

**Supporting Statement for Paperwork Reduction Act Submission
License for the Use of Personally Identifiable Information Protected Under the
Privacy Act of 1974
(OMB Control # 2528-0297)**

This is a request for a non-substantive change in the above approved collection. An additional one-page form for verifying data destruction is part of the package submitted herein, and is described under A12, Hour Burden Estimate.

A. Justification

A1. Circumstances that make the collection of information necessary

The United States Department of Housing and Urban Development (HUD) has collected and maintains personally identifiable information on tenants in public and assisted housing, the confidentiality of which is protected by the Privacy Act of 1974 (5 U.S.C. 552a). HUD has shared this information on many occasions with contractors and grantees, subject to stringent requirements to protect these households from unauthorized disclosure of information. The purpose of this sharing has been to further policy-relevant research on the effectiveness of HUD programs.

HUD may, under the terms of its Routine Use Inventory (77 FR 17361), share these data with parties whom the Department has awarded contracts, grants, or service agreements. It has often shared data with contractors and grantees, but it has not until now shared data under service agreements because it has not until now proposed a legal form for effectuating such an agreement. HUD does not wish to limit access to the information to parties that have received specific funding to carry out a study through a grant or contract. Instead, the Department proposes to share the data with legitimate research organizations that have conceived policy-relevant analyses and that are able and willing to protect the data from unauthorized disclosure. The legal form for the proposed service agreement is herein called a "license."

The Department wishes to make the data available for statistical, research, or evaluation purposes to researchers qualified and capable of research and analysis consistent with the statistical, research, or evaluation purposes for which the data were provided or are maintained, but only if the data are used and protected in accordance with the terms and condition stated in the license, upon receipt of such assurance of qualification and capability, and it is agreed by the organization requesting such information and the Department.

All data containing personally identifiable information maintained by HUD that are provided the Licensee and all information derived from that data, and all data resulting from mergers, matches, or other uses of the data provided by HUD with other data are subject to the License and are referred to in this License as subject data.

Subject data under this License may be in the form of CD-ROMs, electronic data, hard copy, etc. The Licensee may only use the subject data in a manner and to purpose consistent with the statistical, research, or evaluation purpose for which the data are maintained. All subject data that include personally identifiable information are protected under the Privacy Act and may be

used only for statistical, research, or evaluation purposes consistent with the purposes for which the data was collected and or is maintained.

A2. Purpose of the Information Collection

The United States Department of Housing and Urban Development (HUD) has collected and maintains personally identifiable information (PII), the confidentiality of which is protected by the Privacy Act of 1974 (5 U.S.C. 552a), which it intends to make available to qualified researchers. The information provided will enable HUD to determine whether a data license permitting access to such PII by legitimate research organizations is in the public interest.

A3. Automated, Electronic, Mechanical Data Collection of Information

We have maximized the use of email for transmission of documents. Some wet-ink documents must still be physically transmitted.

A4. Identification of Duplication

There is no other source of the required information. Data licenses are issued only for unique research projects, which must be uniquely described. Assurances by research organizations and affidavits by project staff promising not to disclose the PII provided to them must be uniquely subscribed.

A5. Impact on Small Businesses or Other Small Entities

There is no negative impact on small business or other small entities. In fact, they will benefit from Departmental collected and maintained statistical data that they otherwise would not have access to.

A6. Consequences if the Information is Not Collected / Obstacles to Burden Reduction

If the information is not collected, the Department would not be able to enter into an agreement with the applicant. The applicant would not be able to conduct the research, and the Department and the public would lose the results of the research.

A7. Special Circumstances

The proposed data collection activities are consistent with the guidelines set forth in 5 CFR 1320 (Controlling Paperwork Burdens on the Public). There are no special circumstances that require deviation from these guidelines. The following below are “**Not Applicable**” to this collection:

- * requiring respondents to report information to the agency more often than quarterly; “**Not Applicable**”
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; “**Not Applicable**”

- * requiring respondents to submit more than an original and two copies of any document; **“Not Applicable”**
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years; **“Not Applicable”**
- * 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; **“Not Applicable”**
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB; **“Not Applicable”**
- * 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 which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or **“Not Applicable”**
- * 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. **“Not Applicable”**

None of the 8 bullets detailing special circumstances apply. We note here that the current document refers only to the Privacy Act as our authority, although other agencies can cite the Confidential Information Protection and Statistical Efficiency Act.

A8. Federal Register Notice

In accordance with 5 CFR 1208.8(d) notices were published in the *Federal Register* on March 20, 2013 and May 28, 2013, announcing HUD’s intention to request OMB review of this data collection effort and soliciting public comments. A notice was published on July 27, 2016 announcing HUD’s intention to request an extension to the data collection.

A9. Gifts or Payment to Respondents

None

A10. Assurances of confidentiality

With respect to the institutions and affiliated researchers applying for the licenses: we make no assurance of confidentiality with respect to the documents submitted in support of any data license, whether the application, the license, the non-disclosure affidavit, or the certificate of data destruction

With respect to the HUD-assisted tenants or other parties whose personal or sensitive information is requested, the licensee undertakes to share that information only with members of the research team, to protect the information from disclosure to others, to store the data on a non-networked computer in a locked room, and to publish research based on the information only after review by HUD to prevent unlawful disclosures.

Any forms in this information collection that do contain person/sensitive information do contain the appropriate Privacy Act Notice in the document and are protected under the Privacy Act and Freedom of Information Act (FOIA) - 5 U.S. Code § 552. HUD assures confidentiality to

respondent on other information collected if it would result in competitive harm in accord with the FOIA provision and/or Department’s mission.

A11. Questions of a sensitive nature

None

A12. Hour Burden Estimate

Directions for answering this question – “The statement should: Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.”

Table 1: Data Collection Activities and Anticipated Burden

Information Collection (instruments)	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost Per Response	Annual Cost
Applicants	12	1	12	1	12	\$50.00	\$600.00
Quarterly Reports	0	0	0	0	0	\$0	\$0
Annual Reports	40	1	40	1	40	\$44.00	\$1,760.00
Final Reports	6	1	6	1	6	\$50.00	\$300.00
Recordkeeping	12	3	36	1	36	\$20.00	\$720.00
Total Burden Hours	70				94		\$3,380.00

Costs to Applicants. Estimate assumes each applicant spends about 1 person-hour to complete the application. Most of this time is invested by a professor or other senior staff person. Average hourly rate is assumed to be \$50. Each applicant would incur costs equal to 1 hour x \$50 = \$50. Total costs to applicants, assuming 12 applicants, will equal 12 x \$50= \$600

Costs to Awardees. Each person having access to the data would be required to fill out and notarize an affidavit promising not to disclose the data to third parties. It is expected that on average there will be three such persons per license, paid on average at a graduate assistant level of \$20 per hour. It is expected that it will take on average 10 minutes to fill out the affidavit, and 15 minutes to obtain the notarization. Notary services are priced at \$20 an hour at 5 minutes per affidavit. Thus cost per awardee is 3 x 30 minutes x \$20 per hour = \$30. Assuming 12 awardees per year, total annual costs would be 36 x \$20 = \$720. This cost is listed under “Recordkeeping.”

This request contains a new requirement for annual review by an information security specialist from the researcher’s home institution on compliance with the data security obligations that the researcher has entered into. We consider this a more effective guarantee of compliance than the prospect of HUD inspection. The officer would report annually on the researcher’s compliance in whatever format he or she chose. HUD does not propose a new form for this report. This is the new annual hour burden line on the table above. The median salary of an information security officer is estimated at \$44 per hour, and this reporting burden is estimated at one hour

per year per project. Assuming 40 projects are active at any one time, this annual burden is estimated at \$1760.

In addition, a data file destruction form (attesting to destruction of all personally identifiable information received from HUD) must be completed at the close of the project. We have assumed 6 such close-out forms per year, requiring 0.25 hours by the project officer, at average hourly rate of \$50 per hour. Total annual costs of the data file destruction form are therefore estimated to be $6 \times 1 \times \$50 = \300 . This cost is listed under "Final Report."

A13. Costs to Respondents Resulting from Collection of Information

None.

A14. Annual Cost to the Federal Government

Estimated annual costs to the Federal government of \$18,000 (approximately 300 hours of HUD staff time, including managerial, professional, technical, and clerical) will be partly offset by reduced staff time processing small contracts with the same objectives. The regular members of the data license committee consist of two GS-15s, one GS-14, one GS-13, and a GS-8. \$60 an hour is a blended rate, equivalent to a GS-14 step 4 or a GS-13 step 10, without considering non-cash benefits. HUD expects that the net cost of this collection to the government will not be material.

A15. Reasons for any program changes or adjustments

This request for an extension contains one new requirement: an annual review by an information security specialist from the researcher's home institution on compliance with the data security obligations that the researcher has entered into. We consider this a more effective guarantee of compliance with the requirements of the Privacy Act than the prospect of HUD inspection. The officer would report annually on the researcher's compliance in whatever format he or she chose. HUD does not propose a new form for this report.

A16. Plans for tabulation, analysis, and publication

Not applicable

A17. Approval to not display the OMB expiration date

Not applicable

A18. Exception to the certification statement

None

Part B. Collections of Information Employing Statistical Methods

No statistical methods will be used to study applicants for this license.