

## Supporting Statement for Paperwork Reduction Act Submissions

Reinstatement, with change, of a previously approved collection for which approval has expired: FD-249 Arrest and Institution Fingerprint Card (Criminal), FD-258 Applicant Fingerprint Card, FD-353 Personal Identification Fingerprint Card, also incorporating the FD-884 FBI Standard Palm Print Card, and the FD-884a Standard Supplemental Finger and Palm Print Card

**OMB Control # 1110-0046**

### Part A. Justification

#### 1. Necessity of Information:

Title 28, United States Code, Section 534, allows the Federal Bureau of Investigation (FBI) to acquire, collect, classify, and preserve identification/information, criminal identification, crime, and other records. The FBI permits such exchange of records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission; the States and cities; and penal and other institutions. It is essential that standard friction ridge<sup>1</sup> cards be utilized in order for the FBI, Criminal Justice Information Services (CJIS) Division to provide maximum service to all law enforcement and governmental agencies.

The FBI CJIS Division provides a centralized repository of all friction ridge cards and all arrest records. Through this centralization of records, it is possible to have available a positive source of information relative to: past activities of an individual in custody or an individual applying for employment, emergency cases, identification of deceased individuals, identification of missing persons, or provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin, to identify fugitives, etc.

#### 2. Needs and Uses:

The CJIS Division serves the nation as a repository for fingerprints and criminal history record information. The recent advancements for the collection and electronic submission of additional biometrics, such as palmprints, have expanded the repository to accept a variety of friction ridge types. The Privacy Act of 1974 requires each agency that maintains a system of records to maintain the records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual. Case law stipulates that the CJIS Division has a duty to take reasonable measures to maintain accurate records. These friction ridge cards provide a consistent format for agencies to submit the necessary information.

The FD-249 Criminal Fingerprint Card, the FD-884 FBI Standard Palm Print Card, and the FD-884a Standard Supplemental Finger and Palm Print Card forms are utilized by a variety of law enforcement agencies to collect friction ridge data for submission into the Integrated Automated Fingerprint Identification System (IAFIS), a biometric database utilized for person-centric

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<sup>1</sup> The term friction ridge encompasses the corrugated ridges characteristic of the skin of the palmar and plantar surfaces of primates.

identification to criminal history record data. Upon identification, the data from these three cards is utilized to populate an individual's identification record within the IAFIS which includes the name of the agency or institution that submitted the fingerprints to the FBI as well as the date of arrest or the date the individual was received by the agency submitting the fingerprints. An individual's criminal history record includes arrest charge(s) and the arrest disposition(s).

The FD-258 Applicant Fingerprint Card and the FD-353 Personal Identification Card are not criminal by nature and are instead utilized to complete fingerprint-based background checks for employment, licensing, permits, and for an individual to obtain their own Identification Record in accordance with the U.S. Department of Justice Order 556-73.

A privacy statement is currently contained on the FD-249 Criminal Fingerprint Card, the FD-258 Applicant Fingerprint Card and the FD-353 Personal Identification Card in support of the Privacy Act of 1974. The statements are not incorporated on the FD-884 FBI Standard Palm Print Card, nor the FD-884a Standard Supplemental Finger and Palm Print cards because they are collected concurrently with the FD-249 or the FD-258.

### 3. Use of Technology:

Currently 98.9 percent of participating agencies submit fingerprint card information data electronically, accounting for 98.5 percent of the total annual friction ridge submissions of 60,148,382. Electronic submissions are received via the CJIS Wide Area Network (WAN) for processing by the IAFIS. The actual hard copy friction ridge cards are utilized only by the remaining 1.1 percent of agencies, accounting for only 471,215 responses.

### 4. Efforts to Identify Duplication:

The FBI is the only federal repository for the data from this information collection.

### 5. Methods to Minimize Burden on Small Businesses:

This information will have no significant impact on small entities. Small businesses will not be affected by this collection.

### 6. Consequences of Less Frequent Collection:

If the collection is not conducted or conducted less frequently, the criminal history record information provided for use by all contributing agencies would be incomplete and inaccurate. The law enforcement community has an ever-increasing need for timely and accurate data. Obtaining the friction ridge cards is vital to ensuring the most efficient timely services to all authorized entities.

### 7. Special Circumstances Influencing Collection:

All friction ridge submissions, whether electronic or hard-copy, are collected and processed from

participating agencies, as necessary. There are currently no requirements stipulated by the CJIS Division regarding the collection of friction ridge information. All stored criminal history record information is inclusive of only that information which has been provided.

8. Public Comments and Consultations:

The FBI sponsors and participates in training seminars, industry meetings, and conferences with the user community. These meetings are held regularly and provide an open forum to discuss matters of mutual concern, including reporting procedures. The FBI consults with users on an individual basis as needed. Additionally, the 60 and 30 day Notices of Information Collection for Renewal was published and no comments were received.

9. Payment of Gift to Claimants:

The FBI does not provide any payment or gift to respondents.

10. Assurance of Confidentiality:

Information requested in this collection may be considered confidential business information. The data obtained from the collection is housed within the IAFIS, the fingerprint identification system covered by the system of records notice, *Fingerprint Identification Records Systems (FIRS), JUSTICE/FBI-009*. Any disclosure of information from the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures. Its release is governed by law, regulations, and agency procedures.

The IAFIS has been exempted from subsections (d) and (e)(4)(H) pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Privacy Act. However, procedures are set forth at 28 CFR 16.30-34 and 20.24 for an individual to obtain a copy of his identification record maintained in the IAFIS to review, or to obtain a change, correction, or updating of the record.

11. Justification for Sensitive Questions:

This collection does not include questions of a sensitive nature.

12. Estimate of Hour Burden:

Respondents report on the friction ridge cards. A respondent may submit multiple fingerprint cards.

Number of respondents	74,793
Frequency of response	as needed
Total annual responses	60.4 million
Minutes per response	10 minutes

Annual hour burden                    10.1 million hours

13. Estimate of Cost Burden:

Respondents will not incur any costs other than their time to respond. Respondents will not incur any capital, start up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government:

\*Note: The analysis of incoming information is accounted for within the estimation of personnel salaries.

Personnel Salaries:	\$14,410,315
*Analysis of incoming information: \$	
Conversion to electronic format:	\$ 4,346,361
Total Cost:	\$18,756,676

15. Reasons for Change in Burden:

The increase of 1.4 million burden hours is can be accredited to the increase of friction ridge submissions by respondents during the past 3 years, to include the submissions of palmprints. The increases can be attributed to new federal and state legislation requiring fingerprint based background checks for employment such as Section 6201 of the Affordable Care Act, as well as authorized agencies implementing requirements for the Adam Walsh Act, the Serve America Act, and Sexual Offender Registry requirements for palmprint submissions.

16. Plans for Publication:

There are no plans to publish the information collected.

17. Expiration Date Approval:

Due to the administrative burdens related to replacing expired forms when no information on those forms has been changed, the FBI is requesting approval to not display the expiration date for OMB approval of the information collected.

18. Exceptions to the Certification Statement:

There are no exceptions to the certification statement.

Part B. Statistical Methods

The Federal Bureau of Investigation does not employ statistical methods in this information

collection.