

Supporting Statement for Paperwork Reduction Act Submissions
Revision of a currently approved collection

FD-249 Criminal Fingerprint Card, FD-258 Applicant Fingerprint Card, FD-884 FBI Standard Palm Print Card, FD-884a Standard Supplemental Finger and Palm Print Card, and FD-1164 Identity History Summary Request Fingerprint Card

Introduction of two new Fingerprint Cards: (FD-1212) Voluntary Appeal File (VAF) Fingerprint Card and (FD-1211) Firearm-Related Challenge Fingerprint Card.

OMB # 1110-0046

Part A. Justification

1. Necessity of Information:

Title 28, United States Code, Section 534, allows the Federal Bureau of Investigation (FBI) to acquire, collect, classify, and preserve identification/information, criminal identification, crime, and other records. The FBI permits such exchange of records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission; the States and cities; and penal and other institutions. It is essential that standard friction ridge cards be utilized for the FBI, Criminal Justice Information Services (CJIS) Division to provide maximum service to all law enforcement and governmental agencies.

The FBI CJIS Division provides a centralized repository of biometrics and identity history records, to include criminal arrest records. Through this centralization of records, it is possible to have available a positive source of information relative to: past activities of an individual in custody or an individual applying for employment, emergency cases, identification of deceased individuals, identification of missing persons, or provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin, to identify fugitives, etc.

2. Needs and Uses:

The FBI CJIS Division serves the nation as a repository for biometrics and identity history record information, to include fingerprints and other biometrics. The recent advancements for the collection and electronic submission of additional biometrics, such as palmprints, have expanded the repository to accept a variety of friction ridge types. The Privacy Act of 1974 requires each agency that maintains a system of records to maintain the records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual. Case law stipulates that the CJIS Division has a duty to take reasonable measures to maintain accurate records. These friction ridge cards provide a consistent format for agencies and/or individuals to submit the necessary information.

The FD-249 Criminal Fingerprint Card, the FD-884 FBI Standard Palm Print Card, and the FD-884a Standard Supplemental Finger and Palm Print Card forms are utilized by a variety of law enforcement agencies to collect friction ridge data for submission into the Next Generation Identification (NGI) System, a biometric database utilized for person-centric identification to criminal history record data. Upon identification, the submission data is used to establish or update an individual's identification record within the NGI System. This includes the submitting agency as well as the date of arrest or the date the individual was fingerprinted.

The FD-884 Palmprint Card is considered a supplemental form to the FD-249 and offers a means to capture and submit palmprints to the NGI System.

The FD-884a Supplemental Finger and Palmprint Card is considered a supplemental form to the FD-249 and offers a means to capture and submit additional fingerprints and/or palmprints to the NGI System.

The FD-258 Applicant Fingerprint Card is not criminal by nature and is instead utilized to complete fingerprint-based background checks for employment, licensing, and permits.

The FD-1164 Identity History Summary Request Fingerprint Card is not criminal in nature and is used for individuals to obtain copies of their own Identification Record in accordance with the U.S. Department of Justice Order 556-73.

The FD-1212 Voluntary Appeal File (VAF) Fingerprint Card is not criminal by nature and is used to confirm an individual's identification as part of the VAF process.

The FD-1211 Firearm-Related Challenge Fingerprint Card is not criminal in nature and is used to confirm an individual's identification as part of the Firearm-Related Challenge process.

A privacy statement is currently contained on the FD-249 Criminal Fingerprint Card, the FD-258 Applicant Fingerprint Card, the FD-1164 Identity History Summary Request Fingerprint Card, the FD-1212 Voluntary Appeal File (VAF) Fingerprint Card, and the FD-1211 Firearm-Related Challenge Fingerprint Card in support of the Privacy Act of 1974. The statements are not quoted on the FD-884 FBI Standard Palm Print Card, nor the FD-884a Standard Supplemental Finger and Palm Print cards because they are collected as a supplement to the FD-249 or the FD-258.

3. Use of Technology:

The fingerprint cards in this collection are used by agencies and individuals for identity verification or to add/update records in the NGI System. Subjects can be fingerprinted electronically using the format from the aforementioned fingerprint cards. Agencies/individuals can also capture fingerprints manually and scan the images for electronic ingestion in the NGI System. A small percentage of subjects are fingerprinted manually, and their fingerprints mailed to the FBI to be scanned and electronically ingested to the NGI System.

4. Efforts to Identify Duplication:

The FBI is the only federal repository for the data from this information collection.

5. Methods to Minimize Burden on Small Businesses:

This information will have no significant impact on small entities. Small businesses will not be affected by this collection.

6. Consequences of Less Frequent Collection:

If the collection is not conducted or conducted less frequently, the criminal history record information provided for use by all contributing agencies would be incomplete and inaccurate.

The law enforcement community has an ever-increasing need for timely and accurate data. A less frequent collection would deny or delay individuals rights to obtain copies of their records, cause undo delays in firearms purchases in cases where identity is in question, and delay individuals' ability to challenge their criminal history records.

7. Special Circumstances Influencing Collection:

All friction ridge submissions, whether electronic or hard copy, are collected and processed from participating agencies and/or individuals, as necessary. There are currently no requirements stipulated by the CJIS Division regarding the collection of friction ridge information. All stored criminal history record information is inclusive of only that information which has been provided.

8. Public Comments and Consultations:

The FBI sponsors and participates in training seminars, industry meetings, and conferences with the user community. These meetings are held regularly and provide an open forum to discuss matters of mutual concern, including reporting procedures. The FBI consults with users on an individual basis as needed. Additionally, 60- and 30-day Notices of Information Collection for Renewal are published, and the opportunity to make comments is afforded.

9. Payment of Gift to Claimants:

The FBI does not provide any payment or gift to respondents.

10. Assurance of Confidentiality:

Information requested in this collection may be considered confidential business information. The data obtained from the collection is housed within the NGI System, the fingerprint identification system covered by the system of records notice, *Fingerprint Identification Records Systems (FIRS)*, JUSTICE/FBI-009. Any disclosure of information from the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations, and procedures. Its release is governed by law, regulations, and agency procedures.

The NGI System has been exempted from subsections (d) and (e)(4)(H) pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Privacy Act. However, procedures are set forth at 28 CFR 16.30-34 and 20.24 for an individual to obtain a copy of his identification record maintained in the IAFIS to review, or to obtain a change, correction, or updating of the record.

11. Justification for Sensitive Questions:

This collection does not include questions of a sensitive nature.

12. Estimate of Hour Burden:

Respondents report on the friction ridge cards. A respondent may submit multiple fingerprint cards.

Number of respondents: 460,762

Frequency of responses: as needed

Total annual responses: 69.2 million

Minutes per response: 10 minutes

Annual hour burden: 11.5 million hours

13. Estimate of Cost Burden:

Respondents will not incur any costs other than their time to respond. Respondents will not incur any capital, start up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government:

Personnel Salaries: \$19,832,804.50

Three units "PROCESS & ANALYZE" submissions using information collected from the fingerprint cards in this collection: The Biometric Identification and Analysis Unit, the Quality and Analysis Support Unit, and the Criminal History Information and Policy Unit. Figures: $(11,940,342.10 + 2,073,211.28 + 5,819,251.00 \text{ to determine Ave Yearly Comp \& Benefits (248 total employees)}) = 19,832,804.48$

15. Reason for change in Number of respondents: The increase reflects the addition of VAF and Firearm-Related Challenge applicants to account for the two new fingerprint cards.

16. Plans for Publication:

There are no plans to publish the information collected.

17. Expiration Date Approval:

Due to the administrative burdens related to replacing expired forms when no information on those forms has been changed, the FBI is requesting approval to not display the expiration date for OMB approval of the information collected.

18. Exceptions to the Certification Statement:

There are no exceptions to the certification statement.

Part B. Statistical Methods

The FBI does not employ statistical methods in this information collection.