

**U. S. OFFICE OF GOVERNMENT ETHICS
SUPPORTING STATEMENT FOR THE OGE FORM 201
EXECUTIVE BRANCH CONFIDENTIAL FINANCIAL DISCLOSURE REPORT
JANUARY 2017**

A. Justification

1.-2. Explain the circumstances that make the collection of information necessary. 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 primary use of the information on this form is to collect information from, and provide certain information to, persons who seek access to OGE Form 278 and 278e Public Financial Disclosure Reports, including OGE Form 278-T Periodic Transaction Reports, and other covered records. The form reflects the requirements of the Ethics in Government Act (EIGA), subsequent amendments pursuant to the STOCK Act, and OGE's implementing regulations that must be met by a person before access can be granted. These requirements include the address of the requester, as well as any other person on whose behalf a record is sought, and acknowledgement that the requester is aware of the prohibited uses of executive branch public disclosure financial reports. See 5 U.S.C. app. 105(b) and (c) and 402 (b)(1) and 5 CFR 2634.603(c) and (f). Under § 402(b)(1) of EIGA, OGE is authorized to establish procedures for providing public access to public financial disclosure reports. OGE, as the supervising ethics office for the executive branch, created the OGE Form 201, entitled "Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records," to collect information that meets the statutory requirements for permitting access to public financial disclosure reports as well as other covered records. Other types of records covered by the same EIGA access procedures (as listed in part III of the OGE Form 201) are certificates of divestiture, certain publicly available qualified trust documents, section 208 waiver determinations (after removal of any information exempt from disclosure under the Freedom of Information Act), other access requests, OGE-approved gifts reporting waiver request cover letters, and OGE-approved public reporting waiver request cover letters for certain special Government employees.

OGE is submitting a modified OGE Form 201 form package for review and approval of a three-year extension by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (control number 3209-0002). OGE proposes to modify the automated version of OGE Form 201 to comport with a modification to the technological process used to provide the information requested by the form. Initially launched in March 2012, the automated version of the access form originally enabled a requestor to obtain immediately, upon website submission of the completed form, those financial disclosure reports of individuals who have been nominated by the President to executive branch positions requiring Senate confirmation. Because of the change, the system no longer allows requesters to immediately download reports upon submission of

the automated OGE Form 201. Instead, the forms are first reviewed by an OGE employee for completeness before the information is sent to the requester either by email or mail, according to the requester's preference. Adding this step helps ensure that the requirements of section 105(b) of EIGA are met before public financial disclosure reports are released. Because of this change in procedure, a requester using the automated OGE Form 201 now has the option of either providing a mailing address including street, city, state, and country information (as was previously required) or providing an email address plus city, state, and country information. Depending on which information the requester chooses to provide, the requested public financial disclosure reports will be either emailed or mailed to the requester. This change will not affect the estimated time of response to complete the form.

OGE also intends to update the maximum civil monetary penalty (CMP) for improperly obtaining or using a public financial disclosure report on both the automated and non-automated versions of the form, in accordance with 5 CFR § 2634.703. In addition, OGE anticipates that this amount will be increased again in the near future. OGE requests permission from OMB to automatically update the amount on the OGE Form 201 if and when the amount is changed during the three-year period covered by this submission.

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.

The OGE Form 201 is available on the OGE Website at <http://www.oge.gov>. The form is a viewable and downloadable PDF version of the form that is both fillable and printable, providing a locally reproducible form for use as needed by agencies and the public. In addition, OGE will continue to allow agencies to electronically duplicate the OGE Form 201, provided that the electronic versions precisely duplicate the paper original. OGE utilizes an automated version of the form on its website. The basis for these electronic initiatives is to lessen burden and to facilitate dissemination to and use of the form by agencies and requesters.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

Not applicable. The OGE Form 201 is the only executive branch-wide form used as the source of the information needed to process access requests.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Not applicable. This collection of information does not impact 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 the burden.

Not applicable. This form is filed by persons requesting access, from time to time, to executive branch public financial disclosure reports and other covered records. (See also items 1.-2. above).

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secrets or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No such special circumstances exist. The confidentiality of the information collected is protected according to the requirements of the Ethics in Government Act, and the Privacy Act, and all other applicable laws and regulations.

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.

OGE published a first round *Federal Register* notice of its intent to request paperwork clearance for a modified form on October 11, 2016. See 81 FR 70112. OGE received no responses to that notice.

OGE published a second round *Federal Register* notice on December 29, 2016. See 81 FR 95997.

OGE continually seeks comments from persons outside the agency concerning the impact of its information collection instruments upon filers and agency ethics programs. OGE provides opportunities for comment at ethics conferences and symposia. OGE routinely alerts professionals in the ethics community to recently published OGE Federal Register paperwork notices via the Ethics News and Information Listserv, various social media applications, and Advisory Memoranda sent to designated agency ethics officers. Visitors to the OGE Website are provided the opportunity to contact OGE with comments or suggestions. In addition, OGE has remained open to suggestions for improvement received in the course of public comment on the first and second round paperwork notices published in the *Federal Register*. Any ongoing comments received as a result of these means of availability will be considered by OGE for the next paperwork renewal cycle in three years.

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

Not applicable. Respondents receive no payments or gifts.

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

There is no assurance of confidentiality as to the OGE Form 201. Rather, the form itself is publicly available for a period of six years upon a proper request in accordance with the provisions of the EIGA and OGE's implementing regulations as noted in items 1.-2., above.

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.

All of the information required on the OGE Form 201 is deemed necessary by OGE for purposes of ensuring compliance with the statutory and regulatory requirements for permitting access to the records requested.

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

OGE estimates that an average of approximately 1,003 OGE Form 201 reports will be filed each year for the next three years. This number was calculated based on the actual number of OGE Form 201 requests OGE received over the past two years and the number of requests received by all other executive branch agencies in 2015, as reported to OGE in response to its annual agency ethics program questionnaire. This resulted in an estimate of 809 forms expected in a typical year. From experience, however, OGE expects an increase in requests filed during and immediately after a change in

administration. Based on data from the last transition, OGE estimates a 24% increase in reports during a Presidential transition period. Accordingly, OGE multiplied the estimated number of requests (809) by 24% to conclude that approximately 1,003 OGE Form 201 requests will be filed each year for the next three years.

The estimated average amount of time to complete the form, including review of the instructions, remains at 10 minutes for both the non-automated and automated versions of the form. Thus, the estimated annual public burden for the OGE Form 201 is 170 hours (1,003 forms at 10 minutes per form). This annual hour burden, a slight increase from the previous estimated annual burden of 145 hours, is the result of the expected increase use of the OGE Form 201 access form by the public.

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

The private sector cost burden to respondents for the OGE Form 201 is estimated to be "zero." Almost all the total annual cost burden is borne by the Federal Government and the agency ethics officials who review and process the relatively simple and short access forms.

14.-15. Provide estimates of annualized costs to the Federal Government. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

OGE reported in the previous reporting period that the estimated total annual cost of the OGE Form 201 to the Federal Government was \$200,000. Because it is assumed that there will be an increase of approximately 24% of OGE Form 201s filed, it is anticipated that the total annual cost of the OGE Form 201 to the Federal Government will increase to \$248,000 as compared to the 2013 renewal.

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.

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

OGE requests permission to not display the expiration date on the OGE Form 201 so that it may continue to be used beyond the three-year paperwork approval period requested, subject to appropriate further OMB approval, if the form is not sooner modified.

18. Explain each exception to the topics of the certification statement identified in Certification for Paperwork Reduction Act Submissions.

Certification items (c), (f) and (i) are not applicable to this information collection.

B. Collections of Information Employing Statistical Methods

Not applicable. This collection of information does not employ statistical methods.