

# **SUPPORTING STATEMENT**

## **Part A**

Request for Renewal of Information Collection:

Online ABA Complaint Form (OMB Control # 3014-0012)

United States Access Board

Date: 7/15/2020

## **A. JUSTIFICATION**

### **1. Circumstances Making the Collection of Information Necessary**

Under section 502(b)(1) of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 792(b)(1)), the United States Access Board (which is also, at times, referred to by its former name, the “Architectural and Transportation Barriers Compliance Board”) is statutorily charged with enforcing the Architectural Barriers Act (ABA) by, among other things, investigating and resolving complaints concerning the accessibility of ABA-covered facilities. In general, the ABA aims to ensure that federal buildings, as well as non-federal buildings built or altered using federal funds (e.g., schools, public housing, public transit facilities), are accessible to, and usable by, persons with disabilities.

Any individual who is concerned about the accessibility of an ABA-covered facility can submit an ABA complaint. The Access Board investigates each complaint within its jurisdiction and, if violations are found, works with the agency/organization that controls that facility to remedy these accessibility barriers. Complaints must be written, but can be submitted to the agency through any one of several methods: email, mail, facsimile, or web-based complaint form.

The Online ABA Complaint Form solicits only information required by the Access Board to carry out its statutorily-mandated ABA enforcement program. The online form contains fields that prompt users to provide information needed to evaluate ABA jurisdiction and conduct investigations. This includes the name and/or address of the building that is the subject of the complaint, as well brief description(s) of the accessibility barrier(s) encountered at that facility. Additionally, users may, at their option, upload digital photos or other materials to support or document their complaints. Provision of personal information by complainants, such as name and/or contact information, is optional and, where provided, cannot be disclosed by the agency absent written consent.

This information collection pertains only to the web-based ABA complaint form, which is referred to as the “Online ABA Complaint Form.” The Access Board seeks renewed approval by OMB under the Paperwork Reduction Act to continue using its existing Online ABA Complaint Form (OMB Control # 3014-0012) without substantive change. That is, we propose no material changes to either the form or its fields, but, instead, only modest formatting-type changes to update the “look and feel” of the online form.

### **2. Purpose and Use of the Information Collection**

For nearly a decade, the Access Board has provided complainants the option of submitting ABA complaints using a web-based form. The primary purposes of the Online ABA Complaint Form are to: (a) collect information needed by agency staff to evaluate ABA jurisdiction and investigate complaints; (b) simplify and streamline the complaint-submission process; and (c) create back-end efficiencies for the ABA enforcement program, which leads to faster complaint processing. Complainants overwhelmingly prefer submitting their ABA complaints using this online form in lieu of other modes of submission. Annually, about 90-95% of ABA complainants are submitted via this web-based form. As discussed in Section 1, above, information gathered from complainants from the online form is only used by the agency in furtherance of the agency’s ABA enforcement responsibilities.

### **3. Consideration Given to Information Technology**

The Online ABA Complaint form is, by definition, a digitally-native mode of complaint submission. This web-based form is user-friendly and accessible. It assists complainants with the complaint filing process by providing fields that call for entry of information needed by the agency to evaluate jurisdiction,

investigate complaints, and/or refer non-ABA matters to other federal agencies, as applicable. The format of the online form also helps complainants save time by focusing their data entry efforts on the information needed for ABA complaints, rather than extraneous matters. As a web-based form, complainants also have the convenience of completing this complaint form at any time of day or night, at their convenience.

#### **4. Duplication of Information**

No similar data are gathered or maintained by the Access Board or available from outside sources. Other, non-web-based methods of ABA complaint submission (i.e., email, mail, facsimile) do not involve Access Board-provided forms. For these, individual complainants submit their written allegations in their own words using a format/organization of their choosing.

#### **5. Reducing the Burden on Small Entities**

Not applicable. This information collection does not impact small businesses or other small entities. ABA complaints can only be submitted by individuals, not businesses or other organizations.

#### **6. Consequences of Not Conducting Collection**

Absent an online complaint form, it is likely that the Access Board's ABA enforcement program would experience a significant drop in complaints. Annually, well over 90% of ABA complaints are submitted using the agency's existing online form. In light of complainants' overwhelming preference for the online form, it is likely that, were there no web-based ABA complaint form, fewer individuals would take the time to submit written (paper-based) ABA complaints. This drop-off in ABA complaints, in turn, would likely lead to fewer accessibility barriers being corrected at ABA-covered facilities. Lastly, it is our experience that, when ABA complaints are submitted in paper-based formats (e.g., email, mail), they are more likely to be incomplete, and, even when complete, require additional time to process because staff must manually enter the complaint information into the Access Board's case tracking database.

#### **7. Special Circumstances**

Not applicable. There are no special circumstances. Use of the Online ABA Complaint form is voluntary and the information provided by complainants is not used for statistical purposes.

#### **8. Consultations with Persons Outside the Agency**

In accordance with 5 C.F.R. § 1320.8(d), the Access Board published a 60-day notice for public comment in the *Federal Register*. See 85 Fed. Reg. 18913. No comments were received.

#### **9. Payment or Gift**

Not applicable. No payments or gifts are provided to individuals who use the Online ABA Complaint Form.

#### **10. Confidentiality**

The Online ABA Complaint Form does not necessitate entry of personal information to submit a complaint. ABA complaints of any type – whether submitted online or through other methods – can be submitted anonymously. However, should individuals wish to be kept apprised concerning the status or resolution of their complaint, they must, at minimum, provide one type of contact information (i.e., email address, phone number, mailing address). By regulation, any personal information provided by

ABA complainants remains strictly confidential, absent written permission from that individual to disclose. See 36 C.F.R. part 1150. In addition, access to the agency’s case tracking system is strictly controlled (and audited) through system permissions, thereby adding another layer of protection for complainants’ personal information, when submitted.

**11. Sensitive Nature**

Not applicable. The Online ABA Complaint Form does not solicit information of a personal or sensitive nature.

**12. Burden of Information Collection**

The projected annual burden hours for this renewed information collection is informed by the Access Board’s nearly decade-long experience using a web-based ABA complaint form, as well as, more broadly, its long-standing experience implementing the ABA enforcement program. Typically, the agency receives between 150 - 190 ABA complaints annually, of which 90-95% are submitted via online form. We estimate that completion of the online form takes users about 15 -30 minutes, depending on the number of accessibility barriers alleged and supporting documentation uploaded (which is optional). To be conservative with regard to burden estimates, we assume 30 minutes for average response time.

The Access Board estimates of the annual reporting burden for the Online ABA Complaint Form are presented in Table A, below:

**Table A: Estimated Annual Reporting Burden**

Type of Collection	No. of Respondents	Annual Frequency per Response	Average Response Time (min)	Total Hours
Online ABA Complaint Form	185	1	30	93

**13. Costs to Respondents**

Not applicable. Use of the Online ABA Complaint Form imposes no costs on respondents/complainants.

**14. Costs to Federal Government**

Not applicable. There are no costs to the Access Board associated with this information collection. In fact, as noted above in Section 6, submission of ABA complaints via the Online ABA Complaint Form represents a cost *savings* to the federal government because, among other things, online complaints tend to be more complete relative to other modes of complaint submission and the “back-end” of the web-based form automatically posts complaint data to the agency’s case tracking system.

**15. Reason for Change**

Not applicable. This is a renewal request for an existing, previously-cleared information collection.

**16. Tabulation of Results, Schedule, Analysis Plans**

Not applicable. As discussed in Sections 1 and 2, above, the Online ABA Complaint Form is used only in support of, and in conjunction with, the agency's ABA enforcement program. Should complaint- or case-related data be needed to prepare programmatic reviews or reports for external use or posting (e.g., congressional budget justification, intra-agency reporting), only anonymized case-related data is used, such as: accessibility barriers alleged across complaints; corrective actions taken by agencies; or number of complaints submitted/closed per fiscal year.

**17. Display of OMB Approval Date**

We are not requesting an exemption with regard to display of OMB control number and expiration date.

**18. Exceptions to Certification for Paperwork Reduction Act Submissions**

The activities related to this information collection comply with the requirements set forth in 5 C.F.R. § 1320.9.