

## **Department of Transportation Office of the Chief Information Officer**

### **SUPPORTING STATEMENT:**

#### **Office of Aviation Consumer Protection Webpage Online Aviation Complaint Form**

OMB Control Number 2105-0568

#### **SUMMARY:**

The Department of Transportation (Department) is seeking to reinstate an OMB control number for the Office of Aviation Consumer Protection's Online Aviation Complaint/Comment Form (OST Docket No. DOT-OST-2011-0022).

The Department's Office of Aviation Consumer Protection (OACP), monitors compliance with and investigates violations of the Department's aviation economic requirements, including consumer protection and civil rights requirements. The OACP's website has an online form by which a consumer can electronically submit a service-related complaint against an air carrier or air travel-related companies. In addition, consumers may use the form to give a description of a specific air-travel related problem or to ask for air-travel related information from the OACP. Based on Calendar Year (CY) 17-19 information<sup>1</sup>, 14,713 of the 16,348 averaged total cases (includes complaints and comments) received by the Office of Aviation Consumer Protection were submitted using the electronic online form (approx. 90%), of which the vast majority of the submissions are complaints. The remaining complaints and cases are received by letter, email, and in some cases by telephone.

All complaints are reviewed to determine the extent to which carriers are in compliance with federal aviation consumer protection and civil rights requirements and to determine when enforcement action may be necessary. The information submitted via the on-line form also serves as a basis for rulemaking, legislation and research.

#### **JUSTIFICATION:**

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

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<sup>1</sup> In CYs 2020/21 OACP received an unusually high number (100,613/48,015, respectively) of online submissions, primarily complaints, largely due to flight cancellations and refund issues that resulted from the Covid-19 pandemic. Using the average number of submissions from the three previous CYs (17-19) more accurately reflects the annual number of online submissions received by our office.

The Department's OACP has broad authority under 49 U.S.C., Subtitle VII, to investigate and enforce consumer protection and civil rights laws and regulations related to air transportation. Each disability-related complaint must be investigated as required by 49 U.S.C. § 41705. Among other things, OACP is also responsible for receiving and investigating service-related consumer complaints filed against air carriers. To expedite this process, the OACP has provided the public with an online form, via its website, by which a consumer can electronically file such a complaint against an air carrier. See, <https://www.transportation.gov/airconsumer/file-consumer-complaint>. Once received, the complaints are reviewed by the office to determine the extent to which carriers are in compliance with federal aviation consumer protection and civil rights laws and what, if any, action should be taken.

The information collection furthers the objectives of 49 U.S.C. §§ 41712, 40101, 40127, 41702, and 41705 to protect consumers from unfair or deceptive practices, to protect the civil rights of air travelers, and to ensure safe and adequate service in air transportation.

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

A consumer can file a complaint or comment with the office by sending a letter using regular mail, telephoning, emailing, or by filing a web-based complaint. In CYs 17-19, 14,713 of the 16,348 averaged complaints/comments submitted to the office were filed using the online complaint/comment form (approx. 90%).

All complaints are entered in DOT's computerized aviation industry monitoring system and attributed to the airline or ticket agent that is the subject of the complaint in the monthly Air Travel Consumer Report. This report is distributed to the industry and made available to the news media and the public so that consumers and air travel companies can compare the complaint records of individual airlines and ticket agents. These complaints are reviewed by the Department to determine the extent to which carriers are in compliance with federal aviation consumer protection and civil rights requirements and to determine when enforcement action may be necessary. Complaints are also forwarded to the subject entity for response. In appropriate instances, the office investigates the complaint. This system also serves as a basis for rulemaking, legislation and research.

**3. Extent of automated information collection. *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.***

Using the online complaint form is the most efficient way for consumers to submit information. Each consumer's submission is unique so there is no automation. Consumers are free to determine whether or not to use the Department's online format to submit a complaint and the vast majority of consumers that file complaints have chosen the online method.

**4. Efforts to identify duplication. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2 above.***

There is no similar information collected by or available to the Department that could be used or modified for this collection of information.

5. Efforts to minimize the burden on small businesses. ***If the collection of information has a significant impact on a substantial number of small businesses or other small entities, describe the methods used to minimize burden.***

This form will not have a significant impact on a substantial number of small entities.

6. Impact of less frequent collection of information. ***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.***

If the information collection form is not available, the Department may receive fewer complaints and comments from consumers, most of whom file the information using the internet and the web-based form. The lack of information could inhibit the office's ability to identify opportunities to improve airline consumer satisfaction, effectively investigate individual complaints against an air carrier, and/or review air carrier practices for patterns and practices that may violate the Department's rules.

The collection serves to expedite the office's complaint handling process, as electronic submissions are directly uploaded into the electronic database and the information can be electronically disseminated to the appropriate parties, as necessary and appropriate.

7. Special circumstances. ***Explain any special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2)(i)-(viii):***

The collection of information is consistent with 5 CFR 1320.5(d)(2)(i)-(viii).

8. Compliance with 5 CFR 1320.8. ***Describe the 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 the recordkeeping disclosure, or reporting format (if any) and on the data elements to be recorded, disclosed, or reported.***

On November 29, 2021, OST published a 60-day notice in the Federal Register (FR) soliciting comment on the ICR for which the agency is seeking reinstatement from OMB. The comment period ended on January 28, 2022. We received no comments from the public in response to that notice. On February 11, 2022, OST published a 30-day notice in the FR soliciting public comment on the ICR for submission to OMB. The comment period ends on March 14, 2022. See attached, FR notices [Volume 86, Number 226 at 67785 and Volume 87, Number 29 at 8084, respectively].

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

There are no payments or gifts in this rule.

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

The Privacy Act is applicable and regulates the manner in which the Department handles personal information. On February 25, 2005, the Department published a “Notice of establishment of system of records” (SORN) in the Federal Register [February 25, 2005, Volume 70, Number 37, Pages 9436-37] and on August 21, 2004, a Privacy Impact Assessment (PIA) was made public on the DOT’s website. Both documents are available at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**11. Justification for collection of sensitive information. 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.**

There are no questions of this nature. However, a consumer may voluntarily include information regarding a sensitive issue, such as a passenger’s medical condition or disability. The Department uses the data gathered to investigate complaints and determine when it is appropriate to take corrective and/or enforcement action.

**12. Estimate of burden hours for information requested. Provide estimates of the hour burden for the collection of information. The statements should: Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories**

**Table 1: Data for Collection of Information, On-Line Submission of Consumer Complaints/Comments via the Aviation Consumer Protection Division (OACP) Website Electronic Form**  
(OMB Control Number 2105-0568)

As shown in the table below, approximately ninety percent of the submissions (complaints, comments, and inquiries) received by OACP during CYs 2017 through 2019 were filed using the web-based form.

<u>Calendar Year</u>	<u>Total # of Complaints Filed</u>	<u>Total # of Complaints Filed Online</u>	<u>Percentage of Complaints Filed Online</u>
2017	18,155	16,067	89%
2018	15,546	13,964	90%

2019	15,342	14,107	92%
<b>Average Total per Year (above)</b>	<b>16,348</b>	<b>14,713</b>	<b>90%</b>

*Respondents:* Consumers that Choose to File an Online Complaint/Comment with the Office of Aviation Consumer Protection.

*Estimated Number of Respondents:* 14,713 (based on averaging data from CYs 2017-19).

*Estimated Annual Burden on Respondents:* A maximum of 15 minutes per year for each respondent. The estimate was calculated by multiplying the estimated time for a consumer to submit information using the on-line form (15 minutes) by the estimated total number of on-line complaints/comments submitted per respondent (one) in 2017.

*Estimated Total Burden on Respondents:* 3,678.25 hours (220,695 minutes). The estimate was calculated by multiplying the average number of cases filed using the online form in CYs17-19 (14,713) by the time needed to fill out the online form (15 minutes).

*Frequency:* A maximum of one set of information to be submitted per year for each respondent. (Note: The average number of 14,713 respondents reflects a count for the total number of on-line complaints and comments submitted to OACP and a small portion of that number may reflect multiple complaints from the same individuals).

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

The Department estimates that the total annual cost burden to respondents resulting from the first requirement will be negligible, as consumers filing via the OACP website online form will already have access to a computer and a web provider by which to submit their complaint or other information. We assume the costs of electronic submissions are less than those associated with filing using regular mail (e.g. costs of stamp, envelope, paper, and amount of time) or long distance telephone charges.

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

Costs to the Department are negligible, as processing these requests are within the scope of duties of the office's personnel. The Department estimates that the costs to process web-based complaints are less than those received via traditional mail or telephone, as the former are uploaded directly into the office's electronic data base for processing.

Any operation and maintenance costs attributed to this collection are minimal because the online form is already a part of the OACP's larger website that is used to provide consumers and regulated entities with information about other aspects of the Enforcement Office's programs, policies, and procedures (e.g. rules, guidance documents).

15. Explanation of program changes or adjustments. ***Explain the reasons for any program changes or adjustments reported.***

There are no changes or adjustments to the program. There is an increase in total burden hours as more consumers are choosing to file complaints and comments using the online form.

16. Publication of results of data collection. ***For collections of information whose results are planned to 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.***

The number of complaints submitted by consumers is entered into the Department's computerized aviation industry monitoring system and is attributed to the airline or ticket agent that is the subject of the complaint in the monthly Air Travel Consumer Report. This is a longstanding monthly report that includes a variety of aviation-related information collected by the Department, including the number of consumer complaints. The report is distributed to the industry and made available to the news media and the general public so that consumers and air travel companies can compare the records of individual airlines and tour operators. These reports are available at <https://www.transportation.gov/airconsumer>.

17. Approval for not displaying the expiration date of OMB approval. ***If seeking approval to not display the expiration date for OMB approval of the information collections, explain the reasons that display would be inappropriate.***

Not applicable.

18. Exceptions to certification statement. ***Explain each exception to the certification statement "Certification for Paperwork Reduction Act Submissions."***

Not applicable.

