

Supporting Statement for Paperwork Reduction Act Submissions
Approval of a new collection for the Rap Back Services Form (1-796)
OMB Control # 1110-xxxx

Part A. Justification

1. Necessity of Information:

Title 28, United States Code, Section 534, directs the Attorney General to acquire, collect, classify, and preserve identification, criminal identification, crime, and other records. It further directs the 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.

Title 28 Code of Federal Regulations (CFR) Section 0.85(j) sets forth the Attorney General's delegation to the Director of the Federal Bureau of Investigation (FBI) to implement the exchange of criminal history information for noncriminal justice purposes enumerated in 28 CFR 20.33(a)(3) and 50.12(a). Title 28 CFR 50.12(b) contains guidelines for the dissemination of criminal history information for noncriminal justice purposes.

The Rap Back Services Form (1-796) is necessary so that the FBI, Criminal Justice Information Services (CJIS) Division, can assure identity history information is collected, stored, and disseminated in a manner to ensure accuracy, completeness, currency, integrity, and security in an effort to protect individual privacy as required by 28 CFR 20.1. In addition, the form ensures participating law enforcement and government agencies provide all information required to enroll an individual in the Rap Back Service.

The CJIS Division maintains a centralized national repository of fingerprint cards and arrest records. This repository provides information regarding the past activities of an individual in custody or an individual applying for employment.

2. Needs and Uses:

The CJIS Division maintains the national repository for fingerprints and criminal history information. 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. It further stipulates that the CJIS Division has a duty to take reasonable measures to maintain accurate records.

Authorized agencies can submit civil fingerprints of employment applicants, licensees, and other individuals in positions of public trust on a periodic basis to determine if individuals have engaged in criminal conduct that would prohibit the holding of such positions or licenses. The Next Generation Identification (NGI) system permits authorized agencies to submit civil fingerprints for retention and subscription into the Rap Back Service. The Rap Back Service provides a continuous vetting of an individual's suitability for a position of trust by providing

timely notification to the authorized agency should the individual be arrested or if there is relevant activity associated with that individual's record in the NGI system.

Furthermore, the NGI system provides timely notifications to authorized criminal justice agencies regarding subscribed individuals under the supervision of a criminal justice agency or under authorized law enforcement investigation. Law enforcement agencies, probation and parole officers, and other criminal justice entities may use the Rap Back Service to receive notification of subsequent activity of persons under their supervision, such as probationers, parolees, sex offenders, persons under direct court supervision, and other officially supervised persons, as well as persons under investigation.

The 1-796 provides a consistent format for agencies to submit the necessary information to enroll or modify Rap Back information on an individual.

3. Use of Technology:

Currently, there are no plans to automate the 1-796 form. The form is only necessary when agencies are unable to submit their Rap Back requests via a Rap Back type of transaction to the NGI system. Agencies can mail the hard-copy 1-796 or submit the fillable form online to the CJIS Division.

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, civil agencies would not be notified when persons in positions of trust commit a crime, nor would criminal justice agencies be advised of subsequent activity for those individuals enrolled in the Rap Back Service.

7. Special Circumstances Influencing Collection:

The 1-796 submissions are collected and processed from participating agencies, as necessary. All stored identity history summary information is inclusive only of that information provided by a submitting agency.

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 30 and 60-day Notices of Information Collection was published in the Federal Register 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. Its release is governed by law, regulations, and agency procedures.

11. Justification for Sensitive Questions:

This collection does not include questions of a sensitive nature.

12. Estimate of Hour Burden:

Number of respondents	120,000
Frequency of response	as needed
Total annual responses	6,000
Minutes per response	5 minutes
Annual hour burden	300 hours

The number of respondents is the total possible subscribers for Rap Back subscriptions. This number reflects all agencies that could potentially participate; however, only two agencies are participating presently. The total annual response is an estimated 3,000 responses per year per possible subscriber which is two (3000 X 2). The annual hours of burden is calculated by dividing the total annual (6000) responses by 5 minutes.

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 1-796 forms are received and processed by the same personnel. The annualized costs provided below for the Analysis and Conversion is incorporated in the cost of personnel salaries.

Personnel Salaries:	\$ 10,413
Analysis of incoming information:	\$ 0
Conversion to electronic format:	\$ 0
Total Cost:	\$ 10,413

Personal salaries were calculated based on one GS-8 base salary. One examiner was utilized in the calculations because this is a new program with only two agencies participating to date. This should grow, but it is not expected to grow quickly.

15. Reasons for Change in Burden:

This is a new form necessary for the Rap Back Service offered by the recently deployed NGI system.

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 FBI does not employ statistical methods in this information collection.