

April 1, 2019

Katie MacFarland
National Institute of Standards and Technology
100 Bureau Drive, Stop 2000,
Gaithersburg, MD 20899

Re: NIST Privacy Framework

Dear Ms. MacFarland:

The General Counsel to the Department of Information Technology and Telecommunications (“DoITT”) and Cyber Command (“NYC3”), the Chief Privacy Officer (“CPO”), and the interim Chief Technology Officer (“CTO”) of the City of New York, submit this comment in response to the request for information issued by the National Institute of Standards and Technology (“NIST”) inviting public comment on the development of its Privacy Framework.

The City of New York (“City”) recognizes the importance of a Privacy Framework that manages privacy risk for individuals arising from the collection, storage, use, and sharing of their information. Both the City and its populace benefit when individuals can seek and access important services with confidence that their personal information will be appropriately and responsibly protected. To that end, the City has advanced a privacy and security framework to address privacy risks. For NIST’s greater awareness, we would like to share a few notable components of the framework.

First, the City has designated a CPO dedicated to protecting the privacy of New Yorkers with respect to how City agencies and contractors and subcontractors for human services collect and use identifying information. Second, the City has established NYC3, headed by the New York City Chief Information Security Officer, to address evolving cyber risks and establish an information security framework to achieve the City’s collective confidentiality goals. Third, the Mayor’s Office of the CTO addresses high-priority gaps for which privacy guidelines and standards are needed to increase digital privacy protections for consumers outside of their interactions with local government.

The City agrees with recommendations made by other commenters that the Privacy Framework be developed and implemented with ongoing stakeholder engagement. Such a feedback loop can ensure that the privacy standards set forth are adaptable across a wide range of sectors. With this in mind, the City asks that NIST include state and local government offices and units that have vested interests in advancing privacy protection initiatives and best practices. Including such government actors will ensure that the Privacy Framework is adaptable across programs that may be unique to the public sector, including but not limited to in the context of social services, health and human services, and other such areas where personal information must be accessed, transmitted, and retained in order to implement and deliver programs and services.

In developing the Privacy Framework, the City recommends that NIST follow a construct similar to its Cybersecurity Framework of functions, categories, and subcategories. This structure has been widely adapted across industries, and is a tried and trusted method. To the extent it is feasible, the NIST Privacy Framework should follow a similar construct.

We have noted in our responsive comment to the National Telecommunications and Information Administration's Request for Comment on Developing the Administration's Approach to Consumer Privacy that the City supports a privacy regulatory landscape that is flexible, strong, predictable, and harmonized. Such an effort might reduce certain burdens placed on organizations, but also enable individuals to have better and clearer privacy expectations. In our comment, we recognize the need for a degree of flexibility in any approach to information privacy, any balancing of interests should weigh in favor of legal clarity and strong baseline protections for the individuals whose personal information is at stake. The City encourages NIST to develop a Privacy Framework that furthers this goal, and serves as the strong baseline needed to advance privacy protections for individuals, while remaining flexible enough for organizations to adapt across a sometimes disparate regulatory landscape.

We thank NIST for offering the opportunity to comment on developing a voluntary Privacy Framework.

~~Michael Pastor~~
General Counsel, NYC Department of Information Technology and Telecommunications
and NYC Cyber Command

~~Geoff Brown~~
New York City Chief Information Security Officer
Head, NYC Cyber Command

Laura Negrón
Chief Privacy Officer
City of New York
NYC Mayor's Office of Information Privacy

Alby Bocanegra
Interim Chief Technology Officer
NYC Mayor's Office of the Chief Technology Officer