

**SUPPORTING STATEMENT FOR THE
GENERAL REQUEST FOR INVESTIGATIVE INFORMATION (INV 40),
EMPLOYMENT DATA AND SUPERVISOR INFORMATION (INV 41),
PERSONAL INFORMATION (INV 42), EDUCATIONAL REGISTRAR AND
DEAN OF STUDENTS RECORD DATA (INV 43), LAW ENFORCEMENT DATA
(INV 44)
OMB #3206-0165**

Justification:

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

The information collected on this form is used to determine acceptability for Federal and Federal contract employment. The U.S. Office of Personnel Management (OPM) is authorized to request this information under Executive Order 10577; sections 3301, 3302, and 9101 of title 5, United States Code (U.S.C.); and parts 2, 5, 731, and 736 of title 5, Code of Federal Regulations (CFR), and Federal information processing standards. Section 1104 of title 5 allows OPM to delegate personnel management functions to other Federal agencies.

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 40, 41, 42, 43, and 44 are used to conduct the "written inquiries" portion of the investigation, to include investigations for suitability or fitness for Civil Service, non-appropriated fund, or contract employment pursuant to standards issued under Civil Service Rule V, E.O. 13488, as amended, E.O. 13764, and 5 C.F.R. part 731; investigations for employment in a sensitive national security position or for eligibility for access to classified information pursuant to standards issued under E.O. 12968, as amended, E.O. 13764, and 5 C.F.R. part 1400; and investigations for identity credentials for long-term physical and logical access to Federally-controlled facilities and information systems, pursuant to standards issued under E.O. 13764. The INV forms 40 and 44, in particular, facilitate OPM's access to criminal history record information under 5 U.S.C. 9101.

The content of the INV forms is also designed to meet notice requirements for personnel investigations specified by 5 C.F.R. 736.102(c). These notice requirements apply to any "investigation . . . to determine the suitability, eligibility, or qualifications of individuals for Federal employment, for work on Federal contracts, or for access to classified information or restricted areas."

None of the forms are used for any purpose other than a personnel background investigation, as described above. The completed forms are maintained by OPM subject to the protections of the Privacy Act of 1974, as amended.

Procedurally, the subject of a personnel background investigation discloses the identity of relevant sources, such as supervisors, coworkers, neighbors, friends, current or former spouses, instructors, relatives, or schools attended, on the standard form (SF) SF 85, Questionnaire for Non-Sensitive Positions; the SF 85P, Questionnaire for Public Trust Positions; or the SF 86, Questionnaire for National Security Positions. The INV forms are distributed to the provided source contacts identified on the standard form questionnaire through an automated mailing operation.

The INV 40 is used to collect records from a Federal or State record repository or a credit bureau. The INV 44 is used to collect law enforcement data from a criminal justice agency. The INV 41, 42, and 43 are sent to employment references, associates, and educational institutions. The forms disclose that the source's contact information was provided by the subject to assist in completing a background investigation to help determine the subject's eligibility for employment or security clearance, and request that the source complete the form to help in this determination. Generally, the subject of the investigation will identify these employment references, associates, and schools on his or her SF 85, SF 85P, or SF 86 questionnaire.

- 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.**

Data is collected through an automated, scanning procedure that allows for accurate and efficient processing. A bar code scanning procedure was implemented to improve the use of Information Technology. The forms are subject to the Government Paperwork Elimination Act (GPEA). However, they are not posted on OPM's website because the forms contain individually pre-printed information. Therefore, it is not practical, due to privacy considerations, to access the forms through the OPM public website.

- 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.**

Information collected on the INV 40, INV 41, INV 42, INV 43, and INV 44 is specific to the individual and thus not readily available from other sources, thus minimizing the likelihood of duplication.

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.**

The INV 41 may be provided to small businesses that employ or that have employed the subject of the investigation. The collection is brief and voluntary to minimize burden. The estimated time for response is 5 minutes.

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.**

The INV 40, 41, 42, 43, and 44 are used to conduct the "written inquiries" portion of the investigation, to include investigations for suitability or fitness for Civil Service, nonappropriated fund, or contract employment pursuant to standards issued under Civil Service Rule V, E.O. 13488, as amended, E.O. 13764, and 5 C.F.R. part 731; investigations for employment in a sensitive national security position or for eligibility for access to classified information pursuant to standards issued under E.O. 12968, as amended, E.O. 13764, and 5 C.F.R. part 1400; and investigations for identity credentials for long-term physical and logical access to Federally-controlled facilities and information systems, pursuant to standards issued under E.O. 13764. The INV forms 40 and 44, in particular, facilitate OPM's access to criminal history record information under 5 U.S.C. 9101.

The content of the INV forms is also designed to meet notice requirements for personnel investigations specified by 5 C.F.R. 736.102(c). These notice requirements apply to any "investigation . . . to determine the suitability, eligibility, or qualifications of individuals for Federal employment, for work on Federal contracts, or for access to classified information or restricted areas."

None of the forms are used for any purpose other than a personnel background investigation, as described above. The completed forms are maintained by OPM subject to the protections of the Privacy Act of 1974, as amended. If this information is not collected, agencies cannot comply with Executive Orders (E.O.) 13764, 10577, 12968; section 9101 of title 5, United States Code; and parts 731, 732, and 736 of title 5, Code of Federal Regulations.

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.

The 60-day Federal Register Notice was published on January 24, 2018 (83 FR 3370). No comments were received.

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

Not applicable.

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

The INV 40, INV 41, INV 42, INV 43, INV 44 include a Privacy Act Information statement. The statement indicates that the forms are in full compliance with 5 U.S.C. 552a (the Privacy Act of 1974) and other laws protecting the rights of the respondent. Further, the forms note that the information provided by the respondent, including the identity of the respondent, may be disclosed to the respondent upon request.

The INV 41 and INV 42 provide instructions to respondents that in compliance with Title 5 Code of Federal Regulations, Part 736.102(c), if respondent would like to keep his or her identity confidential. A pledge of confidentiality is not offered to an educational record provider (INV 43) or to a law enforcement record provider (INV 44), since by regulation OPM notifies such providers that it will not disclose their records. See 5 C.F.R. 736.102(c)(1) (implementing Privacy Act exemption (k)(5)).

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.

The INV 41 and 42 forms ask designated references open-ended questions about the investigative subject's abuse of alcohol and/or drugs and mental or emotional stability, in the context of employment suitability or eligibility for a security clearance. These questions are relevant to adjudicative criteria established under law, regulation and executive order.

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

It is estimated that 5,682,744 (58,071 (INV 40); 3,358,486 (INV 41); 56,090 (INV 42); 855,051 (INV 43); 1,355,046 (INV 44)) non-federal individuals will complete the form annually for investigations conducted by OPM. The INV 40, INV 41, INV 42, INV 43, INV 44 each take approximately 5 minutes to complete. The estimated annual burden is 473,562 (4,839 (INV 40); 279,874 (INV 41); 4,674 (INV 42); 71,254 (INV 43); 112,921 (INV 44)) hours for OPM investigations.

	<u>Number of Respondents</u>	<u>Burden Hours</u>
INV 40, INV 41, INV 42, INV 43, INV 44	5,682,744	473,562

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

There is no cost to individual respondents.

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.

It is estimated that the approximate cost to print, maintain and process the INV 40, INV 41, INV 42, INV 43, and INV 44 forms is \$468,397. This figure is based on the annual total INV 40, 41, 42, 43, and 44 used (5,464,965) x cost per form (\$0.08) = \$437,197 + \$31,200 labor pay rate (\$15 hourly technician pay rate x 40 hours per week = \$600 x 52 weeks per year = \$31,200) = \$468,397.

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

The overall annual public burden hours for the INV 40, INV41, INV 42, INV 43, and INV 44 have increased from 469,975 to 473,562 hours to reflect an adjustment of the annual burden hours from previous hours cited. The increase reflects the types of investigations being requested and completed.

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.