



OFFICE OF THE

# MANHATTAN BOROUGH PRESIDENT

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To: All MBPO Staff  
From: Elaine Cheung, Chief of Operations  
Date: 02/29/2024  
Re: Generative AI Policy

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## **Introduction:**

Generative AI, including tools like Large Language Models (LLM), are advancing at an extraordinarily rapid pace. This presents both opportunities and perils in the workplace, including—and perhaps especially—in government offices.

These new technologies have the potential to empower workers, making it easier to do everything from analyzing data to proofreading documents to editing video. But they also pose risks, including producing biased or inaccurate output, compromising private information, and violating copyright.

For better or worse, workers in almost every organization have begun experimenting with new AI tools, even making them part of their regular routine. But in the absence of clear guidelines and guardrails, this can present significant risk.

The Manhattan Borough President's Office (MBPO) is issuing this policy on the use of AI among our staff to guard against the potential harms of this technology, while allowing room for innovation and adaptation. We hope it will serve as a roadmap during this period of extraordinary technological transformation in the workplace.

## I. **Guiding Principals**

Information or data that is not suitable for external public release must never be used as input in Generative AI or Large Language Model (LLM) products.

Any information, including but not limited to facts, figures, or images, generated by AI/LLM that is to be used in public facing materials, policy determinations, or final decisions on actionable items must be independently reviewed and verified by a member of the MBPO staff, and include a link to any sourced material where appropriate.

## II. **Privacy and Data Safety:**

Because of the risk that information entered into prompts may be used in future training runs of AI models, and because of particular government rules around data, we are setting out the following guidelines for staff:

- **Use official accounts only for city tasks:** To ensure adherence to the City's data policies and maintain professional standards, employees may only use accounts designated for City tasks while using AI/LLM products. These specific accounts facilitate compliance, enable efficient tracking and retrieval of prompts, and centralize outputs for departmental review. Information and data put into generative AI tools may be subject to FOIL or FOIA in certain circumstances, and the use of personal or non-City affiliated accounts for any City-related AI product activities is strictly prohibited.
  
- **Opt-out from data collection option:** Employees should 'opt-out' of optional data collection when using AI/LLM products when possible. This practice is vital in safeguarding the confidentiality of office and constituent data and is in line with our dedication to robust data security practices. In instances where opting out is not an option, employees are required to seek advice and direction from the MBPO General Counsel. Employees should, at all times, comply with all applicable City and Office technology and data policies.
  
- **Keep personal information confidential:** Employees are prohibited from using any sensitive, confidential and/or personally identifiable information (“PII”) in the context of AI/LLM tools. PII is any information connected to a specific individual that can be used to uncover that individual’s identity. PII includes, but is not limited to, names, home addresses, email addresses, social security numbers, telephone numbers, dates of birth, credit card numbers, employment details, educational backgrounds, immigration status and log-in credentials. Confidential information, in the context of generating audio, photos, or video, could include the above but also people’s faces or voices, and their license plates.

### III. **Human Verification and Review**

AI/LLM is a potential useful and powerful tool that could increase productivity in the MBPO, but is not a substitute for human judgment and decision-making. AI/LLM systems are designed and trained based on data and algorithms. Among other things, they may lack certain subject matter knowledge, may create false information, perpetuate biases, lack appropriate ethical considerations, and have other significant shortcomings.

No final decisions and/or determinations may be made by AI/LLM, and any information, fact, or figure created by AI/LLM products and used in public facing materials (or that inform decisions and/or determinations) must be independently reviewed and verified by a member of the MBPO staff.

### IV. **Citation Guidelines and Public Transparency**

Transparency and accountability are essential for the responsible use of AI/LLM products. The following policies must be followed:

- **Cite the use of AI when substantially used to create public facing documents:** Public facing materials that were developed with substantial AI/LLM capabilities in the final product must be clearly marked with a distinct signal or signifier indicating the use of AI/LLM technology.

- **How to cite AI:**
  - **Images, Videos and Audio:** For all images, videos and audio created with the substantial aid of AI/LLM products, there must be a clear citation indicating the specific tool or software used in their creation. This is to ensure transparency and acknowledge the role of AI and the artists that trained the program in the creative process.
  - **Reports:** Any reports generated or substantially aided by AI/LLM products must include a citation of the specific AI product used. This citation is crucial for maintaining the transparency and integrity of the information presented.
  - **Translations:** Translations that are performed or assisted by AI products must be accompanied by a citation of the AI tool used. This citation is important for understanding the source and method of translation, ensuring accuracy and accountability.

#### V. **Banned Usages**

While integrating generative AI/LLM products into our day-to-day work may enable the MBPO to better serve constituents in a variety of ways, there are some uses which we consider inappropriate. The following usages of generative AI/LLM products are prohibited until further review:

- **Assessment of Job Applications, Disability-Related Matters, and Employee Performance.** AI/LLM products are expressly prohibited for use in evaluating job applications, assessments for reasonable accommodation, disability-related inquiries, or in the performance assessment of City employees. These processes demand nuanced human judgment and understanding, attributes that AI/LLM cannot comprehensively emulate. Dependence on AI/LLM in these areas could result in biased or inaccurate evaluations, contravening our commitment to fairness and accuracy in employee-related assessments.
- **Financial Analysis and Advisory Activities.** Employees are strictly forbidden from employing AI/LLM products for performing financial decision-making, or issuing financial recommendations to individuals, particularly concerning external entities or constituents. Financial decision-making requires expertise and contextual awareness that AI/LLM cannot provide, ensuring that all financial recommendations and evaluations are grounded in professional judgment and fiscal responsibility.
- **Healthcare Advice.** Employees are strictly forbidden from employing AI/LLM products for providing recommendations to individual constituents related to that individual's healthcare needs. For any healthcare related requests, staff should always direct to certified healthcare clinicians and clinical organizations. For health-related public policy recommendations, staff should refer to the Internal Verification, Public Transparency, and Public Facing Documentation sections of this guidance.

- **Legal Analysis and Consultation:** Utilizing AI/LLM for legal evaluations or to dispense legal advice is strictly forbidden. Legal issues necessitate professional discernment and a thorough understanding of up-to-date legal principles, areas where AI/LLM is fundamentally lacking. All legal advice and evaluations should be sourced exclusively from certified legal professionals with the advisement of the General Counsel, ensuring adherence to legal standards and professional integrity.

The office also prohibits the use of generative AI in any manner that is contrary to applicable City, State, or Federal laws. Laws that are passed after the implementation of this policy shall supersede this policy.

VI. **Publishing AI Policy**

Our office's guidelines and policies on the use of AI products will be published and made accessible to the public. This document will outline the ethical and practical standards for AI usage within our office, promoting an understanding of our commitment to responsible AI use.

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