

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request
Supporting Statement
1140-0068
ATF F 8620.42, Police Check Inquiry

SUPPORTING STATEMENT

A. JUSTIFICATION

1. Necessity of Information Collection

Pursuant to a Memorandum of Understanding and Agreement, hereinafter referred to as an MOU, between the Office of Personnel Management (OPM) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), ATF is authorized to conduct security and suitability background investigations on applicants for, or appointees of, positions within ATF. ATF also has the authority to conduct suitability background investigations on contractors and other non-ATF personnel that have a need to access ATF information, information technology systems, and/or facilities. Typically, in its normal course of business, ATF contracts out a myriad of services to private industry. These services include, but are not limited to, janitorial and cleaning services, maintenance and repair services, professional and legal services, ADP-related services, laboratory services, and construction services. Additionally, ATF often seeks the services of consultants to provide advice in their particular field of expertise. In the area of law enforcement, ATF routinely asks members of State and local law enforcement agencies to join in a multi-jurisdictional approach to combating crime. In those instances, State and local law enforcement officers not only share ATF space and facilities, but also have access to ATF computer systems and intelligence apparatus. Prior to authorizing access ATF will conduct a personnel security background investigation commensurate with the access required for the position. Absent such a favorable adjudication, no person will be permitted access to ATF information, information technology systems, and/or unescorted access to facilities.

In the event a contractor or other type of non-ATF personnel requires escorted access to facilities, ATF will perform a police check inquiry. Escorted access to ATF facilities will not be authorized until such time as a favorably adjudicated police check inquiry is conducted.

2. Needs and Uses

ATF Form 8620.42 is an internal use form to gather preliminary information from an individual requiring escorted access to ATF facilities. This information is necessary to permit ATF to complete and/or initiate a police check inquiry

consisting of criminal record searches. The form asks for identifying information such as name, social security number, date of birth, place of birth, race, sex, any aliases, naturalization information, current and previous addresses, and current and previous employers. In order to ensure compliance with DOJ's residency requirement, ATF must review the individual's home addresses for 5 years. According to DOJ, an individual who has not resided in the United States for 3 out of the past 5 years (with a few exceptions) cannot obtain approval to access DOJ information, IT systems, and/or facilities. In addition, in order to perform the mandatory police checks in jurisdictions covering the past 5 years, employment and home address are required. Should ATF determine from the information supplied, that the applicant individual has a criminal record, or is otherwise disqualified, the individual will be denied escorted access to ATF facilities.

3. Use of Information Technology

ATF makes every effort to take advantage of the electronic collection and dissemination capabilities available. Currently, ATF does not have the capability to accept electronic submissions. The form is available on the ATF website to download and print. Individuals with disabilities can access this form.

4. Efforts to Identify Duplication

Similar information is available from another collection source; however, such collection would be more burdensome on the respondent than what ATF Form 8620.42 requires. Persons requiring access to certain levels of sensitive or classified information must complete a Questionnaire for National Security Positions (SF-86) or a Questionnaire for Public Trust Positions (SF-85P). Both, the SF-86 and SF-85P requires the respondent to supply certain personal identifying information so that the investigating agency may conduct the requisite criminal record searches, security index inquiries, credit inquiries, and other background information relevant to the respondent. The SF-86 and SF-85P takes a respondent approximately 90 minutes to complete. We propose to screen those individuals requiring escorted access to ATF facilities by having them complete the ATF Form 8620.42 rather than the SF-86 or SF-85P. Sufficient identifying information is required to be completed by the respondent to permit ATF to conduct a police check inquiry of the respondent. No other form currently in use by ATF, other than forms SF-86 and SF-85P, sufficiently detail the particularities of a respondent's personal identifying information.

5. Minimizing Burden on Small Businesses

This information collection has no effect on small businesses. The information sought is personal in nature and is sought for the sole purpose of positively identifying a person undergoing a police check inquiry.

6. Consequences of Not Conducting or Less Frequent Collection

As an agency upholding the laws of the United States, we must ensure ATF employees and contractors portray the highest degree of integrity and character. We must also ensure the safety and security of our government facilities, information, and data. ATF Form 8620.42 is the primary vehicle used to gather the personal identifying information necessary to conduct the police check inquiry for those individuals requiring escorted access to ATF facilities. Not collecting this information could prevent ATF from ensuring the safety and security of its resources.

7. Special Circumstances

This information collection requirement is consistent with the intent of the Executive Orders 10450 and 12968. The information sought is necessary to permit ATF to positively identify a person seeking escorted access to ATF facilities. There are no circumstances that would cause the information collection to be conducted in any manner:

- Requiring respondents to report information to ATF more than quarterly;
- Requiring respondents to prepare a written response in fewer than 30 days;
- Requiring respondents to submit more than an original of any document;
- Requiring respondents to retain any records;
- Requiring the use of any statistical data;
- Requiring any pledge of confidentiality; or
- Requiring respondents to submit any proprietary or trade secrets.

8. Public Comments and Consultations

In order to solicit comments from the general public, a 60-day and 30-day notice was published in the Federal Register. No comments were received.

9. Provision of Payments or Gifts to Respondents

No decision of payment or gift is associated with this collection.

10. Assurance of Confidentiality

Protection is afforded the respondent pursuant to 5 USC § 552(a); however, the respondent is advised that the information collection will be used for the specific purpose of positively identifying respondent in connection with conducting criminal records searches at the Federal, State, and local levels. Information collected by the Physical Security Programs Branch (PSPB) or field division is protected by the Privacy Act of 1974 and should not be released to outside parties who do not have a need to know under the routine use clause of the Privacy Act of 1974. The respondent's information is kept in a secure location at headquarters within the PSPB and is to be held in reserve for one year or the duration of the contract, whichever is longer.

11. Justification for Sensitive Questions

ATF F 8620.42 asks respondents to provide his or her personal identifying information, including social security number. This information is necessary to positively identify respondent when conducting criminal record searches. This information collection protects the respondent from erroneous information collected in that the personal identifying information supplied significantly reduces any likelihood of false records.

12. Estimate of Respondent's Burden

There are 1,000 respondents who will complete the form. Each respondent will respond one time, therefore, the total number of responses will be 1,000. It is estimated that it takes 5 minutes to complete the form. The total burden associated with this collection is 83 hours.

13. Estimate of Cost Burden

There is no new or annualized cost associated with this information collection.

14. Cost to Federal Government

ATF estimates that the cost to the Federal government for this information collection is approximately \$1,500 per year.

15. Reason for Change in Burden

There are no program changes or adjustments associated with this information collection.

16. Anticipated Publication Plan and Schedule

ATF will not publish this information collection.

17. Display of Expiration Date

ATF is not requesting approval to omit the expiration date for this information collection.

18. Exception to the Certification Statement

There are no exceptions to the Certification Statement.

B. Collections of Information Employing Statistical Methods

None