

**U. S. OFFICE OF GOVERNMENT ETHICS
SUPPORTING STATEMENT FOR THE OGE FORM 201
REQUEST AN INDIVIDUAL'S ETHICS DOCUMENTS
FEBRUARY 2023**

A. Justification

1.-2. Explain the circumstances that make the collection of information necessary. 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 primary use of the information on this form is to collect information from, and provide certain information to, persons who seek access to OGE Form 278 and 278e Public Financial Disclosure Reports, OGE Form 278-T Periodic Transaction Reports, and other covered records. The form reflects the requirements of the Ethics in Government Act (EIGA), subsequent amendments pursuant to the Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act, and OGE's implementing regulations, which must be met before access can be granted. These requirements include the address of the requester, as well as any other person on whose behalf a record is sought, and acknowledgement that the requester is aware of the prohibited uses of executive branch public disclosure financial reports. See 5 U.S.C. 13107(b) and (c) and 13122 (b)(1) and 5 CFR 2634.603(c) and (f). Under § 402(b)(1) of EIGA, OGE is authorized to establish procedures for providing public access to public financial disclosure reports. See 5 U.S.C. 13122 (b)(1).

OGE, as the supervising ethics office for the executive branch, created the OGE Form 201, originally entitled "Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records," to collect information that meets the statutory requirements for permitting access to public financial disclosure reports as well as other covered records. The name of the form has recently been changed to "Request An Individual's Ethics Documents." Other types of records covered by the same EIGA access procedures are certificates of divestiture, certain publicly available qualified trust documents, section 208 waiver determinations (after removal of any information exempt from disclosure under the Freedom of Information Act), other access requests, OGE-approved gifts reporting waiver request cover letters, and OGE-approved public reporting waiver request cover letters for certain special Government employees. OGE maintains both a PDF version of the form and an electronic application on its website ("Online Form 201").

OGE is submitting a modified OGE Form 201 form package for review and approval of a three-year extension by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (control number 3209-0002).

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.

The OGE Form 201 is available on the OGE website at <http://www.oge.gov>. The form is a viewable and downloadable PDF version of the form that is both fillable and printable, providing a locally reproducible form for use as needed by agencies and the public. In addition, OGE will continue to allow agencies to electronically duplicate the OGE Form 201, provided that the electronic versions precisely duplicate the paper original. OGE utilizes an automated version of the form on its website. The basis for these electronic initiatives is to lessen burden and to facilitate dissemination to and use of the form by agencies and requesters.

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.

Not applicable. The OGE Form 201 is the only executive branch-wide form used as the source of the information needed to process access requests.

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

Not applicable. This collection of information does not impact small businesses 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 the burden.

Not applicable. The information on the form is required by statute and regulation to be collected from persons requesting access to executive branch public financial disclosure reports and other covered records. (See also items 1.-2. above.)

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 3 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 that 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.**

No such special circumstances exist.

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.

OGE sought public comment in its first round *Federal Register* notice of its intent to request PRA approval for a modified form, published on November 1, 2022. *See* 87 FR 66188.¹ The public comment period closed on January 3, 2023. OGE received no responses to that notice.

OGE again sought public comment in a second round *Federal Register* notice published on February 23, 2023. *See* 88 FR 11443. Commenters were directed to send comments directly to OMB.

OGE continually seeks comments from persons outside the agency concerning the impact of its information collection instruments upon filers and agency ethics programs. OGE provides opportunities for comment at ethics conferences and symposia. OGE routinely alerts professionals in the ethics community to recently published OGE *Federal Register* notices via its listserv, various social media applications, and Advisory Memoranda. Visitors to the OGE website are provided the opportunity to contact OGE with comments or suggestions. Any ongoing comments received as a result of these means of availability will be considered by OGE for a future modification.

¹ OGE's first notice did not mention OGE's intention to update the penalty for misuse of a public financial disclosure report. This change was necessary because the penalty was recently increased pursuant to a final rule published on January 15, 2023 making inflationary adjustments to the Ethics in Government Act civil monetary penalties. Moreover, OGE's first notice did not mention the proposed updates to the Ethics in Government Act citations. This change was necessary because on December 27, 2022, Public Law No. 117-286 was enacted, which recodified the Ethics in Government Act in the U.S. Code. OGE also made several additional nonmaterial changes for user experience and readability. All of these additional changes are detailed in the second notice. OMB has generally taken the position that such changes are nonsubstantive and do not require public notice and comment.

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

Not applicable. Respondents receive no payments or gifts.

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

There is no assurance of confidentiality as to the OGE Form 201. Rather, the form itself is publicly available for a period of six years upon a proper request in accordance with the provisions of the EIGA and OGE's implementing regulations as noted in items 1.-2., above.

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.

There are no sensitive questions on the OGE Form 201. All of the information required on the OGE Form 201 is deemed necessary by OGE for purposes of ensuring compliance with the statutory and regulatory requirements for permitting access to the records requested.

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

OGE estimates that an average of approximately 18,996 OGE Form 201 reports will be filed each year for the next three years. This number was calculated based on the actual number of OGE Form 201 requests received by OGE and all other executive branch agencies received last year, as reported to OGE in response to its annual agency ethics program questionnaire.

The estimated average amount of time to complete the form, including review of the instructions, remains at 10 minutes for both the non-automated and automated versions of the form. Because the information is so basic, it should not take any additional time for respondents to gather the information. Thus, the estimated annual public burden for the OGE Form 201 is 3,167 hours (19,000 respondents, rounded up from 18,996, at 10 minutes per response).

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

The private sector cost burden to respondents for the OGE Form 201 is estimated to be "zero." Almost all the total annual cost burden is borne by the Federal Government and the agency ethics officials who review and process the relatively simple and short access forms.

14.-15. Provide an estimate of annualized costs to the Federal Government. Explain the reasons for any program changes or adjustments reported in items 13 or 14.

OGE reported in the previous reporting period that the estimated total annual cost of the OGE Form 201 to the Federal Government was \$1,885,000. OGE arrived at that number by starting with the previously reported cost to the Federal Government (from 2017) and multiplying it based on the increase in volume of forms from 2017 to 2020. However, not all of the costs are scalable in this manner. Rather than continue to base the estimate on the previous cycle's data, this year OGE recalculated the cost to the Federal Government from "scratch" based on the following data: the number of requests filed, the average time required to fill each request, the average pay scales of the individuals filling requests, the cost to OGE to maintain its online application, and the labor cost to OGE involved in making updates to both versions of the form. According to this calculation, the estimated annual cost to the Federal Government for 2023 through 2026 is \$376,014.52 per year.

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

Not applicable.

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.

Not applicable.

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

Certification items (c), (f) and (i) are not applicable to this information collection.

B. Collections of Information Employing Statistical Methods

Not applicable. This collection of information does not employ statistical methods.