

32170

DATE: February 6, 2013

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey, Chief Information Officer
Department of Information Technology

George N. Longworth, Commissioner-Sheriff
Department of Public Safety

RE: AUTHORITY FOR THE COUNTY OF WESTCHESTER TO ENTER INTO AN AGREEMENT (IT-1304) WITH THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION ("DOCCS"), PURSUANT TO WHICH THE COUNTY WILL AGREE NOT TO DISCLOSE CERTAIN CONFIDENTIAL INFORMATION PROVIDED TO THE COUNTY BY DOCCS

Authority is requested for the County of Westchester (the "County") to enter into an agreement (the "Agreement") with the New York State Department Of Corrections and Community Supervision ("DOCCS"), pursuant to which the County will agree not to disclose confidential information, consisting of a file of active parolees, (the "Confidential Information") provided to the County by DOCCS. The County was recently notified by DOCCS that the County is required to execute the Agreement in order for DOCCS to provide the Confidential Information to the County.

The Agreement will be for a term commencing upon execution and continuing until DOCCS no longer makes the Confidential Information available to the County or until terminated by either party pursuant to the terms of the Agreement, whichever comes first.

Under the Agreement, the County will agree to indemnify and hold harmless DOCCS and the State of New York from any and all suits, causes of actions, claims, grievances, damages, judgments, and costs of every name and description by the County, the investigation, and third parties resulting from the acts or omissions of the County under the Agreement, unless such injuries or damages are directly attributable to the intentional acts or negligent conduct of DOCCS, the State of New York, or their employees.

The proposed Agreement will serve a public purpose by facilitating the County's access to the Confidential Information, which is used in the County's Criminal Justice Warehouse application. This application allows local and County criminal justice agencies to securely and easily search across numerous, disparate data sources for investigative purposes.

The goal and objective of the proposed Agreement is to facilitate the County's access to the Confidential Information, for use in the County's Criminal Justice Warehouse application.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of safety and security, as ensuring that the County has access to the Confidential Information will allow the County to add this information to its Criminal Justice Warehouse application and thereby make the application more useful to local and County criminal justice agencies for investigative purposes.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Department of Information Technology.

Accordingly, the attached resolution is submitted for your consideration.

JBM/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/14/2013 - JOMAR VIEIRA, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE CHIEF INFORMATION OFFICER, DEPARTMENT OF INFORMATION TECHNOLOGY, AND THE COMMISSIONER-SHERIFF, DEPARTMENT OF PUBLIC SAFETY, BE IT HEREBY:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with the New York State Department Of Corrections and Community Supervision ("DOCCS"), pursuant to which the County will agree to not disclose confidential information, consisting of a file of active parolees, (the "Confidential Information") provided to the County by DOCCS; and be it further

RESOLVED, that the Agreement shall be for a term commencing upon execution and continuing until DOCCS no longer makes the Confidential Information available to the County or until terminated by either party pursuant to the terms of the Agreement, whichever comes first; and be it further

RESOLVED, that under the Agreement, the County will agree to indemnify and hold harmless DOCCS and the State of New York from any and all suits, causes of actions, claims, grievances, damages, judgments, and costs of every name and description by the County, the investigation, and third parties resulting from the acts or omissions of the County under the Agreement, unless such injuries or damages are directly attributable to the intentional acts or negligent conduct of DOCCS, the State of New York, or their employees; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/Credited:

(Agreement No. IT-1304)

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
						N/A

Budget Funding Year(s): _____ Start Date: Upon Execution End Date: Until Terminated/Information Is Unavailable
(must match resolution)

Funding Source	Tax Dollars	<u> N/A </u>
	State Aid	<u> </u>
<u> N/A </u>	Federal Aid	<u> </u>
(must match resolution)	Other	<u> </u>