

**SUPPORTING STATEMENT FOR THE  
PRIVACY ACT REQUEST FOR COMPLETED STANDARD FORM  
SF85/SF85P/SF86 (INV 100A)  
OMB #3206-NEW**

Justification:

**1. Explain the circumstances that make the collection of information necessary.  
Identify any legal or administrative requirements that necessitate the collection.**

The purpose of the collection is to enable the United States Office of Personnel Management (OPM), Federal Investigative Services (FIS), Freedom of Information and Privacy Act (FOI/PA) office, to locate applicable records and provide the requester responsive records pursuant to the Privacy Act of 1974 (5 U.S.C. § 552a). Authority to collect this information is contained in 5 U.S.C. § 552, 5 U.S.C. § 552a, 5 C.F.R. § 297.201(b).

Responsive records are covered by OPM system of records notice (SORN) Central 9: Personnel Investigation Records. This SORN was last published in the Federal Register (FR) in May 2010; 75 FR 28307. Current privacy impact assessments exist for the systems that hold responsive records. Those systems are: (1) the Personnel Investigations Processing System (PIPS), 027-00-01-02-02-1040-00-315-179, dated 02/11/2014 and (2) the Electronic Questionnaires for Investigations Processing (eQIP), 027-00-01-99-01-0020-24-408-197, dated 10/2/2015.

Solicitation of Social Security Numbers (SSN's) by OPM is authorized under the provisions of Executive Order 9397, dated November 22, 1943. Providing social security numbers and the identity source documents is voluntary. Individuals requesting information are asked to provide their SSNs and identity source documents only to facilitate the identification of records relating specifically to that individual. Without an individual's SSN and identity source documents, OPM may be unable to locate records pertaining to that specific individual. The use of SSNs and identity source documents is necessary because of the large number of Federal employees, contractors, civilians, and military personnel who have identical names and/or birth dates and whose identities can only be distinguished by this information.

OPM is requesting emergency clearance of a new collection, INV100A, "Privacy Act Request For Completed Standard Form SF85/SF85P/SF86." Emergency clearance is requested because the time to comply with the public comment provisions of the Paperwork Reduction Act would prevent the agency from responding to an unanticipated event. The collection will permit OPM to more efficiently process Privacy Act requests from individuals seeking to access their most recently completed SF85, SF85P, or SF86 that was used to initiate a background investigation. OPM is anticipating a sudden, high-volume influx of these Privacy Act requests due to the July 9, 2015 public announcement of the number of individuals affected by a

cyberincident that involved the breach of the SF 85, SF 85P, and SF 86 forms completed by millions of individuals in connection with background investigations.

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The INV 100A will be used by current and former Federal applicants, employees, military, and contractors to request Standard Form information from OPM's Personnel Investigations Processing System (PIPS) and/or electronic Questionnaires for Investigations Processing (e-QIP). The information from the request itself will be data entered into the Freedom of Information Act/Privacy Act (FOIA/PA) Tracking System

The INV 100A is newly created from the INV 100 to address the expected influx of background investigation requests as a result of the OPM cybersecurity breach. The emergency clearance meets the standards for such a request stated in the April 7, 2010, OIRA Memorandum, Information Collection under the Paperwork Reduction Act, (ii), as an unanticipated event has occurred.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The collection does involve a degree of automation, as the form will be available on the internet in a portable document file (PDF) format.

If the requester is submitting a request, the INV 100A may be transmitted electronically once completed, or printed and mailed or faxed to OPM's FIS FOI/PA office.

Alternatively, if the requester is making a request for records about him/herself, subsequent to the INV 100A being completed electronically, the INV 100A must be printed and contain a handwritten signature. OPM'S Privacy Procedures for Personnel Records (5 C.F.R. § 297.201) explain OPM requires proof of identity from individuals making requests for records about themselves, and one such form of identity is the individual's signature. The completed INV 100A can then be mailed hardcopy, faxed, or scanned and emailed as an attachment to OPM FIS's FOI/PA office.

The use of digital signatures has been considered although at this time OPM does not have the capability to authenticate digital signatures for Adobe PDFs. There is no

current ability to cost effectively track and validate the information needed to authenticate an Adobe PDF digital signature.

**4. Describe efforts to identify duplication.**

Information collected on the INV 100A is specific to OPM FIS FOI/PA. The form is optional and collection of the information is only required if the individual makes a Privacy Act request.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

Not applicable. This collection of information does not affect small businesses or other small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Use of the INV 100A is intended to organize the collection of the information to simplify and make more efficient the process of making a Privacy Act of 1974 (5 U.S.C. § 552a) request. Additionally, the standardized collection of information will enhance OPM FIS' request processing and minimize the number of imperfect requests submitted.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.**

Not applicable. This information collection is in compliance with 5 CFR 1320.6.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe 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. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

OPM has submitted an emergency clearance. The Emergency Clearance Notification was posted in the Federal Register, 80 FR 59201, of October 1, 2015.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

Not applicable. The INV 100A is an optional form for use.

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

Any disclosure of this record or information in this record is in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a) and routine uses found in System Notice OPM/Central 8, Privacy Act/Freedom of Information Act (PA/FOIA) Case Records.

**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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

Not applicable. The questions are not of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

**12. Provide estimates of the hour burden of the collection of information.**

Unknown based on unprecedented circumstances. However, the burden estimates were entered in accordance to the previous estimates of the INV 100. Therefore, the estimated burden estimates are as follows:

Each INV 100A form takes an estimated 5 minutes to complete. The number of forms completed will vary depending on submissions from requesters. Estimates are provided below:

	<u>Number of Respondents</u>	<u>Burden Hours</u>
INV 100A	16,626	1,386

It is estimated that the total number of respondents for the INV 100A is 16,626 annually. Accordingly, the estimated annual burden is 1,386 hours.

**13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.**

There is no additional cost to individual respondents who choose to use this form in lieu of a handwritten request.

**14. Provide estimates of annualized cost to the Federal Government. Also provide a description of the method used to estimate cost which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff) and any other expenses that would not have been incurred without the paperwork burden.**

The INV 100A is an optional form that will be posted on the OPM website for requesters. There are no anticipated annualized print or operational costs to be incurred by the Federal Government.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.**

Not applicable. The INV 100A is a new collection.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

Not applicable. Information collected on the forms will not be published.

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

Not applicable.

**18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**

Not applicable.