

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1988**

No. 32

Introduced by Council Member Katzman (by request of the Mayor); also Council Members Maloney, Pinkett, Gerges, Rivera, Michels and Albanese.

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to creating a computer and data communications services agency.

Be it enacted by the Council as follows:

Section 1. Title twenty-three of the administrative code of the city of New York is amended by adding a new chapter three to read as follows:

CHAPTER 3

COMPUTER AND DATA COMMUNICATIONS SERVICES AGENCY

§23-301 *Agency; commissioner. There shall be a computer and data communications services agency, the head of which shall be the commissioner of computer and data communications services.*

§23-302 *Deputies. The commissioner may appoint three deputies, one of whom may be designated the first deputy commissioner.*

§23-303 *Powers and duties of the commissioner. Except as otherwise provided by law, the commissioner shall have the power and it shall be the commissioner's duty to perform the following functions and duties relating to computer and data communications services:*

- 1. To participate in developing, maintaining and implementing a long-range computer systems and data communications strategy for the city of New York;*
- 2. To assist in providing inter-agency coordination on matters related to data communications activities and interfacing of computers;*
- 3. To provide appropriate, reliable, cost-effective and responsive computer and data communications services to agencies which require such services by purchasing and maintaining hardware and software;*
- 4. To provide assistance to agencies in meeting their data processing and data communications objectives;*
- 5. To provide agencies using or proposing to use the services of this agency with technical assistance in determining feasibility and resource requirements;*
- 6. To simplify access to shared information, reduce communication costs and provide access to multiple computer systems by connecting computers and terminals of various city agencies, and of other public entities requesting such connection where such provision to such other entities would in the judgment of the commissioner be in the city's interest;*
- 7. To provide data communications coordination in support of disaster recovery;*
- 8. To ensure security for data and other information handled by this agency.*

§23-304 *Restriction of access. The commissioner shall institute procedures to assure restriction of access to information to the appropriate individuals, where such restriction is required by law.*

§2. Any agency or officer to which are assigned by this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, power and duties are assigned by this local law.

§3. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule or regulation is assigned by this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or officer to whom such power is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§4. If any of the functions, powers or duties of any agency or part thereof is by this local law assigned to another agency, all records, property and equipment relating to such transferred function, power or duty shall be transferred and delivered to the agency to which such function, power or duty is so assigned.

§5. No existing right or remedy of any character shall be lost or impaired or affected by reason of the adoption of this local law.

§6. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by this local law.

§7. Whenever by any provision of this local law functions, powers or duties are assigned to any agency or officer which have been heretofore exercised by any other agency or officer, all officers and employees in the classified city civil service who at the time that this local law shall take effect are engaged in the performance of such functions, powers or duties may be transferred to the agency to which such functions, powers or duties are assigned by this local law, without examination and without affecting existing compensation or pension retirement rights, privileges or obligations of such officers or employees.

§8. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city or of any agency existing at the time when this local law shall take effect, or any provision of law in force at the time when this local law shall take effect and not inconsistent with the provisions of this local law in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city generally or of any agency.

§9. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 10, 1988, and approved by the Mayor on May 27, 1988.

KATHERINE E. TIMON, Acting City Clerk.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 32 of 1988, Council Int. No. 993-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on May 10, 1988:
35 for, 0 against.

Was approved by the Mayor on May 27, 1988.

Was returned to the City Clerk on May 31, 1988.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.