

## SUPPORTING STATEMENT

### OGIS Request for Assistance and Consent, NA Forms 10003 and 10004 and Smart Instruction OMB Control No. 3095-NEW

1. **Circumstances Making the Collection of Information Necessary.** In accordance with the OPEN Government Act of 2007, Congress created the Office of Government Information Services (OGIS), which is part of the National Archives and Records Administration (NARA), to provide mediation services to resolve disputes between persons making Freedom of Information Act (FOIA) requests and agencies, to review policies and procedures of administrative agencies under the FOIA, and to review agencies' compliance with the FOIA. OGIS is also known as the "FOIA Ombudsman." The Privacy Act of 1974 requires prior written authorization from an individual to permit Federal agencies to share records and information related to FOIA and Privacy Act requests and appeals, absent the existence of a routine use to do so. Currently OGIS is unaware of any federal departments or agencies that have a routine use of this nature included in its FOIA and Privacy Act files system of records notices. The NA Form 10003, Consent to Make Inquiries and Release of Information and Records, and NA Form 10004, Request for Assistance and Consent to Make Inquiries and Release of Information and Records will be used to obtain customers' authorization to (1) make inquiries on their behalf and (2) to release records and information related to their FOIA and Privacy Act requests and appeals so that OGIS can assist in resolving the dispute and/or in providing information--to achieve OGIS' statutory mission. The Smart Instruction will specifically be used to assist customers by providing information about OGIS services, the FOIA administrative process and Federal agency points of contact. The authority for this information collection is prescribed by 5 U.S.C. § 552a(b).
2. **Purpose and Use of the Information.** In order to fulfill its government-wide statutory mission, OGIS provides varying types of assistance to its customers, which requires communicating with government departments and agencies regarding the customer's FOIA/Privacy Act request/appeal. Handling requests for OGIS assistance must conform to the legal requirements of the Freedom of Information Act (FOIA) and the Privacy Act of 1974. Authority for the requirements set forth in the form is also contained in 5 U.S.C. 552a(b) and as interpreted by Taylor v. Orr, No. 83-0389, 1983 U.S. Dist. LEXIS 20334, at \*6 n.6 (D.D.C. Dec. 5, 1983). OGIS uses the information submitted in NA Form 10003 and NA Form 10004 and Smart Instruction to provide the requested assistance. Without the information submitted in NA Forms 10003 & 10004, and the Smart Instruction, OGIS would be unable to fulfill its mission.
3. **Use of Information Technology and Burden Reduction.** With the use of information technology OGIS has made the forms available online at <http://www.archives.gov/ogis/>. At this time, however, no information technology application is available to accept the collected information online. Once OGIS has deployed its case management database, information technology will be available to collect this information online. The collected information is the minimum information needed to allow OGIS to perform its statutory mission.
4. **Efforts to Identify Duplication and Use of Similar Information.** There is no duplication of this information.

5. **Impact on Small Businesses or Other Small Entities.** The collection of information does not have a significant impact on small businesses.
6. **Consequences of Collecting the Information Less Frequently.** The frequency of response is on occasion.
7. **Special Circumstances Relating to the Guidelines of 5 CFR 1320.5.** The information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5.
8. **Comments in Response to the Federal Register Notice and Efforts to Consult Outside Agency.** No formal consultations have taken place. NARA published a notice in the Federal Register on June 24, 2010 (FR 75 36122 and 36123) requesting public comment. No comments were received.
9. **Explanation of Any Payment or Gift to Respondents.** This information collection involves no remuneration to respondents.
10. **Assurance of Confidentiality Provided to Respondents.** There is no assurance of confidentiality provided to respondents. OGIS will maintain the information submitted in NA Form **10003**, NA Form **10004**, and the Smart Instruction in a Privacy Act-protected system of records and will store, maintain and destroy the information in accordance with NARA records retention schedules. OGIS has published a Privacy Act System of Records Notice on August 3, 2010 (75 FR 45674 and 45675), NARA 40, to cover its case files and case management.
11. **Justification for Sensitive Questions.** Respondents are asked no questions of a sensitive nature.
12. **Estimates of Hour Burden Including Annualized Hourly Costs.** The hour burden for all individual respondents is as follows:

<i>Form of Request from Respondents</i>	<i>Number of Respondents</i>	<i>Responses per Respondent</i>	<i>Minutes per Response</i>	<i>Annual Hour Burden</i>
NA Form 10003	400	1	1	7

<i>Form of Request from Respondents</i>	<i>Number of Respondents</i>	<i>Responses per Respondent</i>	<i>Minutes per Response</i>	<i>Annual Hour Burden</i>
NA Form 10004	200	1	1	3

OGIS developed the respondent data by monitoring the administration of a proposed consent form to a test group of respondents and estimated an additional minute to complete the request for assistance and consent form.

13. **Estimate of Other Total Annual Cost Burden to Respondents or Recordkeepers.** The estimated annualized cost for each individual respondent is \$0.
14. **Annualized Cost to the Federal Government.** The total estimated annualized cost to NARA is \$0.
15. **Explanation for Program Changes or Adjustments.** This is a new collection of information.
16. **Plans for Tabulation and Publication and Project Time Schedule.** The information collection is not used for statistical studies or publications.
17. **Reason(s) Display of OMB Expiration Date is Inappropriate.** The expiration date of the OMB approval will be displayed on the form.
18. **Exceptions to Certification for Paperwork Reduction Act Submissions.** NARA is not requesting any exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Submissions," of the OMB Form 83-I.