1) the head of the agency which created or has jurisdiction over the records, (2) the Municipal Archivist, (3) the Corporation Counsel, and (4) the Commissioner of Records and Information Services.²

An agency may obtain approval to initiate **automatic deletion** of digitally-stored records provided that:

- (1) the records that will be automatically deleted are specifically identified;
- (2) the records are retained for the **designated retention period** prior to automatic deletion; and
- (3) a process exists to extract and preserve certain records prior to automatic deletion.

Definitions: As used in this policy, the terms “*automatic deletion*” and “*designated retention period*” are defined as follows.

Automatic deletion — Any programmatic process that deletes (purges) digitally-stored records based on predetermined criteria and without any human intervention.

- For example, a database that automatically purges records 180 days after their creation.

Designated Retention Period — The minimum retention period for the applicable record series as defined in the approved records schedules. If the records subject to automatic deletion are not covered by an existing record series, then one will be created or assigned prior to approval of the request for automatic deletion.

Scope: This policy does not apply to generic data created or collected during the normal operation of a computer or information system. Generic data is covered by a separate policy and procedure.

- For example, this policy is not intended to cover system or server log files or browser history and cache files.

¹ See New York City Charter Chapter 72, § 3011(2) (“Records’ means any documents, . . . sound recordings, machine readable materials or any other materials, regardless of physical form or characteristics. . . .”)

² See New York City Charter Chapter 49, § 1133(f).



Process & Procedure: To obtain approval for the automatic deletion of digitally-stored records, an agency must complete an "Application for Automatic Deletion". Such application must include at least:

- (1) a detailed description of the records (data) that will be deleted, including the origin of those records, and the specific data system(s) on which those records are stored prior to deletion;
- (2) an explanation for the purpose or requirement of automatic deletion of the identified records;
- (3) a description of the proposed criteria that will be used to effect automatic deletion of the identified records, including either the designated retention period or a proposed minimum retention period prior to automatic deletion of the records;
- (4) a description of the process by which specifically-identified records may be manually preserved from deletion, including the business unit that will be responsible for receiving and processing any preservation requests; and
- (5) certification by the head of the agency that has jurisdiction over the records that the proposed automatic deletion will not hinder or disrupt the business of the City.

Where the requesting agency has already implemented a process of automatic deletion, the following additional information and certification will be required:

- (6) the date on which automatic deletion began, and any subsequent dates on which the criteria or process of automatic deletion was modified;
- (7) an affidavit by the Records Management Officer or other appropriate agency employee describing the automatic deletion process and providing a description and date range of records already deleted;

Applications for Automatic Deletion shall be submitted to the Records Management Division of the Department of Records and Information Services, which shall process such applications and submit them for approval by the Municipal Archivist, Corporation Counsel, and the Commissioner of the Department of Records and Information Services. Both the Commissioner of the Department of Records and Information Services and the Corporation Counsel may condition approval on modification of the criteria and processes described in the application. The Records Management Division shall be responsible for maintaining a record of all applications, and shall notify applicants of the approval or disapproval of the application.

Approval of automatic deletion is expressly based on the criteria set forth in the approved application, including the adequate retention period, and those criteria may not be changed without submission of a new application.

The agency that obtained approval for automatic deletion shall be responsible for ensuring that the process for preserving individually-identified records remains up-to-date, and that any changes to that process are communicated to all regular users of the records or information subject to automatic deletion (including business units at other agencies that frequently request such records).



The New York City Department of Records and Information Services

31 Chambers Street, Room 305, New York, New York 10007

Pauline Toole, Commissioner

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Policy on Transient Generic Data

Purpose: This policy clarifies that digitally-stored data generated or collected through the normal operation of a computer or information system are municipal records, which may only be destroyed or disposed of pursuant to Section 1133 of the New York City Charter. The policy further establishes a process by which agencies may delete such data following an adequate retention period, without requesting further approval.

Policy: All digitally-stored data and information made or received pursuant to law or ordinance, or in connection with the transaction of official city business are municipal records.¹ No records shall be destroyed or otherwise disposed of absent prior approval from: (1) the head of the agency which created or has jurisdiction over the records, (2) the Municipal Archivist, (3) the Corporation Counsel, and (4) the Commissioner of Records and Information Services.²

The Commissioner or the Department of Records and Information Services (DORIS), and the Corporation Counsel have determined that certain transient generic data generated through automatic computing processes may be disposed of without further approval subject to the following conditions:

- (1) the data are of a **transient generic** nature that are generated or collected automatically through the normal operation of a computer or information system;
- (2) the data are typically retained for an **adequate period** of time prior to automatic deletion; and
- (3) a process exists to extract and preserve certain data prior to automatic deletion when necessary.

Definitions: As used in this policy, the terms “**transient generic data**” and “**adequate period**” are defined as follows.

Transient Generic Data — Data that is automatically generated or collected by a computer or information system during normal operation, and which is intended primarily to assist with managing the computer or information system. Such data should **not** be directly related to an agency’s business, nor generated or stored in furtherance of the agency’s business functions. Such data is also typically stored for only a limited period before it is deleted or overwritten by the host system without input or notification to the user.

- For example, this policy would cover system or server log files, and browser history and cache files;
- This policy would **not** cover monitoring data collected from a mission-specific device such as a temperature or pressure gauge connected via the “Internet of Things (IoT)”.

¹ See New York City Charter Chapter 72, § 3011(2) (“Records’ means any documents, . . . sound recordings, machine readable materials or any other materials, regardless of physical form or characteristics. . . .”)

² See New York City Charter Chapter 49, § 1133(f).



Adequate Period — Sufficient time must elapse prior to automatic deletion to permit, through the regular business practices of the City, the identification of specific records as relevant and necessary, and then for those identified records to be manually preserved from automatic deletion. In the absence of other direction, the default retention period for transient generic data shall be either the default set by the system's vendor, or else **12 months** from the date of creation.

Process & Procedure: To comply with this policy, an agency must:

- (1) Designate a senior-level executive who will be responsible for applying this policy (typically the Chief Information Officer or Chief Technology Officer);
- (2) Ensure that transient generic data generated or collected by the agency is retained for an adequate period; and
- (3) Develop and maintain processes by which specific transient generic data may be identified for preservation and then copied or maintained prior to when it would otherwise be deleted.

Premature Deletion of Certain Transient Generic Data: A user or system administrator may delete, overwrite, or otherwise dispose of specific transient generic data before the expiration of the adequate period when doing so is necessary to the maintenance and operation of the computer or information system, **and** there has been no specific request for the preservation of such data.

- For example, a user may be instructed to clear their browser cache to improve browser performance, **provided that** the user's data is not covered by any legal hold or other preservation notice.