

SUPPORTING STATEMENT FOR Credit Card Payment Form (1-786)

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.

An FBI Identification Record is a listing of information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprints submitted in connection with employment, naturalization, or military enlistment. Each FBI record is unique to an individual and all events within are supported by fingerprint submissions.

The U.S. Department of Justice Order 556-73 directs the FBI to publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This order resulted from a determination that 28 United States Code (U.S.C.) 534 does not prohibit the subjects of arrest and convictions records from having access to those records.

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.

Subjects of Identification Records can obtain a copy thereof by submitting a request via mail to the FBI CJIS Division or electronically via FBI website. Such requests must include identifying information such as name, date and place of birth, and a set of fingerprint impressions to confirm identity. Each request shall incur a fee of \$18 in the form of certified check or money order, payable to the Treasury of the United States, or credit card payment. This fee is determined pursuant to the provisions of 31 U.S.C.9701 and is based on the time spent searching for, identifying, and reproducing each Identification Record. Any request for fee waiver shall accompany the application and should include proof of indigence.

The CJIS Division uses the 1-786 Credit Card Payment Form to collect and process credit card payments from subjects obtaining copies of their Identification Records or proof that one does not exist. The 1-786 is used for credit card payments for applications submitted via US mail.

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 1-786 accounts for approximately ten percent of all payments for applications to obtain an individual's copy of record. The other 90% of payments are rendered via online credit card payment or mailed certified check or money order.

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 A.2 above.

The 1-786 offers a manual means to collect and process credit card payments. As long as a manual application process is offered, the need for a separate, manual credit card payment form will be needed. While an online payment with credit card is offered for electronic applications, the service cannot be used for a mailed application.

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

There is no significant impact on small business or other private 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.

Customers are required to pay a fee of \$18 per DOJ Order 556-73 request. Payment must consist of either certified check or money order, proof of indigent status, online electronic credit card, or the hard-copy 1-786 Credit Card Collection Form. With other options of payment available, there are no significant consequences to less frequent collection.

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 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.**

The U.S. Department of Justice Order 556-73 directs the FBI to publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This order resulted from a determination that 28 U.S.C. 534 does not prohibit the subjects of arrest and convictions records from having access to those records. The 1-786 form provides a means to collect payment for this mandated service.

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.

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 3 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.

The 60-Day Notice was published in the Federal Register on April 5, 2023, Federal Register volume 88, No. 65, pages 20188-20189. The comment period ended on April 4, 2023. No comments were received.

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

No government funds will be used as payment or for gifts to respondents.

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

Information requested in this collection may be considered confidential business information. Its release is governed by law, regulations, and/or agency procedures.

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.

There are no sensitive questions as defined by this section.

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. General, 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.**
- **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. Instead, this cost should be included in Item 14.**

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
1-786 Credit Card Payment Form	28,039	As needed	28,039	2 min	935 hours		
Unduplicated Totals							

Hourly rate source citation or you may enter a footnote:

The hours of burden were calculated using statistical databases maintained by the CJIS Division’s Criminal History Information and Policy Unit. The total annual responses was calculated by compiling the total Credit Card Payment Forms (1-786) received in 2022. The annual hour burden was determined by multiplying the total annual responses (28,039) by 2 (time per response in minutes), divided by 60 (minutes in an hour). This total is 934.6 total hours.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **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 service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. 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.**

(28,039 respondents x \$18 fee=\$504,702) Respondents must include an \$18 fee for each copy requested of their identity history summary as indicated on the 1-783. Respondents will not incur any capital, start up, or system maintenance costs associated with this information collection.

14. Provide estimates of the 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), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

Personnel Salaries:	\$ 1,458,803.00
Analysis of incoming information:	\$ 0
Conversion to electronic format:	\$ 0

Total Cost: \$ 1,458,803.00

A total of 19 full-time employees, at an average GS-8 step 5 level, process the 1-786 Credit Card Payment Forms. The 2022 OPM GS Salary Table (for the locality pay area of rest of US) indicates a GS-8 step 5 employee makes \$58,610 per year. As a standard when calculating cost, thirty-one percent is added for benefits. This brings the annual cost per employee to \$76,779.10. Nineteen employees at this rate would total \$1,458,802.90 in salaries.

15. Explain the reasons for any program changes or adjustments.

The figures used to determine the burden statistics were changed in this collection to one year from the previous collection time of three years. This change is to ensure consistency with other CHIPU forms collections.

16. For collections of information whose results will be published, outline plans for tabulations, 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 are no plans to publish the information collected.

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 are requesting no exemption.

18. Explain each exception to the certification statement.

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does/does not contain statistical data.