

# 1 SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION

## Access and Consent Forms OMB Control Number 1093-NEW

**Terms of Clearance:** None.

**General Instructions:** A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

### Specific Instructions

#### Justification

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

The DI-4016, *Request for Individual Access to Records Protected under the Privacy Act*, and DI-4017, *Consent for Disclosure of Records Protected under the Privacy Act*, were developed in accordance with the Office of Management and Budget (OMB) Memorandum [M-21-04](#), *Modernizing Access to and Consent for Disclosure of Records Subject to the Privacy Act*, which implements the requirements of the Creating Advanced Streamlined Electronic Services for Constituents Act of 2019 ("[CASES Act](#)"). These forms are based on the mandatory OMB M-21-04 templates for individuals to submit requests for accessing and consenting to the disclosure of records protected under the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

**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. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

The DI-4016, *Request for Individual Access to Records Protected under the Privacy Act*, form is used by individuals seeking access to their records under the Privacy Act and any information pertaining to them that are maintained in DOI's systems of records. The DI-4017, *Consent for Disclosure of Records Protected under the Privacy Act*, form provides written consent of the individual to whom the record pertains when disclosing records to another person or an agency. The Privacy Act provides that "the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual." Therefore, these forms may also be used by a parent or legal guardian.

Individuals seeking access to their records must submit the completed forms and

documentation to the Privacy Act System Manager identified in the applicable system of records notice (SORN) or the Associate Privacy Officer at the DOI bureau of office where the records are located. DOI bureau and office mailing and email contact information are available at <https://www.doi.gov/privacy/contacts>. Privacy Act requests may also be submitted via email or by mail to the DOI Privacy Office.

These forms were developed based on the mandatory OMB templates for individuals to submit requests for accessing and consenting to the disclosure of records protected under the Privacy Act of 1974. The information collected on the forms is required for purposes of identity-proofing and authentication, identifying relationship of a parent or legal guardian to the record subject, locating the records, and processing Privacy Act requests. A Privacy Act statement is provided in both forms to inform the individual of the legal authority that permits the collection of information; the principal purpose for which the agency is collecting and using the information; how the agency will use the information, with whom the agency will share information, and a citation to the SORN that covers the information; and whether providing the information is mandatory or voluntary, and any consequences for the individual for not providing the information. These forms will be posted on the public-facing DOI Privacy Act Requests website at <https://www.doi.gov/privacy/privacy-act-requests>.

**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 and specifically how this collection meets GPEA requirements.**

Web and PDF versions of the DI-4016 and DI-4017 forms will be available on the DOI Privacy Act Requests website at <https://www.doi.gov/privacy/privacy-act-requests> as alternative formats for individuals to submit their Privacy Act requests. OMB M-21-04 requires agencies to provide these access and consent forms in a digital format and accept digital requests for access and consent to disclosure of Privacy Act records, and to remotely identify-proof and authenticate users making such requests. DOI plans to utilize Login.gov to authenticate individuals who electronically submit requests using these forms. Alternatively, individuals may choose to use these forms to submit Privacy Act requests through mail or in person to the Privacy Act System Manager identified in the applicable SORN or the Associate Privacy Officer at the DOI bureau of office where the records are located, or to the DOI Privacy Office.

**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.**

These forms are based on the mandatory OMB M-21-04 templates for individuals to submit requests for accessing and consenting to the disclosure of records protected under the Privacy Act of 1974, as amended, 5 U.S.C. 552a. The forms will be posted on DOI.gov and will be used to make requests for records under the Privacy Act for all DOI bureaus and offices. There is no duplicate information collection activity for these forms or information collection.

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

This collection of information only affects individuals seeking access to their records from a Privacy Act system. It does not impact small business 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.**

DOI will be in violation of the OMB M-21-04 policy if this collection is not conducted as required by the CASES Act. It may also present an obstacle to the modernization of agency processes to include electronic requests and remote authentication for Privacy Act requests, which requires agencies to grant individuals a right of access to their records and any information pertaining to them that are contained in agency systems of records.

**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 secrets, 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 that would cause us to collect the information in a manner inconsistent with OMB guidelines.

**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 in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe 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 recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded,

disclosed, or reported.

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

On April 28, 2022, DOI published in the *Federal Register* (87 FR 25289) a notice of intent to request OMB approval for this information collection. In that notice, DOI solicited comments for 60 days, which ended on June 27, 2022. One comment was received but it did not address the information collection. No consultation was done as these forms are new and have not yet been used.

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

We do not provide any payments or gifts to respondents.

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

The Privacy Act prohibits disclosure of records to individuals or organizations unless there is consent, a Privacy Act exception, or a routine use outlined in the published SORN. Therefore, all Privacy Act records are controlled unclassified information and are maintained as confidential records with appropriate safeguards to prevent unauthorized access or disclosure.

Example: Any records provided to us will be available under the Freedom of Information Act, unless the respondent has identified the information as proprietary or confidential. Such proprietary or confidential information will be protected according to applicable laws, guidelines, portions of § 29.210, and standards. We will maintain the information in a secure System of Records (National Wildlife Refuge Special Use Permits-Interior, FWS-5, May 28, 1999, 64 FR 29055; modification published June 4, 2008, 73 FR 31877).

**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.**

We do not ask questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- \* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected

to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- \* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.

We estimate that we will receive **1,325 responses** totaling **332 burden hours**. We estimate the annual dollar value of the burden hours is **\$13,622** (rounded).

We used Table 1 from the of Bureau of Labor Statistics (BLS) News Release USDL-22-1892, September 20, 2022, Employer Costs for Employee Compensation—June 2022, to calculate the cost of the total annual burden hours:

- Individuals – the hourly rate for all workers is \$41.03, including benefits.
- Private Sector – the hourly rate for all workers is \$38.91, including benefits.
- Government – the hourly rate for all workers is \$55.47, including benefits.

**13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**

- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- \* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

We have not identified any non-hour costs.

**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.**

- Departmental Privacy Officer (GS-15/05), Deputy Privacy Officer (GS-14/Step-05), or Privacy Analyst (GS-14/Step-05) - 15 minutes to evaluate and process the forms and refer requests to the Associate Privacy Officer for records maintained by the bureau/office, as appropriate
- Associate Privacy Officer (GS-14/Step 5), and Contract and Federal support staff (GS-11/Step 5) - 15 minutes to evaluate the forms, and 1 hour or more to process the forms depending on the complexity and scope of the request, including working with the System Manager
- System Manager (GS-14/Step 5) - 1 hour or more to process the forms depending on the complexity and scope of the request to retrieve records requested, including working with the Associate Privacy Officer

This cost is broken out in the below table using the Office of Personnel Management Salary Table 2022 General Schedule Locality Pay Tables (WASHINGTON-BALTIMORE-ARLINGTON, DC-MD-VA-WV-PA.

[https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/DCB_h.aspx)).

\* The government cost is based on Washington, DC, 2022 pay scale.

\*\* A multiplier of 1.6 (as implied by BLS news release, USDL-22-1892, September 20, 2022) was added for benefits. The website is <http://www.bls.gov/news.release/pdf/ecec.pdf>).

To analyze and review the information required, we estimate the Federal government will spend an average of 3 hour for each submission by respondents. Based on a cost factor of \$110 (rounded up) per hour x 3 hours per submission = \$330, the total gross cost to the Government is \$437,250 (1,325 submissions x \$330 = \$437,250).

**15. Explain the reasons for any program changes or adjustments in hour or cost burden.**

This a new collection in use without OMB approval.

**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.**

We do not plan to publish this information. We do not make the information we collect available to the public.

**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.**

We will display the OMB approval number and expiration date on all forms and websites.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions to the certification statement.