

SUPPORTING STATEMENT
OGIS Request for Assistance and Consent Forms, NA Forms 10003 and 10004
OMB Control No. 3095-0068

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 nine federal departments or agencies have a routine use of this nature included in their FOIA and Privacy Act files system of records notices. The NA Form 10003, OGIS Consent to Make Inquiries and Release of Information and Records, and NA Form 10004, OGIS Request for Assistance and Consent to Make Inquiries and Release of Information and Records will be used by those agencies that do not have a routine use 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 authority for this information collection is prescribed by 5 U.S.C. § 552a(b).

In February 2014, OGIS requested that the name of the agency – National Archives and Records Administration, and office symbol – OGIS, be added to the address line on both NA Form 10003 and 10004.

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 to provide the requested assistance. Without the information submitted in NA Forms 10003 & 10004, OGIS would be unable to fulfill its mission.

3. **Use of Information Technology and Burden Reduction.** Due to limitations on OGIS's contract with its case management database vendor, OGIS cannot accept the collected information online. Therefore, OGIS can obtain signed copies of the consent forms either by email (PDF document), or facsimile. Once OGIS is able to add this technology to its case management database, OGIS will be able 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 July 29, 2013 (FR 78 45569) 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 and 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 submitted 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 Record keepers.** 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.** There is no change in burden.
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.