

**SUPPORTING STATEMENT A**  
**U.S. Department of Commerce**  
**U.S. Census Bureau**  
**Certification of Identity (Form BC-300)**  
**OMB Control No. 0607-XXXX**

**Abstract**

The Census Bureau's Freedom of Information Act (FOIA) Office receives an estimated 250 Privacy Act requests annually. In order to protect the public's privacy and adhere to Privacy regulations, the Census Bureau's FOIA Office created the Certification of Identity (Form BC-300) to assist with accurately identifying and providing personnel records to requesters, while minimizing the risk of erroneously providing a requester with someone else's private information. The Form BC-300 asks requesters to provide general information such as name, address, date of birth (D.O.B), description of the request, etc. The form provides added protection in managing sensitive records regulated under the Privacy Act. This form will be hosted by the Census Bureau for use by all of the Department of Commerce Bureaus.

**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 Privacy Act of 1974, as amended, 5 U.S.C. § 552a, establishes a code of fair information practices that governs the collection, maintenance, use, and dissemination of information about individuals that is maintained in systems of records by federal agencies. Regulations prescribe how to make a request for access for personnel records to the Census Bureau (and the other Department of Commerce Bureaus) under the Privacy Act of 1974, 5 U.S.C. § 552a. Generally, one may submit a request for access to his or her own records by appearing in person, electronically through the FOIA public website, or by writing (via email) to the Census FOIA Office. The regulations require that the requestor describe the records in enough detail to enable Department personnel to locate the applicable system of records containing the information with a reasonable amount of effort. 28 C.F.R. §16.41(b). The request should include, whenever possible, a description of the records sought, the time periods they were compiled, and the name or identifying number of each system of

records where they are kept. Furthermore, the request must contain a verification of identity, including the requestor’s full name, current address, and date and place of birth, and be signed under penalty of perjury or notarized. 28 C.F.R. §16.41(d). The Census Bureau is prohibited by federal law from disclosing any information contained in the records, except upon written request from the person to whom the information pertains or to a legal representative.

**2. Indicate how, by whom, and for what purpose the information is to be used.**

Item #	Requirement	Statute	Regulation	Form	Needs and Uses
1	Form Requirement	Privacy Act of 1974	15 CFR § 4.24	BC-300	<ul style="list-style-type: none"> <li>• Public Use</li> <li>• Internal agency use</li> </ul>

The Form BC-300 is used to collect general information in order to sufficiently identify a respondent to ensure accurate records are provided to the right person as stated in 15 CFR § 4.24(d). The Form BC-300 asks for name, address, D.O.B., description of request, and signature. The form explains the purpose and includes the Privacy Act Statement, the disclosure statement, the authorities under which the Census Bureau is authorized to collect the information, and an explanation of burden to the requester, in accordance with 15 CFR § 4.24(d). The Form BC-300 is a “public use” form meaning that this form is used for all public or internal agency requests for personnel records. The form will be used each time a person makes a request for personnel records.

The Form BC-300 is accessible electronically and is printable. The Census Bureau plans to develop the form as a fillable form that can be submitted online to help minimize the requester’s processing time for filling out and submitting the form. The Census Bureau will receive all of the Form BC-300s either via email, electronically through the Census FOIA website, or via postal mail. In all circumstances, proper identification of the respondent must be managed in order to ensure distribution of accurate records to the correct individuals. Providing this information is voluntary, however, if not provided, the Census Bureau will be unable to provide the requested personnel records.

“Information quality is an integral part of the pre-dissemination review of the information disseminated by the Census Bureau (fully described in the Census Bureau's Information Quality

Guidelines). Information quality is also integral to the information collections conducted by the Census Bureau and is incorporated into the clearance process required by the Paperwork Reduction Act."

- 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.**

Requesters (public or internal to the agency) of personnel records from the Census Bureau and the other Department of Commerce Bureaus will be able to access the Form BC-300 electronically. At the Census Bureau, requesters may access the Form BC-300 on the FOIA website to print and submit to the Census FOIA Office for processing. To reduce burden, the future plan at the Census Bureau is to provide the Form BC-300 electronically as a fillable form on the FOIA website. With the fillable form, the requester will be able to fill out and submit the form directly on the website, which would then electronically transfer the request to the FOIA Office inbox for processing. The plan is to implement the new functionality in 2022.

- 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.**

The information and format of how this information is collected is unique to the Census Bureau and the other agencies within Commerce. Duplication incidences should be rare, if existent at all, being that each individual is asking for their own specific personnel records.

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

The collection of data on the Form BC-300 does not, and will not, impact or cause a burden to 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 consequences if the collection is not conducted is detrimental to ensuring the public of the agency protection of requesters personnel information. The Privacy Act (5 U.S.C. § 552a) directs federal agencies to (1) Establish rules of conduct for those who work with records protected by the Privacy Act; and (2) Establish appropriate administrative and technical controls on Privacy Act information. The Form BC-300 assists and allows the Census Bureau to put in place consistent rules around the collection, use, and dissemination of privacy records as well as acts as a data collection and control tool so that consistent data collection on Privacy Act records are maintained.

**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;**
- **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;**
- **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;**
- **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**
- **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.**

There are no special circumstances for this data collection.

- 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.**

A 30-day Federal Register notice was published on December 8, 2021, Volume 86, Page 69618. A subsequent Correction Notice was published on December 14, 2021, Volume 86, Page 71025 to clarify that the Certification of Identity (Form BC-300) will be utilized by all of the Department of Commerce Bureaus. Public comments will be submitted directly to the Office of Management and Budget for review.

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

No gifts or incentives will be provided or are required for this data collection

- 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.**

Title 13, United States Code, Section 9 guarantees the confidentiality of the information.

Respondents are informed in the instructions that personnel information is confidential and may only be released to the person to whom the information pertains or to a legal representative.

- 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 sensitive questions are asked beyond the information required to certify the identity of the requester.

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

Estimate of Burden to the Requestors for Privacy Act Requests:

Form #	Form Title	# of Burden Requests	Time to Complete	Total Hours
BC-300	Certification of Identity	250 (annually)	6 minutes (per form)	25 hours

**13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.**

The is no annual cost to respondents or recordkeepers for this data collection.

**14. Provide estimates of annualized cost to the Federal government.**

**Cost of Privacy Act Requests to the Census Bureau**

	FOIA	HR/FLD	FOA	FOIA	Census Totals	
	GS-12	GS-12	GS-13	GS-14	Totals Per Privacy Act Request	
	Time Utilized	Time Utilized	Time Utilized	Time Utilized	Time Utilized	Cost
<b>Evaluating Form</b>	0.5	1	0	0	<b>1.5</b>	<b>\$81.48</b>
<b>Fulfilling Request</b>	0	0.5	0	0	<b>0.5</b>	<b>\$27.16</b>
<b>Preparing Request</b>	1	0	0	0	<b>1</b>	<b>\$54.32</b>
<b>Evaluating Request</b>	0	0	1	0	<b>1</b>	<b>\$64.59</b>
<b>Finalizing Request</b>	0	0	0	0.25	<b>0.25</b>	<b>\$19.08</b>
<b>Totals</b>	<b>1.5</b>	<b>1.5</b>	<b>1</b>	<b>0.25</b>	<b>4.25</b>	<b>\$246.63</b>
<b>FY21 Privacy Act Requests</b>	250					
<b>Privacy Act Requests x Estimated Cost of Privacy Act Request = Estimated Cost to Agency</b>						
<b>250 x \$246.63 =</b>	<b>\$61,657.50</b>					

**15. Explain the reasons for any program changes or adjustments reported in ROCIS.**

No changes or adjustments. This is a new information collection request.

- 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 will be no publications or tabulations for this data collection.

- 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.**

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

- 18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”**

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#)