

SUPPORTING STATEMENT

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 and appeals, reviews administrative agency FOIA policies and procedures, and reviews agencies' compliance with the FOIA. OGIS is also known as the "FOIA Ombudsman." OGIS obtains customer (respondent) intake information and consent as part of its mediation services program so that it may follow through on customer requests for assistance. In addition, 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, 39 Federal departments or agencies have a routine use of this nature included in their FOIA and Privacy Act system of records notices. Respondents use the NA Form 10003, OGIS Consent to Make Inquiries and Release of Information and Records, to authorize agencies that do not have an appropriate routine use to release records and information related to the customer's FOIA and Privacy Act actions, so that OGIS can assist in resolving the dispute or in providing information to the customer. The authority for this information collection is 5 U.S.C. § 552a(b).

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 obtaining intake information from customers and communicating with government departments and agencies regarding the customer's FOIA/Privacy Act request/appeal. OGIS collects the following information from respondents as part of its intake process in order to provide mediation services:
 - Customer contact information (name, mailing address or email address, daytime telephone number)
 - A clear description of the issue or the assistance the customer seeks from OGIS (for example, a delay in receiving a response to a FOIA request or a denial of specific information)
 - The name of the agency or agencies to which the customer submitted their request(s)
 - The tracking/request/case number(s) assigned to the customer's FOIA request(s) and/or appeal(s)
 - Copies of all relevant correspondence between the customer and the Federal agency. Depending on where the customer is in the FOIA process, this material might include:
 - Their FOIA request;
 - The agency's response to the customer's request (including a response to a request for expedited processing or a fee waiver);
 - The administrative appeal letter; and
 - The agency's response to the customer's appeal.

In some cases, customers also complete a privacy consent form, NA Form 10003. Under the Privacy Act, agencies may not share peoples' personal information without either a routine use

they publish prior to gathering the information, or consent from the involved person. OGIS uses NA Form 10003 to collect that consent and information necessary for an agency to identify the correct files in cases where the agency doesn't have an appropriate published routine use. Without the information collected during the intake process and the consent submitted in NA Form 10003, OGIS would be unable to fulfill its mission or provide assistance to requesters.

In its role as the FOIA ombudsman, OGIS has the unique capacity to observe and examine the interactions between requesters and agencies across the Federal government, noting patterns that impede the FOIA process. OGIS' advisory opinions address these patterns and trends, clarifying issues that may be confusing and offering suggestions to facilitate the FOIA process. Our goal is to increase efficiency and transparency in the FOIA process in a way that is most useful to all of our customers. As part of this mission, we may also use the information we collect from requesters, in the aggregate, to discern such patterns and trends. Specifically, we consider the types of issues or obstacles requesters raise and encounter in the FOIA process, their frequency, scope, and similar aspects in the aggregate, as one factor when we assess potential trends and topics for process improvement, broader awareness, and similar actions.

3. **Use of information technology and burden reduction.**

OGIS cannot currently accept the collected information via online submission. Respondents may provide intake information over the phone, by email, by fax, or by mail. Respondents may also use the NA Form 10003 to provide intake information, in addition to using it to provide consent for agencies to release information. OGIS informs customers on its website at <https://www.archives.gov/ogis/mediation-program/request-assistance> what information they will need to gather and submit. The NA Form 10003 is available online at OGIS's website in a fillable pdf form with electronic signature option, so customers can submit signed copies of the consent form by email without printing first, or may print and mail or fax it to OGIS. Once OGIS is able to add online submission technology to a future case management database, it will be able to collect intake information and consent forms online. The collected information is the minimum information OGIS needs 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 customers themselves when they ask for OGIS assistance.

7. **Special circumstances relating to the guidelines of 5 CFR 1320.5.** We conduct the information collection 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.** We

have not engaged in any formal consultations. NARA published a notice in the Federal Register on August 26, 2019 (84 FR 44641) requesting public comment. We received no comments.

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 provide assurances of confidentiality to respondents for information they provide through this information collection and request we keep in confidence, in accordance with the confidentiality provision of the Administrative Dispute Resolution Act of 1996 (5 USC §§ 571-84). We maintain information we collect through this information collection in a Privacy Act-protected system of records, and store, maintain, and destroy the information in accordance with NARA records retention schedules. The system of records notice for this information is available on our website at <https://www.archives.gov/privacy/inventory/nara-40>.

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>
Email, mail, phone, fax	3,646	1	10	608
NA Form 10003 (subset of the group above)	30	1	2	1

OGIS developed the response time data by a combination of administering a proposed consent form to a test group of respondents and observing the amount of time respondents in person and over the telephone typically take to provide the information. The number of respondents is an average based on the past three years of data from our case management system.

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.** The significant increase in burden hours is due to the increase in program customers, changing the estimated number of annual respondents from 400 to 3,646. The significant increase in the number of cases is largely

attributable to the passage of the FOIA Improvement Act of 2016, (signed on June 30, 2016), which added statutory language introducing OGIS as a resource at every stage of the FOIA administrative process. As a result of that change, the estimated average amount of time for respondents to provide the information also increased (from two minutes to ten per respondent) because of the need to explain which stage of the FOIA administrative process they are at, gather documentation related to multiple stages, and the broader range of issues respondents have been raising.

16. **Plans for tabulation and publication and project time schedule.** We do not use the information collection for statistical studies or publications.
17. **Reason(s) display of OMB expiration date is inappropriate.** We will display the expiration date of the OMB approval 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.