

DATA SHARING AGREEMENT
between
Housing Trust Fund Corporation
and
New York State Department of Taxation and Finance

For
Verification of Income for Purposes
of the NY Rising Housing Recovery Program

This Agreement is made between the **Housing Trust Fund Corporation (“HTFC”)**, and the **New York State Department of Taxation and Finance (DTF)**, each being executive entities of the State of New York. HTFC and DTF shall collectively be referred to herein as the “Parties”.

HTFC has been awarded Federal Community Development Block Grant – Disaster Recovery (CDBG-DR) assistance from the US Department of Housing and Urban Development (HUD) to repair and rebuild following Hurricanes Sandy and Irene and Tropical Storm Lee. With HUD approval, HTFC has established the NY Rising Housing Recovery Program (formerly known as New York Recreate Smart Housing Program) to assist homeowners in the repair and reconstruction of homes damaged by one or more of these storms. In accordance with HUD reporting requirements, HTFC must identify which homeowners assisted by the program have household income below 80 percent of Area Median Income (AMI) and which homeowners have household income above this threshold. Adjusted Gross Income for Federal Tax Purposes is recognized by HUD as one component used in this calculation.

The Parties agree as follows:

1. HTFC will receive from each applicant and adult individual living in the same household as the applicant a release authorization for DTF to release federal adjusted gross income information derived from the individuals’ New York State tax returns.
2. HTFC, with the assistance of Information Technology Services (ITS), will submit to DTF the HTFC applicant ID, social security number, and last name of each applicant and adult living in the same household as the applicant.
3. DTF will determine the federal adjusted gross income for the most recently available taxable year for each individual specified in paragraph 2. DTF will also return the New York State permanent address for the indicated tax year. That information will be provided to HTFC as provided in this agreement.
4. To facilitate this application verification program, HTFC and DTF will engage in a data exchange via a secure web service. The ITS Finance, Regulation and Gaming Cluster (or its successor) has agreed with HTFC to develop and maintain this secure web service that will perform the check against Tax and Finance

electronic records for as long as the NY Rising Housing Recovery Program is operational. This access is provided only for the limited purpose of verification of income and address for this program, and DTF systems will not be used or accessed by any other HTFC application under any circumstance without the prior consent of DTF.

5. The Parties will use agreed-upon secure file transfer protocols and encryption in any instance that requires the transfer or verification of information. All connections and data must be encrypted, and the specifications of the file formats exchanged under this agreement, and such connectivity, will be defined through the cooperative effort of both agencies. See Attachment II for the technical details.
6. The provisions of this Agreement may be amended only by mutual written agreement of both Parties. However, nothing in this MOU shall prevent either agency from modifying the electronic data processing specifications or requirements because of hardware or software changes necessary to expedite the processing of electronic data, provided such changes are agreeable to both agencies and ITS.
7. The Parties agree to appoint coordinators to serve as contact persons from each agency for purposes of resolving any data exchange issues. HTFC and DTF designate the following people (or their successors) to serve in such capacity.

HTFC:

Joanna Weissman
Director of Performance Accountability
Governor's Office of Storm Recovery
NYS Division of Housing and Community Renewal
25 Beaver St, 7th Floor
New York, NY 10004
Email: Jweissman@Stormrecovery.ny.gov
Tele: (212) 480-2391

DTF:

Diane Rynski
Assistant Director
OPTS - Personal Income Tax Bureau
NYS Department of Taxation and Finance
WA Harriman State Campus
Building 8 - 7th Floor
Albany, NY 12227
Email: Diane.Rynski@tax.ny.gov
Tele (518) 591-3234

The Parties agree to notify each other promptly in the event of any change in the designated coordinator.

For issues involving the amendment of this MOU, the Parties designate the following contact persons (or their successors):

HTFC: Melvin Galloway
Director of Operations
Governor's Office of Storm Recovery
25 Beaver Street
New York, NY 10004
Email: [REDACTED]
Tele: [REDACTED]

DTF: Amanda Hiller
Deputy Commissioner and Counsel
Department of Taxation and Finance
WA Harriman State Campus, Building 9
Albany, NY 12227
Email: [REDACTED]
Tele: [REDACTED]

8. A secure environment is required to protect the confidential SSN information verified by DTF pursuant to this Agreement. Each agency will allow access to this application only in a manner that is secure from unauthorized access. Both agencies will ensure that only employees or agents implementing the requirements of the NY Rising Housing Recovery Program shall have access to this income verification Application. The parties will take appropriate measures to limit access to this application to staff with a business need to do so and shall advise all of their officers, agents and employees with such access of their obligations.
9. HTFC will implement a system of internal controls to ensure that access to verified SSN and income information is limited to authorized personnel, and to secure access to the application in a manner necessary to prevent illegal or unauthorized use or disclosure of this information.
10. The Parties agree to keep accurate records pertaining to the users and user IDs designated by HTFC to use the Income Verification Application for purposes of the NY Rising Housing Recovery Program. DTF will maintain records of those employees accessing its Taxpayer Identification (TI) system data for the purpose of verifying only authorized access.
11. HTFC and its employees are expressly prohibited from disclosing to any person or other agency any SSN or income information once verified by DTF using its tax information. All HTFC employees or agents who obtain access to information

provided by DTF are subject to all of the secrecy provisions of the Tax Law or any other law specific to the use of SSNs.

12. The Parties agree to fully comply with any applicable provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa, and State Technology Law Section 208) ("ISBNA"), and the Parties will take appropriate measures to advise all of its pertinent officers, agents and employees of their obligations thereunder.
13. Under the ISBNA, HTFC is required to notify any individuals whose records have been accessed for unauthorized purposes either under the NY Rising Housing Recovery Program Verification Application or any system HTFC maintains of verified SSNs. HTFC shall also report to DTF any unauthorized access of data (including verified SSN data) within one (1) business day of discovering such unauthorized access as provided by State Technology Law § 208. Notice shall be provided to the following e-mail group (or their successors):

To: Tax Department's Information Security Office
by email to: Information_Security_Office@tax.ny.gov

The Parties agree to fully cooperate with each other in the investigation of any violations of ISBNA, including delaying notification to the individual to whom such information pertains, if such notification would compromise a criminal investigation, as well as the investigation of any secrecy violation or other data security breach.

13. DTF reserves the right to immediately terminate HTFC's access to the NY Rising Housing Recovery Program Income Verification Application web service, without prior notice, in the event DTF determines in its sole discretion that a breach of security has occurred or that a breach is imminent. The Parties will thereafter cooperate to identify the source of the breach and to resume service.
14. All SSN and income records verified and provided to HTFC under this Agreement and any copies made, any database created either alone or associated with other information, or any files created attributable to the records accessed will be destroyed, to the extent authorized by law, when they are no longer needed for the business purpose of this program. The records shall be destroyed in a manner that renders them unusable or unreadable (i.e. to the extent that an individual record can no longer be reasonably ascertained). Paper records including but not limited to, work papers, photocopies, computer printouts, and transcripts must be destroyed by shredding. Data on storage devices such as tape, hard disk drives, CDs and DVDs must be destroyed or erased using industry best practices. Electronic media may be sanitized or disposed of by clearing, purging, or physically destroying the media.
15. Neither party is responsible to the other for any omissions or errors in the data verified hereunder.

16. This Agreement, which may be executed in duplicate originals, is effective as of the date of the last signature of the officers below.

In Witness Whereof, this Agreement is executed by the duly authorized officials of the Parties hereto.

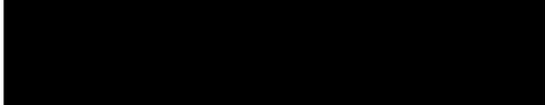
Dated:
This day of 2013

Housing Trust Fund Corporation

by: 
Seth Diamond, Director of Storm Recovery

Dated:
This day of 2013

**New York State Department of Taxation and
Finance**

by: 
None Manion, Executive Deputy Commissioner

Attachment 2: File specifications and transfer protocol

1. File Names will be as follows: StormRecoveryAGItotax.txt, StormRecoveryAGItohcr.txt
2. File format: fixed length flat text file
3. HTFC will send file with application ID, household members SSN (digits only), last name
4. DTF will return:
 - Federal AGI
 - Tax Year (2012 or 2011)
 - NY Permanent Address Street1
 - NY Permanent Address Street2
 - NY Permanent Address City
 - NY Permanent Address State
 - NY Permanent Address Zip5
 - NY Permanent Address Zip4
 - Not Found Indicator (Y/N)
5. Data File Owners: HTFC/ITS – Karen Chan, Mark Whyte, DTF/ITS - Paul Murray, Bill Witzleben

NOTE: Last Name sent must match last name on return exactly or no data will be returned due to privacy concerns, indicator will note match status. If no match found, leave fields blank.

FTP PROCESS

1. Existing HTFC FTP site on tax transfer server for Luxury Decontrol files can be used, access is already available for HTFC ITS staff
2. Weekly automated process
3. HTFC will push files to TODTF folder by Monday 11PM
4. DTF will process and place return files for HTFC to pull from FROMDTF folder by Tuesday 5AM
5. Group email used for notification of file processing status – processing statistics and status (successful, no files processed or error conditions)
6. HTFC/ITS email recipients:
 - a. Karen Chan (main point of contact) - [REDACTED]
 - b. Mark Whyte - [REDACTED]
 - c. Joe Grant - [REDACTED]
 - d. Joanna Weissman - [REDACTED]

DTF Points of Contact:

- e. Paul Murray, [REDACTED]
- f. Bill Witzleben, [REDACTED]