

SUPPORTING STATEMENT
U.S. Department of Commerce
International Trade Administration
Survey of Organizations Participating in the United States (U.S.) - European Union (EU)
Safe Harbor Framework and United States (U.S.) - Switzerland (Swiss) Safe Harbor
Framework
OMB Control No. 0625-0268

A. JUSTIFICATION

This is a request for approval of an existing information collection revision.

1. Explain the circumstances that make the collection of information necessary.

The Department of Commerce's International Trade Administration (ITA) administers the U.S.-EU Safe Harbor program and U.S.-Swiss Safe Harbor program. The U.S.-EU Safe Harbor Framework and U.S.-Swiss Safe Harbor Framework provide eligible U.S. organizations with a streamlined means of complying with the relevant requirements of the European Union's Data Protection Directive and the Swiss Federal Act on Data Protection. The Safe Harbor Frameworks help facilitate the flow of personal data worth critical to billions of dollars in trade between the United States and the EU and Switzerland.

The following concerns the voluntary survey that U.S. organizations are asked to complete and submit to the U.S. Department of Commerce when they self-certify their compliance with the U.S.-EU Safe Harbor Framework and/or the U.S.-Swiss Safe Harbor Framework.

In line with President Obama's National Export Initiative, the U.S. Department of Commerce's (DOC) International Trade Administration (hereinafter (ITA)) is interested in gathering information from U.S. organizations that participate in the U.S.-EU Safe Harbor program and/or the U.S.-Swiss Safe Harbor program to better evaluate how the Safe Harbor Frameworks support U.S. exports and potentially identify areas for improvement. The voluntary survey provides participants, including small businesses, in the Safe Harbor programs with an opportunity to communicate directly with the DOC regarding these programs.

The information will be obtained via a survey using the following questions:

(1) Does your organization's participation in the U.S.-EU or U.S.-Swiss Safe Harbor programs help your organization increase U.S. exports and support U.S. jobs?

(2) Please specify the approximate amount of exports in United States Dollars (USD) facilitated by your organization's participation in the U.S.-EU or U.S.-Swiss Safe Harbor programs (please include any sales or contracts that were won or retained as a result of your participation in the programs).

(3) Does your organization currently have a contract that is dependent on self-certification to the U.S.-EU or U.S.-Swiss Safe Harbor programs? If so, what is the value of that contract(s)?

(4) What do the U.S.-EU and U.S.-Swiss Safe Harbor programs mean to your organization in terms of business opportunities in Europe?

(5) Tell us what you think about the U.S.-EU and U.S.-Swiss Safe Harbor programs?

Revision: The original survey submitted with the previous submission included six questions. The following question (number 3 of the previous survey), was removed: “How much of your annual sales/exports to Europe, Switzerland, or other parts of the world are dependent on self-certification to the U.S.-EU or U.S.-Swiss Safe Harbor programs?” The question was never used to collect information, as it was not part of the survey presented to the potential respondents.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Responses to these survey questions will be analyzed and used by the DOC to evaluate how the Safe Harbor Frameworks support U.S. exports. Organizations will be prompted to complete and submit the voluntary survey when they self-certify their compliance for the first time, as well as when they annually recertify their compliance with the U.S.-EU Safe Harbor Framework and/or the U.S.-Swiss Safe Harbor Framework online via the DOC’s Safe Harbor website. Although the information requested could include business confidential information, the DOC does not intend to release these data, except possibly in the aggregate. Some responses may be used to show program strengths or areas that need improvement.

The collected information, including business confidential information will not be disseminated to the public.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The DOC offers U.S. organizations the opportunity to complete this survey via the DOC’s Safe Harbor website, located at <http://export.gov/safeharbor>. Electronic submission allows an organization participating in one or both of the Safe Harbor programs to respond efficiently and expediently. Organizations will respond to the DOC’s additional survey questions, on a voluntary basis and submit this information via the DOC’s Safe Harbor website.

4. Describe efforts to identify duplication.

There is no duplication in the collection of these data. The collected information is company-specific and not available elsewhere.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The survey poses an inconsequential burden on small businesses or other small entities, because the responses are provided on a voluntary basis, and the responses are only requested when organizations first self-certify their compliance and when they annually recertify their compliance.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The survey questions directly relate to the Safe Harbor Frameworks and how they facilitate business enterprise in the United States. The DOC will use these responses to evaluate the benefits of the Safe Harbor Frameworks to U.S. businesses, as well as to see if changes need to be made to how the Safe Harbor programs are administered. If this information were not collected, the DOC would not have a mechanism for organizations to provide regular feedback on the programs.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not Applicable.

8. Provide information of the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The Federal Register Notice requesting public comment was published on May 12, 2014 (FR Volume 79, Number 91, pages 26933-26934). No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Not Applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

No assurance of confidentiality is provided to respondents. Information submitted regarding these additional questions involves no explicit divulgence of business confidential information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Not Applicable.

12. Provide an estimate in hours of the burden of the collection of information.

It is estimated that the response time for the survey is 20 minutes. The responses to the survey questions would require significantly less time than that is required to complete the initial self-certification process. Although response times can vary considerably according to the size of the organization and the nature of its line(s) of business, the DOC does not believe that providing such responses will require an inordinate amount of time and attention.

There are essentially two types of respondents: (1) those that are self-certifying for the first time; and (2) those that are recertifying on or before the anniversary of their original self-certification. There are approximately 3,500 organizations that actively participate in the Safe Harbor programs; of these, the DOC anticipates that approximately 30% (1050) will respond to the voluntary survey when they annually recertify their compliance online via the DOC's Safe Harbor website. In addition, each year approximately 780 organizations self-certify for the first time; of these, the DOC anticipates that approximately 30% (234) will respond to the voluntary survey when they self-certify their compliance online via the DOC's Safe Harbor website.

Type of Response	Response Time	No. of Respondents	No. of Responses	Total Hours
Completion and submission of survey responses submitted with initial self-certification	20 minutes	234	234	78

submission via DOC's Safe Harbor website				
Completion and submission of survey responses submitted with annual recertification submission via DOC's Safe Harbor website	20 minutes	1050	1050	350

Cost to respondent per response: Response Time (20 minutes) x Average Salary (\$35.00/hour) = \$11.67

Total cost: Total Hours (78 + 350 = 428 hours) x Average Salary (\$35.00/hour) = \$14,980.00

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Not applicable.

14. Provide estimates of annualized cost to the Federal government.

Type of Response	Response Time	No. of Respondents	No. of Responses	Total Hours
Review and analysis of survey responses submitted with initial self-certification submission via DOC's Safe Harbor website	10 minutes	234	234	39
Review and analysis of survey responses submitted with annual recertification submission via DOC's Safe	10 minutes	1050	1050	175

Harbor website				
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Cost to Federal Government per response: Response Time (10 minutes) x Average Salary (\$35.00/hour) = \$5.83

Total cost to Federal Government: Total Hours (39 + 175 = 214 hours) x Average Salary (\$35.00/hour) = \$7,490.00

15. Explain the reasons for any program changes or adjustments.

The adjusted figures provided in the response to Question 12 reflect a rise in the number of “responses” received.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.