

SUPPORTING STATEMENT
EU-U.S. PRIVACY SHIELD; INVITATION FOR APPLICATIONS FOR INCLUSION
ON THE LIST OF ARBITRATORS
OMB CONTROL NO. 0625-0277

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The purpose of this request of Paperwork Reduction Act (PRA) clearance is to allow the Department of Commerce (DOC), as represented by the International Trade Administration (ITA), to collect information from individuals applying for inclusion on the list of arbitrators as specified in Annex I of the EU-U.S. Privacy Shield Framework. The DOC previously requested and obtained approval of this information collection (OMB Control No. 0625-0277), which expires on 1/31/2021, and now seeks renewal of this information collection.

The United States, the European Union (EU), and Switzerland share the goal of enhancing privacy protection for their citizens, but take different approaches to doing so. Given those differences, the DOC developed the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework in consultation with the European Commission and the Swiss Administration, respectively, as well as with industry and other stakeholders to provide U.S. organizations with a reliable mechanism for personal data transfers to the United States from the EU and Switzerland, while ensuring data protection that is consistent with EU and Swiss law.¹

¹ The DOC issued the Privacy Shield Principles under its statutory authority to foster, promote, and develop international commerce (15 U.S.C. § 1512). The ITA administers and supervises the Privacy Shield program, including by maintaining and making publicly available an authoritative list of U.S. organizations that have self-certified to the DOC. In order to participate in the Privacy Shield an organization must submit information to the ITA as part of its self-certification of compliance with Privacy Shield Principles, as well as in response to inquiries and requests by the ITA relating to the Privacy Shield.

The European Commission and Swiss Administration deemed the EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework adequate to enable data transfers under EU and Swiss law, respectively, on July 12, 2016 and on January 12, 2017. The DOC began accepting self-certification submissions for the EU-U.S. Privacy Shield on August 1, 2016, and for the Swiss-U.S. Privacy Shield on April 12, 2017.

On July 16, 2020, the Court of Justice of the European Union (CJEU) issued a judgment declaring as “invalid” the European Commission’s decision on the adequacy of the protection provided by the EU-U.S. Privacy Shield and as a result the EU-U.S. Privacy Shield Framework is no longer a valid mechanism to comply with EU data protection requirements when transferring personal data from the European Union to the United States. That judgment does not relieve participants in the EU-U.S. Privacy Shield of their obligations under the EU-U.S. Privacy Shield Framework.

On September 8, 2020 the Federal Data Protection and Information European Commissioner (FDPIC) of Switzerland issued an opinion concluding that the Swiss-U.S. Privacy Shield Framework does not provide an adequate level of protection for data transfers from Switzerland to the United States pursuant to Switzerland’s Federal Act on Data Protection (FADP) and as result organizations wishing to rely on the Swiss-U.S. Privacy Shield to transfer personal data from Switzerland to the United States should seek guidance from the FDPIC or legal counsel. That opinion does not relieve participants in the Swiss-U.S. Privacy Shield of their obligations under the Swiss-U.S. Privacy Shield Framework.

The arbitral mechanism outlined in Annex I of the Privacy Shield frameworks is a critical component of the frameworks. Publishing this notice to collect information from individuals applying for inclusion on the list of arbitrators is a necessary step to maintain the arbitral mechanism.

2. 1 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 DOC previously requested and obtained approval of this information collection (OMB Control No. 0625-0277), which expires on 1/31/2021, and now seeks renewal of this information collection. The DOC, in consultation with the European Commission, used the information received from the current collection to evaluate applications for inclusion on the list of arbitrators. Selected applicants were to remain on the list for a period of 3 years, absent exceptional circumstances; change in eligibility, or for cause, renewable for one additional period of 3 years. The DOC is not currently seeking additional applications, but may do so in the future as appropriate.

As described in Annex I of the EU-U.S. Privacy Shield Framework, the DOC and the European Commission committed to implement an arbitration mechanism to provide European individuals with the ability to invoke binding arbitration to determine, for residual claims, whether an organization has violated its obligations under the Privacy Shield. Organizations voluntarily self-certify to the EU-U.S. Privacy Shield Framework and, upon certification, the commitments the organization has made to comply with the EU-U.S. Privacy Shield Framework become legally enforceable under U.S. law. Organizations that self-certify to the EU-U.S. Privacy Shield Framework commit to binding arbitration of residual claims if the European individual chooses to exercise that option. Under the arbitration option, a Privacy Shield Panel (consisting of one or three arbitrators, as agreed by the parties) has the authority to impose individual-specific, non-monetary equitable relief (such as access, correction, deletion, or return of the individual's data in question) necessary to remedy the violation of the EU-U.S. Privacy Shield Framework only with respect to the European individual. The parties will select the arbitrators from the list of arbitrators described below.²

The DOC and the European Commission seek to maintain a list of at least 20 arbitrators. To be

The United States remains committed to working with the EU and Switzerland to ensure continuity in transatlantic data flows and privacy protections. The DOC has been and will remain in close contact with the European Commission and the Swiss Administration on this matter and hopes to be able to limit the negative consequences of the EU and Swiss determinations to the transatlantic data flows that are so vital to our respective citizens, companies, and governments. The DOC and the European Commission are discussing the potential for an enhanced EU-U.S. Privacy Shield Framework to comply with the July 16, 2020 judgment by the CJEU. The DOC is continuing to administer the Privacy Shield program while those discussions proceed.

² Annex I of the EU-U.S. Privacy Shield Framework provides that the parties will select the arbitrators from the list of arbitrators developed by the DOC and the European Commission. (see section "F. The Arbitration Panel" available in full at <https://www.privacyshield.gov/article?id=F-The-Arbitration-Panel>). Annex I of the Swiss-U.S. Privacy Shield Framework provides that the parties will select the arbitrators from the list of arbitrators developed by the DOC and the European Commission under the EU-U.S. Privacy Shield Framework to be supplemented by the list developed by DOC and the Swiss Administration. (see section "F. The Arbitration Panel" available in full at <https://www.privacyshield.gov/servlet/servlet.FileDownload?file=015t000000079Gr>)

eligible for inclusion on the list, applicants must be admitted to practice law in the United States and have expertise in both U.S. privacy law and EU data protection law. Applicants shall not be subject to any instructions from, or be affiliated with, any Privacy Shield organization, or the U.S., EU, or any EU Member State or any other governmental authority, public authority or enforcement authority.

To be considered for inclusion on the EU-U.S. Privacy Shield List of Arbitrators, eligible individuals will be evaluated on the basis of independence, integrity, and expertise:

Independence:

- Freedom from bias and prejudice.

Integrity:

- Held in the highest regard by peers for integrity, fairness and good judgment.
- Demonstrates high ethical standards and commitment necessary to be an arbitrator.

Expertise:

- Required:
 - Admission to practice law in the United States.
 - Level of demonstrated expertise in U.S. privacy law and EU data protection law.
- Other expertise that may be considered includes any of the following:
 - Relevant educational degrees and professional licenses.
 - Relevant professional or academic experience or legal practice.
 - Relevant training or experience in arbitration or other forms of dispute resolution.

Applications

Applications must be typewritten and should be headed “Application for Inclusion on the EU–U.S. Privacy Shield List of Arbitrators.” Applications should include the following information, and each section of the application should be numbered as indicated:

- Name of applicant.
- Address, telephone number, and e-mail address.

1. Independence

- Description of the applicant’s affiliations with any Privacy Shield organization, or the U.S., EU, any EU Member State or any other governmental authority, public authority, or enforcement authority.

2. Integrity

- On a separate page, the names, addresses, telephone, and fax numbers of three individuals willing to provide information concerning the applicant’s qualifications for service, including the applicant’s character, reputation, reliability, and judgment.
- Description of the applicant’s willingness and ability to make time commitments necessary to be an arbitrator.

3. Expertise

- Demonstration of admittance to practice law in the United States.
- Relevant academic degrees and professional training and licensing.
- Current employment, including title, description of responsibility, name and address of employer, and name and telephone number of supervisor or other reference.
- Employment history, including the dates and addresses of each prior position and a summary of responsibilities.
- Description of expertise in U.S. privacy law and EU data protection law.
- Description of training or experience in arbitration or other forms of dispute resolution, if applicable.
- A list of publications, testimony, and speeches, if any, concerning U.S. privacy law and EU data protection law, with copies appended.

Evaluation of applications for inclusion on the list of arbitrators will be undertaken by the DOC and the European Commission. Selected applicants will remain on the list for a period of 3 years, absent exceptional circumstances; change in eligibility, or for cause, renewable for one additional period of 3 years.

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 DOC previously requested and obtained approval of this information collection (OMB Control No. 0625-0277), which expires on 1/31/2021, and now seeks renewal of this information collection.

The DOC previously sought approval to publish a PRA Federal Register Notice (FRN) announcing the opportunity to apply for inclusion on the list of arbitrators under the EU-U.S. Privacy Shield Framework. Eligible individuals who wished to be considered for inclusion on the EU-U.S. Privacy Shield List of Arbitrators were invited to submit applications. Applications had to be typewritten and should have been headed “Application for Inclusion on the EU-U.S. Privacy Shield List of Arbitrators.” Applications had to be submitted to the DOC (i.e., ITA’s Privacy Shield Team) either by e-mail or by fax.

The DOC is not currently seeking additional applications, but may do so in the future as appropriate. Future applications would be submitted to the DOC by e-mail.

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 Question 2.

There is no duplication. This collection of information is unique and directly related to implementing the arbitration mechanism described in Annex I of the EU-U.S. Privacy Shield. Individuals must apply and demonstrate that they meet the specific requirements set forth in Annex I of the EU-U.S. Privacy Shield Privacy Shield Framework.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The collection of information is directed at eligible individuals and does not involve small business or other small entities. To be eligible for inclusion on the list, applicants must be admitted to practice law in the U.S. and be experts in U.S. privacy law, with expertise in EU data protection law. Applicants shall not be subject to any instructions from, or be affiliated with, either party, or any Privacy Shield organization, or the U.S., EU, or any EU Member State or any other governmental authority, public authority, or enforcement authority.

6. Describe the consequence to the 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.

Preventing or limiting the collection of information associated with the invitation for applications for inclusion on the list of arbitrators under the EU-U.S. Privacy Shield would prevent the U.S. Government from implementing the EU-U.S. Privacy Shield Framework as agreed between the European Commission and the DOC, as well as the Swiss-U.S. Privacy Shield Framework as agreed between the Swiss Administration and the DOC. As a result, the flow of personal data from the EU and Switzerland to the United States could be seriously disrupted, with significant negative effects for U.S. businesses and transatlantic commerce. Currently, over 4,800 U.S.-based organizations participate in the Privacy Shield program.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
 - The DOC and the European Commission seek to maintain a list of at least 20 arbitrators. Selected applicants will remain on the list for a period of 3 years, absent exceptional circumstances; change in eligibility, or for cause, renewable for one additional period of 3 years. The DOC therefore does not anticipate requiring respondents to report information to the DOC more often than quarterly.
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
 - Eligible individuals who wished to be considered for inclusion on the EU-U.S. Privacy Shield List of Arbitrators were invited to submit their respective applications within 30 days. The DOC therefore does not anticipate requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.
- **requiring respondents to submit more than an original and two copies of any document;**
 - Eligible individuals who wished to be considered for inclusion on the EU-U.S. Privacy Shield List of Arbitrators were not required to submit more than an original and two copies of any document. The DOC therefore does not anticipate requiring respondents to submit more than an original and two copies of any document.
- **requiring respondents to retain records, other than health, medical, government**

contract, grant-in- aid, or tax records for more than three years;

- Eligible individuals who wished to be considered for inclusion on the EU-U.S. Privacy Shield List of Arbitrators were not required to retain records, other than health, medical, government contract, grant-in- aid, or tax records for more than three years. The DOC therefore does not anticipate requiring respondents to retain records, other than health, medical, government contract, grant-in- aid, or tax records for more than three years.
- **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;**
 - The collection of information by the DOC from eligible individuals who wished to be considered for inclusion on the EU-U.S. Privacy Shield List of Arbitrators was not done in connection with a statistical survey. The DOC therefore does not anticipate collecting such information 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.
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
 - The collection of information by the DOC from eligible individuals who wished to be considered for inclusion on the EU-U.S. Privacy Shield List of Arbitrators did not require the use of a statistical data classification that has not been reviewed and approved by OMB. The DOC therefore does not anticipate collecting such information in a manner requiring the use of a statistical data classification that has not been reviewed and approved by OMB.
- **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**
 - The collection of information by the DOC from eligible individuals who wished to be considered for inclusion on the EU-U.S. Privacy Shield List of Arbitrators did not include 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. The DOC therefore does not anticipate collecting such information in a manner 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.
- **requiring respondents to submit proprietary trade secret, 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.**
 - Eligible individuals who wished to be considered for inclusion on the EU-U.S. Privacy Shield List of Arbitrators were not required to submit proprietary trade secret, or other confidential information absent a demonstration by the DOC that it has instituted procedures to protect the information's confidentiality to the extent permitted by law. The DOC therefore does not anticipate requiring respondents to submit proprietary trade secret, or other confidential information absent a demonstration by the DOC that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

8. If applicable, provide a copy and identify the date and page number of publications 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.

The DOC previously requested and obtained approval of this information collection (OMB Control No. 0625-0277), which expires on 1/31/2021, and now seeks renewal of this information collection.

The PRA FRNs published in 2017 announced the opportunity to apply for inclusion on the list of arbitrators under the EU-U.S. Privacy Shield Framework:

- 6/14/2017, 82 FR 27227-27229³
- 9/7/2017, 82 FR 42294-42295⁴
- 9/18/2017, 82 FR 43515⁵
- 12/4/2017, 82 FR 57205⁶

The DOC is not currently seeking additional applications, but may do so in the future as appropriate and is therefore seeking renewal of this information collection (OMB Control No. 0625-0277).

A PRA FRN soliciting public comments on the information collection, which was published on 11/24/2020, 85 FR 74981-74983⁷, has not generated any such comments.

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. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

³ 82 FR 27227 (<https://www.federalregister.gov/documents/2017/06/14/2017-12370/eu-us-privacy-shield-invitation-for-applications-for-inclusion-on-the-list-of-arbitrators>)

⁴ 82 FR 42294 (<https://www.federalregister.gov/documents/2017/09/07/2017-18896/proposed-information-collection-comment-request-eu-us-privacy-shield-invitation-for-applications-for>)

⁵ 82 FR 43515 (<https://www.federalregister.gov/documents/2017/09/18/2017-19742/eu-us-privacy-shield-invitation-for-applications-for-inclusion-on-the-list-of-arbitrators-correction>)

⁶ 82 FR 57205 (<https://www.federalregister.gov/documents/2017/12/04/2017-26081/submission-for-omb-review-comment-request>)

⁷ 85 FR 74981 (<https://www.federalregister.gov/documents/2020/11/24/2020-25974/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-omb-for>)

Information collected through applications for inclusion on the list of arbitrators will not be made publicly available. Evaluation of applications for inclusion on the list of arbitrators will be undertaken by the DOC and the European Commission.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or 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..

No questions of a sensitive nature are included in this information collection.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’**

The DOC estimates that it would receive approximately 40 responses (i.e., application submissions) to each new invitation for applications for inclusion on the list of arbitrators. The DOC estimates an average burden of 4 hours per response (i.e., application submission). 40 responses (i.e., application submissions) x 4 hours (i.e., 240 minutes) = 160 total burden hours.

Estimated Respondent Burden Hours

Information Collection Instrument (i.e., Type of Response)	Type of Respondent / Occupational Title	Number of Respondents (a)	Number of Responses Per Respondent (b)	Total Number of Responses (c) = (a) x (b)	Burden Hours Per Response (d)	Total Burden Hours (e) = (c) x (d)

Application Submission for Inclusion on the List of Arbitrators	Lawyers, Judges, and Related Workers	40	1	40	4	160
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Estimated Respondent Costs (Theoretical Cost of Respondent Time)

Type of Respondent/ Occupational Title	Number of Respondents (a)	Number of Responses per Respondent (b)	Burden Hours per Response (c)	Average Respondent Hourly Wage Rate* (d)	Total Burden Cost to Respondent (e) = (a) x (b) x (c) x (d)
Lawyers, Judges, and Related Workers	40	1	4	\$67.87	\$10,859.20

*The estimate of the average respondent hourly wage rate is based on the U.S. Bureau of Labor Statistics *May 2019 National Occupational Employment and Wage Estimates United States* mean hourly wage for ‘Lawyers, Judges, and Related Workers’ (occupation code 23-1000) https://www.bls.gov/oes/current/oes_nat.htm#23-0000

Note: The DOC is not currently seeking additional applications, but may do so in the future as appropriate

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should consider costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or

portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The estimated annual cost burden to respondents, excluding the value of the burden hours in Question 12, is \$0. There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

Note: The DOC is not currently seeking additional applications, but may do so in the future as appropriate

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 expense that would not have been incurred without this collection of information.

The DOC estimates the following:

- Cost to Federal government per response: Response Time / Burden Hours Per Response (4 hours) x Average Salary (\$61.78/hour) = \$247.12
- Total cost to Federal government: Total Burden Hours (160 hours) x Average DOC Staff Hourly Wage Rate (\$61.78/hour) = \$9,884.80

Note: This estimate is calculated by first determining the relevant hourly rate, and the estimated time that it takes to process the responses (i.e., application submissions). The hourly rate relevant to the review and processing of the responses (i.e., application submissions) is calculated by taking the approximate GS rating/step for the average type of individual performing the relevant tasks and adding 30% to that rate to account for overhead and other basic costs. For purposes of this calculation \$47.52/hour is assumed to be the approximate GS rating/step of the type of DOC staff member performing the relevant tasks; therefore, the rate used is \$61.78 (\$47.52 + \$14.26).

Estimated Respondent Burden Hours

Information Collection Instrument (i.e., Type of Response) Being Reviewed and Processed by DOC Staff	Number of Respondents (a)	Number of Responses Per Respondent (b)	Total Number of Responses (c) = (a) x (b)	Burden Hours Per Response (d)	Total Burden Hours (e) = (c) x (d)	Average DOC Staff Hourly Wage Rate* (f)	Total Cost to Federal Government (g) = (e) x (f)

Application Submission for Inclusion on the List of Arbitrators	40	1	40	4	160	\$61.78	\$9,884.80
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*The estimate of the hourly wage rate is based on the U.S. Office of Personnel Management *SALARY TABLE 2019-DCB* hourly basic rate for ‘GS-13’ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/19Tables/html/DCB_h.aspx (plus 30% to account for overhead and other basic costs).

Note: The DOC is not currently seeking additional applications, but may do so in the future as appropriate.

15. Explain the reasons for any program changes or adjustments.

The DOC previously requested and obtained approval of this information collection (OMB Control No. 0625-0277), which expires on 1/31/2021, and now seeks renewal of this information collection. The DOC is not currently seeking additional applications, but may do so in the future as appropriate.

There are no program changes (i.e., substantive changes) to the information collection since the last OMB approval; however, there are a couple of adjustments, which relate to the estimated number of respondents. The PRA FRNs published in 2017 listed the *Estimated Time per Response* as “240 minutes” (i.e., 4 hours), *Estimated Number of Respondents* as “60”, and the *Estimated Total Annual Burden Hours* as “240”; however, the number of responses received was lower than 60, so the *Estimated Number of Respondents* has been lowered on this occasion to “40” and thus the *Estimated Total Annual Burden Hours* has been lowered on this occasion to 160. The *Estimated Annualized Cost to the Federal Government* on this occasion reflects not only the aforementioned, lowered estimates, but also an updated DOC hourly wage rate relevant to the review and processing of the responses (i.e., application submissions).

16. For collections whose results will be published, outline the plans for tabulation and publication.

The information collected from respondents will be evaluated by the DOC in consultation with the European Commission to select arbitrators and maintain a list of at least 20 arbitrators. The list of arbitrators selected will be made public on the website of the Privacy Shield arbitration administrator.

Note: The DOC facilitated the establishment of a fund into which Privacy Shield organizations are required to make contributions to cover the arbitral costs as described in Annex I of the Privacy Shield frameworks. The DOC selected the International Centre for Dispute Resolution-American Arbitration Association (ICDR-AAA) as administrator for Privacy Shield arbitrations brought under either the EU-U.S. Privacy Shield Framework or the Swiss-U.S. Privacy Shield Framework. Among other things, the ICDR-AAA facilitates arbitrator fee arrangements, including the collection and timely payment of arbitrator fees and other expenses.⁸

⁸ See <https://go.adr.org/privacyshieldfund.html>. See also the “ICDR-AAA EU-U.S. Privacy Shield Arbitrators” available at <https://go.adr.org/privacyshield-arbitrators.html> and the similar “ICDR-AAA Swiss-U.S. Privacy Shield Arbitrators” available at <https://go.adr.org/privacyshield-swiss-arbitrators.html>.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable. The agency certifies compliance with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.