

Supporting Statement for Paperwork Reduction Act Submissions
Approval of an existing collection currently in use without an OMB control number for the
Credit Card Payment Form (1-786)

OMB Control # xxxx-xxx

The most recent version of this form is dated August 1, 2016. U.S. Department of Justice (DOJ) Order 556-73 grants the FBI authority to issue copies of FBI Identification Records, often referred to as a criminal history record or “rapsheet,” to subjects of the records upon request. This is also known as an Identity History Summary (IdHS) check. An individual may request an IdHS check by submitting an Applicant Information Form, a complete set of rolled and simultaneous fingerprint impressions taken on a fingerprint card, and an \$18.00 processing fee (which can be made by certified check/money order or credit card) to the FBI’s Criminal Justice Information Services (CJIS) Division.

Part A. Justification

1. Necessity of Information:

An FBI Identification Record, often referred to as a “rap sheet,” is listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprints submitted in connection with federal employment, naturalization, or military service. The Identification Record includes the name of agency or institution that submitted the fingerprints to the FBI. If the fingerprints concern a criminal offense, the Identification Record includes the date of arrest or the date the individual was received by the agency submitting the fingerprints, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an Identification Record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities. The subject of an Identification Record may obtain a copy thereof by submitting a written request via the U.S. mail directly to the FBI, Criminal Justice Information Services Division. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and place of birth, and a set rolled-inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies. Each written request for production of an Identification Record must be accompanied by a fee of \$18 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 9701 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each Identification Record requested as specified in § 16.10. Any request for waiver of the fee shall accompany the original request for the Identification Record and shall include a claim and proof of indigence.

2. Needs and Uses:

By order dated September 24, 1973, the Attorney General of the United States directed that the Federal Bureau of Investigation, hereinafter referred to as the FBI, publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This

order resulted from a determination that 28 U.S.C. 534 does not prohibit the subjects of arrest and convictions records from having access to those records. In accordance with the Attorney General's order, the FBI will release to the subjects of identification records copies of such records upon submission of a written request, satisfactory proof of identity of the person whose identification record is requested and a processing fee.

The Relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable because the material contained herein relates to the interpretation of 28 U.S.C. 534 as allowing the granting of an exemption to subjects of Identification Records and relief of prior administrative restrictions on dissemination of such records to them. Furthermore, it is deemed in the public interest that there be no delay in effective date of availability of Identification Records to the subjects thereof.

By Virtue of the order of the Attorney General, dated September 24, 1973, and pursuant to the authority delegated to the Director, FBI, by 28 CFR 0.85(b), 28 CFR Part 16 was amended to contain the regulations of the Federal Bureau of Investigation (FBI) concerning procedures to be followed when the subject of an Identification Record requests production of that record to review it or to obtain a change, correction, or updating of that record.

All arrest data included in an Identification Record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities. The subject of an Identification Record may obtain a copy thereof by submitting a written request via the U.S. mail directly to the FBI, Criminal Justice Information Services Division. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and place of birth, and a set rolled-inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies. Each written request for production of an Identification Record must be accompanied by a fee of \$18 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 9701 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each Identification Record requested as specified in § 16.10.

The CJIS Division utilizes the credit card payment form to collect credit card payment information from individuals requesting a copy of their Identity History Summary or proof that one does not exist.

3. Use of Technology:

The paper forms are received via mail or email. Currently, there are no plans to automate the 1-786 form. The fillable form is available in electronic format on the fbi.gov website; however, there is no electronic submission capability.

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:

Customers are required to pay a fee of \$18.00 per DOJ Order 556-73 request. If they do not pay by credit card using the 1-786 Credit Card Collection Form, then they must pay by certified check/money order or provide proof of indigent status. There would not be a consequence of less frequent collection of this information to the FBI since there are other methods of payment or fee waiver for indigent circumstances.

7. Special Circumstances Influencing Collection:

The 1-786 submissions are collected and processed from participating individuals, as necessary or requested. Title 28 CFR Part 16, Subpart C regulates the production of FBI Identification Records in response to written requests by subjects thereof. By order dated September 24, 1973, the Attorney General of the United States directed the FBI publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This order resulted from a determination that 28 U.S.C. 534 does not prohibit the subjects of arrest and conviction records from having access to those records. In accordance with the Attorney General's order, the FBI will release to the subjects of identification records copies of such records upon submission of a written request, satisfactory proof of identity of the person whose identification record is requested, and a processing fee.

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 and no comments have been 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	80,000
Frequency of response	as needed
Total annual responses	80,000
Minutes per response	2 minutes
Annual hour burden	2,667 hours

The hours of burden were calculated utilizing the Activity Based Management (ABM) Costing Model or obtained by statistical databases maintained by the CJIS Division, Criminal History Information and Policy Unit (CHIPU). The total annual response was calculated by compiling the total Credit Card Payment forms (1-786) received for three years and dividing by three to calculate an average. The hours of burden was determined by dividing the total annual responses (80,000) by 30 (as 30 forms could be completed within 1 hour at 2 minutes per form). This total should equal 2,666.67 hours or 2,667 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:

Personnel Salaries:	\$ 21,327.00
Analysis of incoming information:	\$ 152,470.00
Conversion to electronic format:	\$ 0
Total Cost:	\$ 173,797.00

The CJIS Division has multiple cross-trained personnel who receive the incoming 1-786 forms. An averages of 22 full-time employees at the GS-8 level perform the duty of processing the incoming requests. Using the Activity Based Management (ABM) costing model, the CJIS

Division was able to calculate the actual Salaries plus benefits of the 22 full-time employees performing this function. Further analysis showed that approximately 60% of the incoming requests contain alternate payment (money orders/personal checks). The total cost was calculated and 60% of that total was removed to reflect only the cost of the receipt of the incoming requests which estimated the personnel salaries to be \$21,327. The CJIS Division has 6 full-time employees at the GS-8 level who are assigned to process the incoming requests. Using the ABM costing model, CJIS was able to calculate the actual salaries plus benefits of the 6 full-time employees performing this function. The total cost was calculated and 60% of that total was removed to reflect only the cost of the analyzing of the incoming requests which was estimated to be \$152,470. The total estimated annual cost to the government for personnel salaries and for the process/analyze of the forms is \$173,797.00 (21,327+152,470).

15. Reasons for Change in Burden:

No change in burden as the 1-786 was used without OMB approval until now.

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.