

**ACCESS TO PORT AUTHORITY RECORDS – ENHANCED TRANSPARENCY AND EFFICIENCY – ACCESS TO PERSONAL INFORMATION POLICY**

In accordance with Chapter 12 of the Laws of New York of 2015 and Chapter 64 of the Laws of New Jersey of 2015, which reference Article 6-A of the Public Officers Law of the State of New York, known as the Personal Privacy Protection Law, and in furtherance of the Port Authority’s commitment to enhance the openness and transparency of the agency through the provision of timely access to the public records of the Port Authority and its component units, today the Board adopts the following Access to Personal Information Policy. This Policy will provide residents of the States of New York and New Jersey, and other members of the public, with an equal right of access to their personal information kept by the Port Authority in accordance with applicable law in the two States. An individual whose personal information is in the Port Authority’s possession should generally have access to such information, as well as the ability to seek amendment or correction to such information in accordance with this Policy.

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Bagger, Cohen, Degnan, Fascitelli, James, Laufenberg, Lipper, Lynford, Pocino, Rechler and Steiner voting in favor. Assistant General Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Board being present.

**RESOLVED**, that any “record” requested by any natural person about whom personal information has been collected by the Port Authority, defined as the “data subject,” shall be made available to such person in accordance with this Policy; and it is further

**RESOLVED**, that except for the duties and responsibilities of the Appeal Office as provided herein, the Secretary of the Port Authority (or designee(s)) shall administer this Port Authority Public Access to Personal Information Policy pursuant to the following procedures, which are in compliance with Chapter 12 of the Laws of New York of 2015 and Chapter 64 of the Laws of New Jersey of 2015:

**PORT AUTHORITY ACCESS TO PERSONAL INFORMATION POLICY**

**Section 1: Designation of Administrator for Access to Personal Information**

(a) The Secretary of the Port Authority is responsible for ensuring compliance with this Policy, and for coordinating the Port Authority's response to requests for records or amendments of records thereunder.

(b) Any correspondence pertaining to this policy may be addressed to Port Authority, Office of the Secretary, at the main office of the Port Authority, at 4 World Trade Center, 150 Greenwich Street, New York, New York 10007.

## **Section 2: Access to Personal Information**

(a) The Secretary (or designee(s)) shall be responsible for:

(1) assisting a data subject in identifying and requesting personal information, if necessary;

(2) describing the contents of systems of records orally or in writing, in order to enable a data subject to learn whether a system of records includes a record or personal information identifiable to a data subject requesting such record or personal information;

(3) taking one of the following actions upon locating the record sought:

(i) make the record available for inspection, in a printed form without codes or symbols, unless an accompanying document explaining such codes or symbols is also provided;

(ii) permit the data subject to copy the record; or

(iii) deny access to the record, in whole or in part, and explain in writing the reasons therefor;

(4) making a copy available, upon request, upon payment of, or offer to pay, established fees, if any, or permitting the data subject to copy the records;

(5) upon request, certifying that a copy of a record is a true copy; or

(6) certifying, upon request, that:

(i) the Port Authority does not have possession of the record sought;

(ii) the Port Authority cannot locate the record sought after having made a diligent search; or

(iii) the information sought cannot be retrieved by use of the description thereof, or by use of the name or other identifier of the data subject without extraordinary search methods being employed by the Port Authority.

## **Section 3: Location and Hours for Requests for Inspection**

Requests for in-person inspection or copying of records may be made to the Secretary of the Port Authority in writing, and may be submitted in person, during regular business hours at the Port Authority's main office at 4 World Trade Center, 150 Greenwich Street, New York, New York 10007.

## **Section 4: Requests for access to records**

(a) Requests must contain sufficient information to enable the Port Authority to locate and identify the particular records sought. Such requests must not be overly broad, but must be as detailed as possible and provide, at a minimum, a clear description of the record or type of record being sought.

(b) All requests shall be made in writing, except that the Port Authority, in its discretion, may make records available upon an oral request made in person after the data subject has demonstrated proof of identity, if proof of identity is required.

(c) A request shall identify the data subject and reasonably describe the record sought. To the extent possible, the data subject shall supply identifying information that assists the agency in locating the record sought.

(d) Requests based upon categories of information described in a notice of a system of records or a privacy impact statement shall be deemed to reasonably describe the record sought.

(e) When a request is made in person, or when records are made available in person following a request by mail, the Port Authority may require appropriate identification, such as a driver's license including a photograph of the driver, an identifier assigned to the data subject by the Port Authority, a photograph or similar information that confirms that the record sought pertains to the data subject.

(f) When a request is made by mail, the Port Authority may require verification of a signature or inclusion of an identifier generally known only by a data subject, or similar appropriate identification.

(g) Within five business days of the receipt of a request, the Port Authority shall provide access to the record, deny access in writing, explaining the reasons therefor, or acknowledge the receipt of the request in writing, stating the approximate date when the request will be granted or denied, which date shall not exceed thirty days from the date of the acknowledgment.

### **Section 5: Requests for amendment of records**

(a) Within thirty business days of a request from a data subject for correction or amendment of a record or personal information that is reasonably described and that pertains to the data subject, the Port Authority shall:

(1) make the amendment or correction, in whole or in part, and inform the data subject that, on request, such correction or amendment will be provided to any such person or governmental unit to which the record or personal information has been or is disclosed, in accordance with law; or

(2) inform the data subject in writing of its refusal to correct or amend the record, including the reasons therefor.

(b) Denial of a request for a record or amendment or correction of a record or personal information shall:

(1) be in writing, explaining the reasons therefor; and

(2) identify the person to whom an appeal may be directed.

(c) A failure to grant or deny access to records within five business days of the receipt of a request or within thirty days of an acknowledgment of the receipt of a request, or a failure to respond to a request for amendment or correction of a record within thirty business days of receipt of such a request, shall be construed as a denial that may be appealed.

### **Section 6: Appeal**

(a) Any person denied access to a record or denied a request to amend or correct a record or personal information pursuant to the preceding section may, within thirty business days of such denial, appeal to the Port Authority Freedom of Information Appeal Office.

(b) The time for deciding an appeal shall commence upon receipt of a written appeal that identifies:

(1) the date and location of a request for a record or amendment or correction of a record or personal information;

(2) the record that is the subject of the appeal; and

(3) the name and return address of the appellant.

(c) A failure to determine an appeal of a denial of access within seven business days of its receipt, by granting access to the records sought or fully explaining the reasons for further denial in writing and informing the data subject of his or her right to seek judicial review of the denial in accordance with the Personal Privacy Protection Law, shall constitute a denial of the appeal.

(d) A failure to determine an appeal concerning a denial of a request for correction or amendment within thirty business days of its receipt, by correcting or amending the record or personal information, or by fully explaining the reasons for further denial in writing and informing the data subject of his or her right to seek judicial review of the denial in accordance with the Personal Privacy Protection Law, shall constitute a denial of the appeal.

(e) If, on appeal, a record or personal information is corrected or amended, the data subject shall be informed that, on request, the correction or amendment will be provided to any person or governmental unit to which the record or personal information has been or is disclosed, in accordance with law.

(f) The Secretary of the Port Authority (or designee(s)) shall notify the Chairman of the Committee on Governance and Ethics of the Port Authority Board of Commissioners when any proceeding is commenced in the Courts of New York or the Courts of New Jersey seeking review of a denial of a request for access to a record or a request to amend or correct a record or personal information.

### **Section 7: Statement of Disagreement by Data Subject**

(a) If correction or amendment of a record or personal information is denied, in whole or in part, upon appeal, the determination rendered pursuant to the appeal shall inform the data subject of the right to:

(1) file with the Secretary a statement of reasonable length setting forth the data subject's reasons for disagreement with the determination;

(2) request that such a statement of disagreement be provided to any person or governmental unit to which the record has been or is disclosed, in accordance with law.

(b) Upon receipt of a statement of disagreement by a data subject, the Secretary or staff shall coordinate the Port Authority's fulfillment of its obligation:

(1) to clearly note any portions of the record that are disputed; and

(2) to attach the data subject's statement of disagreement in conjunction with a disclosure to a person or governmental unit, in accordance with law.

(c) The Port Authority may also include a concise statement of its reasons for not making the requested amendment or correction and attach such statement to the data subject's statement of disagreement in conjunction with a disclosure to a person or governmental unit in accordance with law.

### **Section 8: Fees**

(a) The Secretary may determine whether, and in what amount, fees may be charged for the fulfillment of requests for access to records.

(b) Any fee schedule used by the Secretary shall be posted on the Port Authority's website, and the Secretary shall be responsible for maintaining it in updated form.

(c) For any fee that is calculated, in whole or in part, based on the agency's actual cost, the Secretary shall perform and document such calculation.

(d) The Secretary may require payment of any fee charged under this Section 8 before access to records is granted.

(e) For any fee charged under this Section 8, the Secretary shall inform the requester of the estimated fee before the charge is incurred.

**Section 9: Intent**

This Access to Personal Information Policy is intended to comply with Chapter 12 of the Laws of New York of 2015 and Chapter 64 of the Laws of New Jersey of 2015, which reference Article 6-A of the Public Officers Law of the State of New York, known as the Personal Privacy Protection Law. To the extent any person who makes a request for access to records or for amendment of records contends that the Policy is any way inconsistent with such laws, the Policy shall be interpreted in a way that renders it consistent with those laws.