

**Supporting Statement
CBP Hiring Center Medical Records Release Privacy Act Form
1651-NEW**

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.**

In accordance with 5 CFR 339.301, Customs and Border Protection (CBP) performs pre-employment medical evaluations on all candidates tentatively selected to fill positions that include a medical requirement, such as the CBP Officer and Border Patrol Agent positions. During that evaluation process, CBP collects medically relevant information about the candidate from: the candidate, CBP's contracted medical providers, and/or the candidate's personal medical and mental health providers.

In accordance with 5 CFR 339.305, CBP makes all medical documentation and records of examination available to the candidates. Candidates can request copies of their pre-employment medical examination results and supporting documentation/records by email or letter, no specific information is needed in the email or letter to request copies of candidates' medical documents. Upon receipt of the email or letter from candidates CBP will send candidates the Medical Release Privacy Form to complete. Due to the sensitive nature of the information being released, CBP requires that candidates complete and sign a privacy release authorization form in order to receive a copy of their medical documents. CBP will only share medical information directly with the candidate, or with a third party when authorized to do so in writing by the candidate.

When completing the release form, candidates must provide the following information: Full name, partial Social Security Number (SSN#), Date of Birth, Current Address, Email Address, Phone Number; as well as specifying the type of medical records to be released (hearing test results, vision test results, etc.).

This information is used by CBP as confirmation that the agency has the candidate's signed authorization to provide medically related records about the candidate. A copy of that signed authorization and the records released are retained within the candidate's pre-employment file.

- 2. 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.

This information is used by CBP to confirm that we have signed authorization to provide medically related records about a candidate. A copy of that authorization and the records released is retained with the candidate's pre-employment file.

- 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 signed form is either mailed or submitted as an attachment via email, and is sent directly to the CBP Hiring Center, Pre-employment Medical Team. An electronic signature is accepted.

- 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.**

This information is not duplicated in any other place or any other form.

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

This information collection does not have an impact on small businesses or other small entities.

- 6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Failure to collect this information would prevent CBP from having the added protection of written approval from the applicant before providing medical information to the individual or a third party.

- 7. Explain any special circumstances.**

This information is collected in a manner consistent with the guidelines of 5 CFR 1320.5(d)(2).

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

Public comments were solicited through two Federal Register notices published on March 16, 2022 (Volume 87, Page 14902) on which one comment was received asking to review the collection documents and release form, and on August 22, 2022 (Volume 87, Page 51440) on which no comments have been received.

CBP obliged and submitted PRA documents to public commenter, letting them know another 30-day FRN would be available for additional comment.

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

There is no offer of a monetary or material value for this information collection.

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

PIA coverage is provided by DHS/CBP/PIA-032 Human Resources Business Engine, which permits CBP to collect pre-employment medical records for individuals who have applied to a CBP position with specific medical standards.

SORN coverage is provided by OPM/GOVT-5 Recruiting, Examining, and Placement Records, which allows CBP to maintain records regarding persons who have applied to the Office or agencies for Federal employment and are deemed suitable or unsuitable for employment on medical grounds. There are no assurances of confidentiality provided to the respondents of this information collection

11. 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.

The question asks for a description of requested medical records. Without this information CBP would not know what information to provide to the requester.

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

INFORMATION	TOTAL ANNUAL	NO. OF RESPONDENTS	NO. OF RESPONSES	TOTAL	TIME PER
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COLLECTION	BURDEN HOURS		PER RESPONDENT	RESPONSES	RESPONSE
Medical Records Privacy Act Release Form	52	104	2	208	15 minutes (0.25 hours)

Public Cost

The estimated cost to the respondents is \$1,777.40. This is based on the estimated burden hours (52) multiplied by the average loaded hourly wage rate for general US population (\$34.18). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics' (BLS) 2021 median hourly wage rate for All Occupations (\$22.00), which CBP assumes best represents the wage for general US population, by the ratio of BLS' average 2021 total compensation to wages and salaries for All Workers (1.4915), the assumed occupational group for brokers, to account for non-salary employee benefits.¹ CBP assumes an annual growth rate of 4.15% based on the prior year's change in the implicit price deflator, published by the Bureau of Economic Analysis.

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

There are no record keeping, capital, start-up or maintenance costs associated with this information collection.

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 estimated annual cost to the Federal Government associated with the review of these records is \$30,780. This is based on the number of responses that must be reviewed (208) multiplied by the time burden to review and process each response (2 hours) = 416 hours multiplied by the average hourly loaded rate for other CBP

¹ Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, "May 2021 National Occupational Employment and Wage Estimates United States." Updated March 31, 2022. Available at https://www.bls.gov/oes/current/oes_nat.htm. Accessed May 25, 2022. The total compensation to wages and salaries ratio is equal to the calculated average of the 2021 quarterly estimates (shown under Q01, Q02, Q03, Q04) of the total compensation cost per hour worked for All Workers (\$47.65) divided by the calculated average of the 2021 quarterly estimates (shown under Q01, Q02, Q03, Q04) of wages and salaries cost per hour worked for the same occupation category (\$31.9486). Source of total compensation to wages and salaries ratio data: U.S. Bureau of Labor Statistics. Employer Costs for Employee Compensation. "ECEC Civilian Workers - 2004 to Present." March 2022. Available at <https://www.bls.gov/web/ecec.supptoc.htm>. Accessed May 25, 2022.

employees $(\$73.99)^2 = \$30,780$.

15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13.

This is a new information collection.

16. For collection of information whose results will be published, outline plans for tabulation, and publication.

This information collection will not be published for statistical purposes.

17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate.

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

18. "Certification for Paperwork Reduction Act Submissions."

CBP does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.

² CBP bases this wage on the FY 2022 salary and benefits of the national average of other CBP positions, which is equal to a GS-13, Step 1. Source: Email correspondence with CBP's Office of Finance on June 27, 2022.