

**SUPPORTING STATEMENT FOR THE
QUESTIONNAIRE FOR PUBLIC TRUST POSITIONS (SF 85P) AND
SUPPLEMENTAL QUESTIONNAIRE FOR SELECTED POSITIONS (SF85P-S)
OMB #3206-0258**

Justification:

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

The Office of Personnel Management (OPM) requests that OMB renew a previously-approved information collection, control number 3206-0258, Questionnaire for Public Trust Positions (SF 85P) and Supplemental Questionnaire for Selected Positions (SF 85P-S). The information collection is used to determine acceptability for Federal employment and employment by a Government contractor. The U.S. Office of Personnel Management (OPM), or another investigative agency using this information collection, is authorized to request this information under Executive Orders 10577, 13467, and 13488, as amended, 13741, and 13764; 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, with the proviso that it must also establish standards applicable to the exercise of the function and exercise oversight of compliance with applicable law.

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 Questionnaire for Public Trust Positions, SF 85P and Supplemental Questionnaire for Selected Positions, SF 85P-S are housed in a system named e-QIP (Electronic Questionnaires for Investigative Processing) and are information collections completed by applicants for, or incumbents of, Federal Civilian Government positions, or positions in private entities performing work for the Government under contract. The collections are used as the basis of information for background investigations to establish that such persons are: suitable for appointment to or retention in Federal employment in a public trust position; fit for appointment to or retention in Federal employment in the excepted service when the duties to be performed are equivalent in degree of trust reposed in the incumbent to a public trust position; fit to perform work on behalf of the Federal Government pursuant to a Government contract when the duties to be performed are equivalent in degree of trust reposed in the individual to a public trust position, or eligible for physical and logical access to federally controlled facilities or information systems, when the duties to be performed by the individual are equivalent to the duties performed by an employee in a public trust position.

For applicants to Federal positions, the SF 85P and SF 85P-S are to be used only after a conditional offer of employment has been made. The SF 85P-S is supplemental to the SF 85P and is used only as approved by OPM, for certain positions such as those requiring carrying of a firearm.

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.**

The SF 85P, and SF 85P-S are standard forms used for collecting subject data to be used in official background investigations conducted by the U.S. Government. e-QIP (Electronic Questionnaires for Investigations Processing) is a web-based system application that houses the SF 85P, and SF 85P-S. This electronic data collection tool provides data validation to support the accuracy of the respondent's personal information.

e-QIP automates the data collection process from the respondent, applies all required data editing rules to the respondent-supplied information, enforces data integrity, and provides sponsoring agencies an automated capability to review and approve each respondent's submission before releasing the data to an investigative services provider (ISP). e-QIP serves as a feeder system to other governmental systems, including ISPs and sponsoring agency personnel or security systems such as the one at the State Department.

A respondent's complete and certified investigative data will remain secured in the e-QIP system until the next time the respondent is sponsored by an agency to complete a new investigative form. Upon initiation, the respondent's previously entered data (except 'yes/no' questions) will populate a new investigative request and the respondent will be allowed to update their information and certify the data. In this instance, time to complete the form is reduced significantly.

The electronic application includes branching questions and instructions which provide for a tailored collection from the respondent based on varying factors in the respondent's personal history. The burden on the respondent is reduced when the respondent's personal history is not relevant to a particular question, since the question branches, or expands for additional details, only for those persons who have pertinent information to provide regarding that line of questioning. Accordingly, the burden on the respondent will vary depending upon how the information collected relates to the respondent's personal history.

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 SF 85P and SF 85P-S is specific to the individual and thus not readily available from other sources, thus minimizing 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.

Not applicable. This collection of information does not affect 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 burden.

The SF 85P and SF 85P-S are used to initiate background investigations required by E.O. 10577, 13467, and 13488, as amended, 13869, and 13764; sections 3301, 3302, and 9101 of title 5, U.S.C.; parts 2, 5, 731, and 736 of title 5, CFR, and Federal information processing standards. The collections are used as the basis of information for background investigations to establish that such persons are: suitable for appointment to or retention in Federal employment in a public trust position; fit for employment or retention in Federal employment in the excepted service when the duties to be performed are equivalent in degree of trust reposed in the incumbent to a public trust position; fit to perform work on behalf of the Federal Government pursuant to a Government contract when the duties to be performed are equivalent in degree of trust reposed in the individual to a public trust position, or eligible for physical and logical access to federally controlled facilities or information systems, when the duties to be performed by the individual are equivalent to the duties performed by an employee in a public trust position. All public trust positions are subject to this level of investigation. If this information is not collected, agencies cannot comply with E.O. 10577, 13467, 13488, 13869, and 13764. This collection of information cannot be made less frequently as it is the basis for initial background investigations and for reinvestigations whose periodicity is established by federal investigative standards.

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 September 16, 2020 (85 FR 57890). 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 SF 85P and SF 85P-S 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. For this renewal, updates to the Privacy Act Information Statement and the Disclosure Information paragraph within the Instructions have been made to notify individuals about the transfer of background investigations data from OPM to the Department of Defense.

A person completing the forms is granted partial confidentiality under 5 U.S.C. 552a and 5 CFR 736. The forms contain an *Authorization for Release of Information and Fair Credit Reporting Disclosure and Authorization*, signed by the person completing the form and, if applicable, *the Authorization for Release of Medical Information Pursuant to the Health Insurance Portability and Accountability Act (HIPAA)*. The authorization forms request that record custodians and sources of information contacted during the investigation provide requested data concerning the person being investigated. Individuals completing the forms are informed that information obtained from record custodians and other sources is for “official use by the Federal Government” and can be disclosed only as authorized by law. Data reported on these forms is not released to the public under the Freedom of Information Act.

For additional information regarding Electronic Questionnaires for Investigating Processing Privacy Impact Assessment and notification of OPMs’ revised system of records, please access the links provided below.

<https://www.opm.gov/information-management/privacy-policy/privacy-policy/eqip.pdf>

<https://www.gpo.gov/fdsys/pkg/FR-2016-10-11/html/2016-24507.htm>

For information regarding the system of records for the Defense Counterintelligence and Security Agency (DCSA), which now is the primary background investigations provider for the federal government, please access the following link:

<https://www.federalregister.gov/documents/2018/10/17/2018-22508/privacy-act-of-1974-system-of-records>

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 SF 85P and SF 85P-S are investigative tools. The forms are designed to collect information appropriate for determining suitability for employment or retention in Federal employment in a public trust position; fitness for employment or retention in Federal employment in the excepted service when the duties to be performed are equivalent in degree of trust reposed in the incumbent to a public trust position; fitness based on character and conduct for employment with a contractor on behalf of the Federal Government, or eligibility for physical and logical access to federally controlled facilities or information systems as an employee of a contractor, when the duties to be performed are equivalent to the duties performed by an employee in a public trust position.

The forms obtain data from individuals with which to initiate an investigation to meet the adjudicative requirements established in 5 CFR part 731. The questions represent an effort to obtain as much relevant and required information as possible directly from the person to be investigated, in accordance with provisions of the Privacy Act.

Questions on the SF 85P that may be considered sensitive in nature are listed and explained below:

- Section 20 (Police Record): Inquiry into criminal history, including details regarding criminal conduct, arrests, and convictions is appropriate for public trust positions so that an adjudicative decision regarding suitability or fitness for the position may be made. This information is also necessary to make accurate and complete checks of investigative files.

- Section 21 (Illegal Use of Drugs or Drug Activity): Inquiry into illegal drug use is appropriate for public trust positions so that an adjudicative decision regarding suitability or fitness for the position may be made.

- Section 22 (Use of Alcohol): Inquiries into use of alcohol is appropriate for public trust positions so that an adjudicative decision regarding suitability or fitness for the position may be made.

- Section 24 (Financial Record): Inquiry into personal finances provides information used to determine trustworthiness, reliability, and honesty, and is especially relevant for positions entailing fiduciary responsibilities.

- Section 27 (Association Record): Inquiry into detailed information pertinent to a respondent's involvement in terrorist organizations, association with persons involved in activities to further terrorism and/or to overthrow the U.S. Government by force or violence is appropriate for public trust positions so that an adjudicative decision regarding suitability or fitness for the position may be made.

Questions on the SF 85P-S that may be considered sensitive in nature are listed and explained below:

- Section 3 (Illegal Use of Drugs or Drug Activity): Inquiry into illegal drug use is appropriate for public trust positions so that an adjudicative decision regarding suitability or fitness for the position may be made.

- Section 5 (Psychological and Emotional Health): Inquiry as to whether a court or administrative agency has ever issued an order declaring the respondent mentally incompetent; whether a court or administrative agency has ever ordered the respondent to consult with a mental health professional; whether the respondent has ever been hospitalized for a mental health condition; and whether the respondent has ever been diagnosed by a physician or other health professional with psychotic disorder, schizophrenia, schizoaffective disorder, delusional disorder, bipolar mood disorder, borderline personality disorder, or antisocial personality disorder. A respondent who answers affirmatively to the latter question is asked whether, in the last five years, there have been any occasions when the respondent did not consult with a medical professional before altering or discontinuing, or failing to start a prescribed course of treatment for any of the listed diagnoses. A respondent who answers "no" to each of the previous questions is asked whether the respondent has a mental health or other health condition that substantially adversely affects his or her judgment, reliability, or trustworthiness even if he or she is not experiencing such symptoms today. These questions are necessary to satisfy adjudicative decisionmaking regarding suitability or fitness determinations.

The instructions on the SF 85P and SF 85P-S inform the respondent of the reason that the information is requested, the authority for requesting it, how it will be used, and to whom it may be disclosed. They describe the investigative process and inform the

respondent that OPM or the Federal agency requesting the investigation will make the

Form Name	Form No.	No. of Respondents	Average No. of Responses per Respondent	Average Burden per Response (in hours)	Total Annual Burden (in hours)	Ave. Hourly Wage Rate	Total Annual Respondent Cost
SF 85P	3206-0258	112,894	1	2.5	282,235	\$18.75	\$5,291,906
SF 85P-S	3206-0258	11,717	1	.167	1,957	\$18.75	\$36,694
Total		124,611	1.1	2.667	284,192	\$18.75	\$5,328,600

final determination.

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

It is estimated that the total number of respondents for the SF 85P is 112,894 annually. The electronic application includes branching questions and instructions which provide for a tailored collection from the respondent based on varying factors in the respondent’s personal history. The burden on the respondent will vary depending on whether the information collection relates to the respondent’s personal history. OPM previously employed the Department of Defense Personnel Security Research Center to conduct a study of the estimated burden of the SF 85P based on empirical data gathered in a simulated background investigation context. A sample of 33 participants successfully completed the study. Time burden estimates ranged greatly, from 70 to 435 minutes. The average of participant time spent completing the form was 183 minutes and the median was 155 minutes. In calculating the burden estimate for the SF 85P, the median number is used, due to the variance expected from the tailored collection. Accordingly, the estimated annual burden is 284,192 hours.

It is estimated that the total number of respondents for the SF 85P-S is 11,717 annually. Each SF 85P-S form takes an estimated 10 minutes to complete. Accordingly, the estimated annual burden is 1,957 hours. The number of forms completed varies depending on the number of investigations requested/completed each year. Estimates are provided below:

	<u>Number of Respondents</u>	<u>Burden Hours</u>
SF 85P	112,894	282,235
SF 85P-S	11,717	1,957

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.

The SF 85P is the information collection that serves as the basis for the investigation of all individuals working for or on behalf in positions of public trust. The estimated annual cost to the Federal Government to perform investigations commensurate with this collection is \$277,174,756. This estimate was derived from the cost to conduct SF 85P-based investigations according to the average number of all SF 85P-based investigations conducted in FY18 and FY19. It includes those investigations submitted with the supplemental SF 85P-S as the SF 85P-S must be submitted with the SF 85P when the position requires submission of the supplemental form.

Form Name	Form Number	Investigative Tier	Average Number of Submissions (Federal and Non-Federal)	Cost per investigation according to tier	Total Annual Cost
SF 85P	3206-0258	Tier 2	78,951	\$1550	\$122,374,050
SF 85P	3206-0258	Tier 2 Reinv.	25,402	\$1261	\$32,031,922
SF 85P	3206-0258	Tier 4	21,087	\$4218	\$88,944,966
SF 85P	3206-0258	Tier 4 Reinv.	12,783	\$2646	\$33,823,818
Total					\$277,174,756

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

No changes were made.

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.