



## MEMORANDUM

**TO:** Meg Egan  
Assistant Deputy Secretary for Public Safety

**FROM:** Gina L. Bianchi *Gina L. Bianchi*  
Deputy Commissioner and Counsel

**DATE:** September 12, 2014

**SUBJECT:** The New York State Department of Health's Request for Access to NYSID Numbers

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As indicated on a recent conference call, the Department of Health (DOH) would like to obtain NYSID information from the Division of Criminal Justice Services (DCJS) and Department of Corrections and Community Supervision (DOCCS). Per DOH, "[t]here are two uses proposed: a) to use the NYSID number for Health Home performance management, to see if Health Homes are successful in reducing recidivism and identify strategies are successful; and b) for operational purposes, to allow Health Home care managers to have access to the NYSID for purposes of outreach and engagement (sic)."

While NYSID numbers themselves are not mentioned in statute, Executive Law §837(8) requires DCJS to "adopt appropriate measures to assure the security and privacy of identification and information data." A NYSID number is an identity number created by DCJS for civil and criminal fingerprint submissions and, as such, it may be considered identification information.

In addition, DCJS regulation, 9 NYCRR Part 6150.4(b)(6), provides that the following records are exempt from disclosure under FOIL:

(b) Records constituting information the disclosure of which would result in an unwarranted invasion of personal privacy. An unwarranted invasion of personal privacy shall include, but not be limited to:

(6) disclosure of information contained in the criminal history file, license and employment file and wanted and missing persons file,

maintained by DCJS, **including any and all information contained in such files** (emphasis added).

Based on the foregoing, NYSID numbers are not subject to FOIL. However, recognizing the prevalence of using NYSID numbers by members of the criminal justice community, DCJS determined that NYSID numbers are quasi-confidential and may be shared among DCJS, qualified agencies, and their designees, only for criminal justice purposes.

Pursuant to Executive Law §837(4)(e), DCJS is authorized to “[s]upply data, including confidential and sealed criminal history record information, for bona fide research purposes.” The first part of the DOH’s request is research, and criminal justice, related as it will study the recidivism rate of jail and prison releasees participating in Health Homes. Thus, DCJS may provide NYSID numbers to DOH for this purpose.

With regard to the second part of DOH’s request, DOH is not a qualified agency, but could be a designee of DOCCS. DOCCS provides inmates with transitional services to assist with integrating back into the community prior to their release. Health Home, which is responsible for assuring that members receive all necessary services, including long term care, to remain healthy, can assist DOCCS with transitioning individuals back into the community. The purpose of transitional programs is to reduce recidivism by helping inmates prepare themselves to re-enter society. Thus, DCJS may provide NYSID numbers to DOH for this criminal justice purpose as well.

Accordingly, and based on the above, DCJS may enter into non-disclosure and confidentiality agreements with DOH. Attached is a draft if you determine you would like to proceed in that manner.