

Supporting Statement for Paperwork Reduction Act Submissions
Approval of existing collection in use without an OMB control number, Records Modification Form (FD-1115)

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 FBI to implement the exchange of criminal history information for noncriminal justice purposes. 28 CFR 50.12(b) contains guidelines for the dissemination of criminal history information for noncriminal justice purposes.

The Records Modification Form (FD-1115) is necessary so that the Criminal Justice Information Services (CJIS) Division, can assure criminal history information is appropriately collected, retained, amended, and thus disseminated in a manner that ensures the accuracy of the record in an effort to protect individual privacy as required by 28 CFR 20.1 In addition, the form provides a consistent method for states to submit requests to edit their records when the edits cannot be performed by the state itself.

The CJIS Division maintains a centralized national repository of fingerprint cards and arrest records. This repository provides information regarding the past activities of individuals for both criminal justice and non-criminal justice purposes.

2. Needs and Uses:

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 to determine if an individual has 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 the 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 the individual in the NGI system.

The FD-1115 will ensure the FBI receives all of the necessary information needed to remove criminal history data within the NGI, streamline the flow of information, and ensure more timely transactions. Currently, numerous document request forms in a variety of formats are submitted to the CJIS Division for processing, often lacking required information. The use of the FD-1115 will promote timely processing by CJIS Staff, minimize delays, reduce rejections to the submitting agency, and provide for efficient updating of criminal histories within the NGI System.

3. Use of Technology:

There are no plans to automate the FD-1115 form. The NGI System provides a variety of automated methods by which an agency may submit modifications to the CJIS Division for removal of criminal data from an individual's criminal history. This form is being made available to the submitter for the purpose of convenience.

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 criminal history could include data which should not exist.

7. Special Circumstances Influencing Collection:

The FD-1115 submissions are collected and processed from participating agencies, as necessary. All stored criminal history 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 have been published in the Federal Register. 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	132,070
Minutes per response	10 minutes
Annual hour burden	22,011 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:	\$ 698,015
Analysis of incoming information:	\$
Conversion to electronic format:	\$ 0*
Total Cost:	\$ 698,015

15. Reasons for Change in Burden:

The collection of the information has never been submitted within 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.