

Supporting Statement for Paperwork Reduction Act Submissions  
Approval of existing collection in use without an OMB control number, FBI Expungement Form (FD-1114)

**OMB Control # 1110-xxxx**

Part A. Justification

1. Necessity of Information:

Title 28, United States Code, Section 534, allows the FBI to acquire, collect, classify, and preserve identification, 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.

Title 28 CFR 0.85(j) sets forth the Attorney General's delegation to the FBI to implement the exchange of identity history information for noncriminal justice purposes. Additionally, 28 CFR 20.33 (a)(3) and 50.12 both further explain the dissemination of identity history information for noncriminal justice purposes.

It is essential the FBI Expungement Form (FD-1114) be utilized in order for the Criminal Justice Information Services (CJIS) Division, to assure identity history information is collected, stored, removed and thus, disseminated in a manner to ensure accuracy, completeness, currency, integrity, and security of such information in an effort to protect individual privacy and provide maximum service to all law enforcement and governmental agencies. All of which is imposed on the FBI, CJIS Division, by Title 28, Code of Federal Regulations (CFR), Part 20.1.

The FBI CJIS Division provides a centralized repository of all fingerprint 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 identity 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. Case law stipulates that the CJIS Division has a duty to take reasonable measures to maintain accurate records.

Currently, 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.

With the Next Generation Identification (NGI) system, authorized agencies may choose to submit the civil fingerprints for retention and subscription into the Rap Back Service. This will result in an ongoing review of the criminal history status of each individual as long as the individual remains in a position of trust. The Rap Back Service provides for a continuous vetting of the person's suitability for his/her 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 identity record in the NGI system.

The NGI system also provides timely notifications to authorized criminal justice agencies regarding 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 be advised of subsequent criminal 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.

Use of the FD-1114 will ensure the FBI receives all of the necessary information needed to remove criminal history data within the NGI. The establishment of this standard submission form streamlines the flow of information and ensures more timely transactions. Today, there are numerous document request forms submitted to the CJIS Division for processing, all in a variety of formats and oftentimes submitted without complete information. It is expected the use of the FD-1114 will promote timely processing by CJIS Staff, minimize delays and/or rejects to the submitting agency. The FD-1114 will provide for efficient updating of identity histories.

### 3. Use of Technology:

Currently, there are no plans to automate the FD-1114 form, as there are a variety of automated methods for which an agency may submit an expungement to the CJIS Division for removal of criminal data from an individual's identity history. This form is being made available to the submitter for their convenience. NGI improvements with Increment 4 deployment (September 2014) started allowing the states to expunge their dates of arrest from III without intervention from CJIS employees. We anticipate this reducing our paper volume by 25%; however we do not expect to see the decrease until the respondents have had ample time to validate the process. The MRD Expungements are already electronic and account for approximately 28% of incoming expungements. Additionally, CJIS does have plans to make all forms electronic; however, due to other technology and implementation demands this will likely not occur for at least another year. The CJIS Division is not asking them to submit only through paper; however, several respondents do not currently have the technology to submit through the current electronic options.

### 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, an individual's identity history could include criminal history data which should not exist.

7. Special Circumstances Influencing Collection:

The FD-1114 submissions are collected and processed from participating agencies, as necessary. All stored identity history summary 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 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	152,430
Frequency of response	as needed
Total annual responses	537,123
Minutes per response	10 minutes
Annual hour burden	89,521 hours

The Number of Respondents are based on the total number of criminal justice agencies that could transmit an Expungement form to the FBI/CJIS Division. This total was obtained from the CJIS entity responsible for all access to CJIS System information. The total annual responses were retrieved from internal tracking of incoming receipts for the prior year. The minutes per response was an estimate based on the information required in the response. The total hour burden was determined by dividing the total recent annual responses (537,123) by 6 (as 6 forms could be completed within 1 hour at 10 minutes per form.) This total should equal 89,521 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 cost for conversion to electronic format is covered within the cost reported of Personnel Salaries:

Personnel Salaries:	\$ 639,847
Analysis of incoming information:	\$ 58,170
Conversion to electronic format:	\$ 0*
 Total Cost:	 \$ 698,017
 Conversion to electronic format:	 \$ 0*
 Total Cost:	 \$ 698,017

The FBI/CJIS Division has multiple employees who process these response (Expungements) in addition to other functional tasks. The number averaged out to eleven full time employees at the GS-7 level. At the time of request (12/2014), a GS-7 Step 5 Salary was \$44,403. GS7 Step 5 \$44,403 \* 11 employees + 31% for benefits equal personnel salaries. While multiple employees perform the task, 28% of their time is dedicated to this type of responses (Expungements). On average, that would equal one full time GS-7 employee. At the time of request (12/2014), a GS-

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Step 5 salary was \$44,403 factoring in an additional 31% to cover benefits making the total cost for the analysis of incoming information \$58,169.73 (rounding up to \$58,170.00).

15. Reasons for Change in Burden:

The collection of the information has never been submitted upon a standardized form.

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.