

City Charter Amendment-DOITT (Chapter 48)-Public Hearing Statement-May 2, 2019

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BIO : I am the legal advisor to New York Geospatial Catalysts LLC and a retired United States Administrative Law Judge. I am also a past Adjunct Professor of Geographic Information Systems Law (GIS) at Hunter College, Geography Department as well as author of several legal articles on subjects related to GIS, Freedom of Information Law and Criminal Law. In addition, I am the author of a Provisional Patent Application filed with the United States Patent and Trademark Office on February 7, 2019, entitled "Radar Sensor Alert System For Schools" and also author of a related paper entitled "Stop School Shootings," proposing installation of a GIS based direct alert system to Police Radio Motor Patrol Cars (RM P's). (I may be contacted at robertclaydorf@gmail.com)

I am limiting my comments to Chapter 48 and amendments contained in a newly numbered Section 1075, which proposes the addition of a permanent government steering committee composed of public and private utilities and construction companies which will work towards the development and implementation of an underground infrastructure map for the City in a GIS format compatible with current DOITT standards.

In the second paragraph I have drafted, it is proposed that the Section 1075 committee be empowered to collect underground data and to require public city agencies, utilities and private data base owners to provide their GIS and other data base information. My thinking in providing authorization for the Section 1075 committee to require adherence to its data requests is that without the authority and power to enforce data requests such a committee may find itself unable to do its work in the event franchise agreements do not provide a basis to collect the data and in the further event that builders' and contractors' agreements with the city and financiers do not contain sufficient language to accomplish the required data collection.

In a third paragraph, I address the problems which may be created when private entities provide data to public authorities and government agencies and thereafter Freedom of Information requests are made for heretofore private and protected GIS data bases. In this regard it should be clear that requests for public underground infrastructure data implicate both security issues and privacy rights when data heretofore private and protected as Trade Secrets, Patents or Copyrights is requested by the public through the New York State Freedom of Information Law (FOIL) and/or the Federal Freedom of Information Act (FOIA).