

Supporting Statement
Paperwork Reduction Act Submission
Department of Veterans Affairs Acquisition Regulation (VAAR)
804.1970 and Clause 852.204-71
2900-xxxx

A. JUSTIFICATION

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

As a result of proposed rule, RIN 2900-AQ41 posted to the Federal Register 86FR64132 on November 17, 2021, VAAR case 2015-V016, this is a request from the Department of Veterans Affairs (VA) for OMB approval of a new Information Collection (IC). Under Public Law 113-283, Federal Information Security Modernization Act of 2014, each agency of the Federal Government must provide security for the information and information systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source.

In order for VA to comply with Public Law 113-283, Federal Information Security Modernization Act of 2014, VA developed VAAR clause, 852.204-71, Information and Information System Security, and a new section 804.1970, Information security policy—contractor general responsibilities. The clause and the section contain the following information collection requirements from the public.

Information Collection Requirement	Clause/Section
Contractor/subcontractor employee reassignment and termination notification	852.204-71
Report of known or suspected security/privacy incident and data breach	852.204-71, 804.1970
Provide an annual training certificate	852.204-71
Submission of data retention, destruction plan and contractor self-certification	852.204-71
Maintain records and compliance reports regarding HIPAA security and privacy rule compliance	804.1970
Submission of a detailed security plan	852.204-71
Report of all requests for, demands for production of, or inquiries, including court orders, about VA information and information systems	852.204-71

2. Indicate how, by whom, and for what purposes the information is to be used; indicate actual use the agency has made of the information received from current collection.

Clause 852.204-71, Information and Information System Security, is required to be inserted by the contracting officer when the clause at FAR 52.204-21, Basic Safeguarding of Covered Contractor Information Systems is required to be included in accordance with FAR 4.1903. This

includes when the contractor or a subcontractor at any tier may have Federal contract information residing in or transiting through its information system.

This clause is intended to protect VA information, VA sensitive information and information systems by requiring contractor and subcontractor personnel to be subject to the same Federal laws, regulations, standards, and VA directives and Handbooks as VA and VA personnel regarding information and information system security.

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 information collections do not involve the use of automation.

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.

The information collections required by the clause are based on events happening during the contract period and on specific contracts. There are no other means to collect this data nor similar information already available as it does not exist in reportable form from other sources and is specific to actual performance under the contract. Therefore, there will be no duplication.

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

Small businesses will be affected in the same way as large businesses in order to comply with the statute and safeguard VA sensitive information, information systems, and information technology.

6. Describe the consequences 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.

Failure to collect the information could expose vulnerabilities in VA sensitive information, information systems, and information technology.

7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; 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 and require the use of a statistical data classification that has not been reviewed and approved by OMB.

VA does not expect that any contractor/subcontractor would submit a response more often than

quarterly, unless an employee working on a VA system or with access to VA information is reassigned or leaves the Contractor or subcontractor's employ during that quarter. All the reporting requirements are included in the solicitation and/or contract. Therefore, respondents have more than 30 days to prepare written responses.

8. a. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the sponsor'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 sponsor in responses to these comments. Specifically address comments received on cost and hour burden.

Note: this section will be updated when the proposed rule 839 is published in the Federal Register and at the end of public comment period. Address comment received related to this IC, if any.

b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure or reporting format, and on the data elements to be recorded, disclosed or reported. Explain any circumstances which preclude consultation every three years with representatives of those from whom information is to be obtained.

There were no efforts to consult with persons outside the agency beyond the publication of this proposed rule in the Federal Register.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts have been provided.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

This information is disclosed only to the extent consistent with prudent business practices and current regulations.

11. Provide additional justification for any questions of a sensitive nature (Information that, with a reasonable degree of medical certainty, is likely to have a serious adverse effect on an individual's mental or physical health if revealed to him or her), such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include 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 request for information does not include any questions of a sensitive nature.

12. Estimate of the hour burden of the collection of information:

a. The number of respondents, frequency of responses, annual hour burden, and explanation for each form is reported as follows:

852.204-71, Information and Information System Security and section 804.1970, Information security policy—contractor general responsibilities.

Total Burden Hours: 4,069
 Total Number of Respondents: 8,223
 Average Number of Respondents: 1,175
 Total Annual Responses: 8,223
 Average Annual Responses: 1,175

Contractor/subcontractor employee reassignment and termination notification.

No. of respondents	x No. of responses per respondent	x No. of minutes	÷ by 60	Number of Burden Hours
1,357	1	5		

Report of known or suspected security/privacy incident and data breach.

No. of respondents	x No. of responses per respondent	x No. of minutes	÷ by 60	Number of Burden Hours
807	1	180		

Submission of contractor/subcontractor employee annual training certificate.

No. of respondents	x No. of responses per respondent	x No. of minutes	÷ by 60	Number of Burden Hours
3,016	1	2		

Submission of data retention, destruction plan and contractor self-certification.

No. of respondents	x No. of responses per respondent	x No. of minutes	÷ by 60	Number of Burden Hours
452	1	5		

Maintain records and compliance reports regarding HIPAA security and privacy rule compliance.

No. of respondents	x No. of responses per respondent	x No. of minutes	÷ by 60	Number of Burden Hours
2,138	1	30		

Detailed security plan submission.

No. of respondents	x No. of responses per respondent	x No. of minutes	÷ by 60	Number of Burden Hours
302	1	60		

Report of all requests for, demands for, production of, or inquiries, including court

orders, about VA information and information systems.

No. of respondents	x No. of responses per respondent	x No. of minutes	÷ by 60	Number of Burden Hours
151	1	10		25

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB 83-1.

No other form is required by VAAR for use in this collection.

c. Provide estimates of annual cost to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Total estimated annual cost to all respondents: \$189,371 (4,069 hours at \$46.54 per hour). This is based on the Bureau of Labor Statistics May 2020 [Occupational Employment and Wages code](#) “15-1231 Computer Network Support Specialists” mean hourly wage is \$34.16 plus 36.25% fringe benefits per OMB Memo M-08-13 dated March 11, 2008.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

There are no capital or start-up costs associated with the information collection.

14. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Total Estimated Burden Hours to the Government: 4,069

Total Estimated Cost to the Government: \$167,846

\$167,887 (4,069 hours at \$41.26, based on 2021 OPM Salary Table, including benefits of 36.25% per OMB Memo M-08-13 dated March 11, 2008, of the average GS 11, Step 5, VA contracting officer).

OPM 2021 Salary Table can be located at [Pay & Leave : Salaries & Wages - OPM.gov](#)

15. Explain the reason for any burden hour changes since the last submission

This is a new information collection.

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.

There are no plans to publish any data received from this information collection.

17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

VA will display the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-1.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods will not be employed.