

**PAPERWORK REDUCTION ACT SUBMISSION  
Supporting Statement**

Agency: Federal Bureau of Investigation (FBI)

Title: **FBI eFOIA Request Form**

Forms: **FBI eFOIA Request Form**

OMB No: 1110-0053

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The FBI Records Management Division's Record Information Dissemination Section (RIDS), is requesting the Office of Management and Budget (OMB) approve the Paperwork Reduction Act submission for a revised data collection. The collection consists of one eFOIA form directed at the general public. The FBI desires that the general public has the ability to conveniently make a complete FOIA request online.

Responses from this form will allow RIDS to open a perfected FOIA request. From this information, RIDS is able to search for potentially responsive data in FBI records.

The **FBI eFOIA Request Form** is available to all persons who can access the [fbi.gov](http://fbi.gov) website.

## **OMB Control # 1110-0053**

### **Part A. Justification**

#### **1. Necessity of Information:**

The Freedom of Information Act (FOIA), Title 5 United States Code (USC), §552 allows the public to seek information about an event, an organization, company or group or another person either living or deceased. The FOIA provides a statutory right of access to federal agency records within the Executive branch, which includes the FBI. The basic purpose is to ensure an informed citizenry and provide a check against corruption by holding the Government accountable. The U.S. Supreme Court has emphasized that FOIA applies to official information that sheds light on an agency's performance of statutory duties. Subsection (a) of the FOIA discuss "public access" and requires that agencies to make information publicly available. The collection of information on this form is necessary to conduct an accurate and timely search FOI/PA request.

#### **2. Needs and Uses:**

Freedom of Information Act (FOIA), Title 5 USC, §552, subsection (a)(3) details what makes a proper FOIA request. A proper request must include: 1) a reasonable description of the record and 2) is made in accordance with published agency rules stating time, place, fees (if any) and procedures to be followed. The eFOIA form is utilized to collect this necessary information to process a FOIA request for information relating to requested subject (businesses, investigations, deceased individuals, events, incidents, groups etc.). Affected public who will respond are FOIA requesters. This includes any person: general public, educational institutions, commercial requesters etc. except fugitive from justice, foreign intelligence agencies.

The form is used to collect requester's information (address, contact information, etc.) and subject information. The FOIA requester is asked to provide information that would assist the FBI in locating responsive records (if they exist). In the case of a request on a deceased individual, the requester is also requested to provide a proof of death. This information is essential to the accurate search and retrieval of records responsive to FOI/PA requests. Additionally, the requester may add information, if applicable, about fee categories, fee waivers, and expedited processing. Ultimately, the eFOIA form will request information necessary for the proper performance of the functions of the agency. The eFOIA form will also enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond.

#### **3. Use of Technology:**

This form will allow requesters the ability to electronically submit a FOIA request. Upon receipt of a request the FBI will upload the request into the FOIPA Document Processing System (FDPS).

#### 4. Efforts to Identify Duplication:

The FBI searches only FBI records in response to FOIPA requests. If information is found to be generated with another executive federal agency, the information is referred to that agency. Therefore, duplication should not occur.

#### 5. Methods to Minimize Burden on Small Businesses:

Small businesses will not be affected by this collection.

#### 6. Consequences of Less Frequent Collection:

If the respondent/requester wishes to make an electronic request, they must fill out the eFOIA form. The eFOIA form is necessary for every electronic FOIA request. This will ensure accurate and timely processing. The form is utilized to collect information on requester (for purposes of response to request) and subject(s) of the FOIA request. This information will ensure accurate search, retrieval, and release of records to the requester. Failure to collect information on the form would result in the inability to respond to the request.

#### 7. Special Circumstances Influencing Collection:

Under the direction the Freedom of Information and Privacy Acts (Title 5, United States Code 552 and 552a,) the Record Information Dissemination Section (RIDS) effectively plans, develops, directs, and manages responses to requests for access to FBI records and information. The requests and disclosure comply with the Freedom of Information and Privacy Acts (Title 5, United States Code, Sections 552 and 552a) and the Freedom of Information Act Executive Order 13392, as well as the Classified National Security Information Executive Order 13526, other Presidential, Attorney General, and FBI policies, procedures, and mandates; judicial decisions; and Congressional directives. These circumstances will all be considered when handling eFOIA requests.

#### 8. Public Comments and Consultations:

The FBI website, <[www.fbi.gov](http://www.fbi.gov)> provides thorough information relating to the regulations and the process for which an individual may obtain their own identification record. Additionally, the 30 and 60-day Notices of Information Collection was published in the Federal Register and no comments were received.

#### 9. Payment of Gift to Claimants:

The FBI does not provide any payment or gift to respondents.

10. Assurance of Confidentiality:

Individuals who submit FOIA requests to the FBI do so with the understanding that their identity as a FOIA requester may become a matter of public record because an agency's FOIA activities, including the identity of entities making access requests, are subject to release pursuant to the FOIA.

11. Justification for Sensitive Questions:

This collection does request each respondent/requester voluntarily provide sensitive information relating to themselves and/or subjects of the FOIA request. Failure to provide the requested information may affect the completion of the request. RIDS seeks to provide accurate and timely information to FOIA respondents/ requesters and must have certain information to ensure only the requested information is handled and disseminated properly under Title 5, United States Code, Sections 552 and 552a and the Freedom of Information Act Executive Order 13392, as well as the Classified National Security Information Executive Order 13526, other Presidential, Attorney General, and FBI policies, procedures, and mandates; judicial decisions; and Congressional directives. Additionally, Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

12. Estimate of Hour Burden:

Number of respondents	150
Frequency of response	as needed
Total annual responses	14,000
Minutes per response	8 minutes
Annual hour burden	20 hours

13. Estimate of Cost Burden:

Respondents/requesters will not be charged at the time of the submission. Respondents/requesters will be requested to verify an amount that they agree to pay if fees are chargeable for processed information. Simply, by submitting the eFOIA form a respondent/requester is agreeing to pay up to \$25 but is advised that the cost could exceed this amount. Charges will not be charged if the requester qualifies for a fee waiver. Additionally, respondents/requesters will not incur any capital, start up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government:

The cost to analyze and catalog the electronic request is approximately \$1,000.  
Total Cost: \$1,000

15. Reasons for Change in Burden:

With FOIA requesters increasingly wishing to have their requests processed electronically, RIDS needs to implement a system to allow for this process. RIDS will see increased speed of opening requests, greater accountability and reduced administrative time it takes to process FOIA request.

16. Plans for Publication:

There are no plans to publish the information collected.

17. Expiration Date Approval:

Due to the administrative burdens related to replacing expired forms when no information on those forms has been changed, the FBI is requesting approval to not display the expiration date for OMB approval of the information collected.

18. Exceptions to the Certification Statement:

There are no exceptions to the certification statement.

Part B. Statistical Methods

The FBI does not employ statistical methods in this information collection.