

SUPPORTING STATEMENT FOR Adverse Information Suitability Request

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.

The Office of Field Operations, Special Operations Division, oversees and manages ATF's Confidential Informant (CI) Program. ATF Special Agents (SAs) and Task Force Officers (TFOs), also identified as CI handlers, utilize CIs to assist in investigating criminal activity. Since the use of a CI is a sensitive matter and requires the association of CI handlers with individuals whose motivations may be suspect or ultimately challenged by courts, this investigative technique is carefully controlled and closely monitored. A CI can be utilized after properly identifying, documenting, and receiving approval from the Special Agent in Charge (SAC) or his/her designee.

The Department of Justice (DOJ), Attorney General's Guidelines Regarding the Use of Confidential Informants or (the Guidelines) subparagraph II., A., 2. Continuing Suitability Review, mandates that each DOJ law enforcement agency shall establish systems to ensure that all available information that might materially alter a prior suitability determination, including, but not limited to, information pertaining to unauthorized illegal activity by the CI, is promptly reported to a manager and then recorded and maintained in the CI's file. Upon receipt of any such information, the manager shall ensure that a new continuing suitability report and recommendation is promptly prepared considering such new information.

When derogatory, disparaging, or potentially disqualifying information is received, ATF policy requires the CI handler gather facts and details regarding the information to discuss with his/her manager. If a preliminary determination is made to retain the CI, the CI handler will use the Adverse Information Suitability Request, ATF F 3252.12, to document such information and request approval to retain the CI. The ATF F 3252.12 is prepared by the CI handler and submitted through his/her chain of command. The final determination for an Adverse Information Suitability Request must be made by the SAC. The determination cannot be made by the SAC's designee. If a preliminary determination is made to discontinue use of the CI (i.e., deactivate or remove for cause), a different official ATF form will be utilized.

The ATF F 3252.12 is used to conduct a continuing suitability review after receipt of information that may materially alter a prior suitability determination. This enables ATF to comply with the Guidelines mandated by DOJ. The Adverse Information Suitability Request will be maintained in the CI's official record.

ATF is authorized by 28 USC 599A, Bureau of Alcohol, Tobacco, Firearms and Explosives and 28 CFR 0.130, General Functions.

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.

The information provided on ATF F 3252.12 will be collected and maintained by ATF's Office of Field Operations. The purpose of the collection is to conduct a continuing suitability review after receipt of information that may materially alter a prior suitability determination. The CI handler must interview the CI (in-person) and conduct indices checks to complete the form. The CI's personally identifiable information previously documented by ATF will be utilized to conduct the indices checks. The results of the indices checks must be attached to the ATF F 3252.12.

In addition to documenting the derogatory, disparaging, or potentially disqualifying information received, the form will capture the CI's activation date, the origin of the information received, and the results of the in-person interview, the form will identify the CI by their ATF CI number. The form will not contain the CI's signature, name, Social Security number (SSN), date of birth, or any other personally identifiable information. Attachments required by the form may contain the CI's personally identifiable information, including, but not limited to the CI's name, date of birth, place of birth, and SSN. ATF F 3252.12 will be used to document derogatory, disparaging, or potentially disqualifying information received regarding a CI and to request continued use of the individual as an ATF CI.

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.

ATF F 3252.12 will be a fillable and accessible form that will be made available to CI handlers on the ATF intra-web. However, the form will be unavailable to the wider public via the ATF website. In preparation to interview the CI in-person, the CI handler will complete portions of the form (e.g., Activation Date, Active (est.) Years and Months, Investigations supported by the CI, etc.). Once the in-person interview is completed, the CI handler will record details of the interview on the form. Details of the interview include but are not limited to: How did the CI respond to the information; Did the CI provide an explanation or specifics; and Did the CI admit to the information presented.

The form will be deemed complete when the CI handler enters the information gathered from the in-person interview, into ATF's Confidential Informant Master Registry and Reporting System (CIMRRS). After completion, the ATF F 3252.12 will be scanned and stored electronically as a .pdf attachment associated with the Adverse Information Suitability Request action in the CI's record within CIMRRS.

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.

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.

The consequences of not conducting this information collection would result in ATF's non-compliance with the Guidelines document. All DOJ law enforcement organizations (except the Federal Bureau of Investigations) must comply with the Guidelines. It is pertinent and mandatory that ATF conduct regular reviews of CIs when information received may materially alter a prior suitability determination.

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.**

There are no special circumstances. The special agent or task force officer serving as the primary handler for the CI must notify the Resident Agent within seven days of any derogatory, or potentially disqualifying information about a CI is received, uncovered or otherwise obtained.

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 February 9, 2023 (88 FR 8458). The comment period ended on April 8, 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.

ATF F 3252.12 will be maintained in the CI's electronic record in CIMRRS. The information contained in the CI record is protected by the Privacy Act of 1974. If CIMRRS is not readily available for any reason, the ATF F 3252.12 will be maintained in a hard copy file. The CI file is maintained in a secure location (i.e., file room) within the ATF field division. Only authorized ATF personnel will have access to the file room, secure cabinet, and CI files. In accordance with the Federal Information Processing Standard 199 Categorization, CIMRRS is identified as a High Value Asset and determined to be a Major Application. Therefore, the information contained in CIMRRS is protected in accordance with Federal standards applicable to a Major Application.

CI information is protected by ATF personnel in accordance with the Guidelines, the Privacy Act of 1974, and ATF's policy. ATF's internal policy, as outlined in ATF O 3252.1B, Use of

Confidential Informants, aligns with the Guidelines and the Privacy Act of 1974, System of Records- Criminal Investigation Report System.

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 form does not contain sensitive questions.

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)
ATF Form 3252.12	300	1	300	20min	100hrs
<i>Unduplicated Totals</i>	<i>300</i>		<i>300</i>		<i>100hrs.</i>

Hourly rate source citation or you may enter a footnote:

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.**

The annual IC cost burden for this collection is \$0.

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.

There is no costs to the federal government.

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

There are no changes associated with this submission as this is a new collection.

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.

The results of this collection will not be published.

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.