

SUPPORTING STATEMENT

OGIS Consent to Make Inquiries and Release of Information and Records, NA Form 10003 OMB Control No. 3095-0068

- 1. Circumstances making the collection of information necessary.** In accordance with the Open Government Act of 2007, Congress created the Office of Government Information Services (OGIS), which is part of the National Archives and Records Administration (NARA). OGIS provides mediation services to resolve disputes between agencies and people making Freedom of Information Act (FOIA) requests, reviews administrative agency FOIA policies and procedures, and reviews agencies' compliance with the FOIA. OGIS is also known as the "FOIA Ombudsman." The Privacy Act of 1974 requires prior written authorization from an individual to permit Federal agencies to share records and information related to FOIA and Privacy Act requests and appeals, unless the agency has a published routine use that includes release to OGIS for that purpose. Currently, nine Federal departments or agencies have a routine use of this nature included in their FOIA and Privacy Act files system of records notices. Requesters use the NA Form 10003, OGIS Consent to Make Inquiries and Release of Information and Records, to (1) request that OGIS make inquiries on their behalf and (2) authorize agencies to release records and information related to their FOIA and Privacy Act requests and appeals so that OGIS can assist in resolving the dispute or in providing information to the requester. The authority for this information collection is prescribed by 5 U.S.C. § 552a(b), and as interpreted by Taylor v. Orr, No. 83-0389, 1983 U.S. Dist. LEXIS 20334, at *6 n.6 (D.D.C. Dec. 5, 1983).

In February 2014, OGIS requested that the name of the agency – National Archives and Records Administration, and office symbol – OGIS, be added to the address line on NA Form 10003.

- 2. Purpose and use of the information.** In order to fulfill its Government-wide statutory mission, OGIS provides varying types of assistance to its customers, which requires communicating with Government departments and agencies regarding the customer's FOIA/Privacy Act request/appeal. Under the Privacy Act, the agencies may not share peoples' personal information without either a routine use that they inform people of prior to gathering the information, or permission from the involved person. As a result, OGIS uses NA Form 10003 to collect that authorization and the identifying information necessary for the agency to identify the correct files so that OGIS may provide the requested assistance. Without the information submitted in NA Form 10003, OGIS would be unable to fulfill its mission or provide assistance to requesters.
- 3. Use of information technology and burden reduction.** OGIS cannot accept the collected information via online submission. Therefore, requesters may submit signed copies of the consent form either by email (PDF document), mail, or facsimile. Once OGIS is able to add this technology to future case management database, OGIS will be able to collect this information online. The collected information is the minimum information needed to allow OGIS to perform its statutory mission and to aid requesters.

4. **Efforts to identify duplication and use of similar information.** There is no duplication of this information.
5. **Impact on small businesses or other small entities.** This information collection does not have a significant impact on small businesses.
6. **Consequences of collecting the information less frequently.** The frequency of response is occasional, and initiated by requests themselves when they ask for OGIS assistance.
7. **Special circumstances relating to the guidelines of 5 CFR 1320.5.** The information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5.
8. **Comments in response to the Federal Register notice and efforts to consult outside agency.** No formal consultations have taken place. NARA published a notice in the Federal Register on June 21, 2016 (FR 81 40353) requesting public comment. No comment were received.
9. **Explanation of any payment or gift to respondents.** This information collection involves no remuneration to respondents.
10. **Assurance of confidentiality provided to respondents.** We do not provide assurances of confidentiality to respondents. OGIS maintains the information submitted in NA Form 10003 in a Privacy Act-protected system of records, and store, maintain, and destroy the information in accordance with NARA records retention schedules. NARA published a Privacy Act System of Records Notice on August 3, 2010 (75 FR 45674 and 45675), NARA 40, to cover its case files and case management, and re-published SORN 40 with NARA's full set of SORNs on December 20, 2013 (78 FR 77255).
11. **Justification for sensitive questions.** We ask respondents no questions of a sensitive nature.
12. **Estimates of hour burden including annualized hourly costs.** The hour burden for all individual respondents is as follows:

<i>Form of Request from Respondents</i>	<i>Number of Respondents</i>	<i>Responses per Respondent</i>	<i>Minutes per Response</i>	<i>Annual Hour Burden</i>
NA Form 10003	400	1	2	13

OGIS developed the respondent data by monitoring the administration of a proposed consent form to a test group of respondents and estimated an additional minute to complete the consent form.

13. **Estimate of other total annual cost burden to respondents or record keepers.** The estimated annualized cost for each individual respondent is \$0.
14. **Annualized cost to the Federal Government.** The total estimated annualized cost to NARA is \$0.
15. **Explanation for program changes or adjustments.** There is slight change in burden, from 10 hours to 13 hours as the estimated time to complete the form has increased from one minute to two minutes.
16. **Plans for tabulation and publication and project time schedule.** The information collection is not used for statistical studies or publications.
17. **Reason(s) display of OMB expiration date is inappropriate.** The expiration date of the OMB approval will be displayed on the form.
18. **Exceptions to certification for Paperwork Reduction Act submissions.** NARA is not requesting any exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Submissions," of the OMB Form 83-I.