

**Supporting Statement for Paperwork Reduction Act Submissions
License for the Use of Personally Identifiable Information Protected Under the
Privacy Act of 1974
(OMB Control # 2528-0297)**

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.**

This ICR submission is a reinstatement of a previously approved collection.

The United States Department of Housing and Urban Development (HUD) collects and maintains personally identifiable information on tenants in public and assisted housing, the confidentiality of which is protected by the Privacy Act of 1974 (5 U.S.C. 552a). On occasion, HUD shares this information with researchers subject to stringent requirements to protect these households from unauthorized disclosure of information. The purpose for sharing is to further policy-relevant research on the effectiveness of HUD programs.

HUD may, under the terms of the Routine Uses published in its various System of Records Notices, share these data with researchers whom HUD has awarded contracts, grants, service agreements, or other agreements. HUD has shared data with contractors and grantees and will continue to share data under service agreements because it has a legal form for effectuating such an agreement. HUD does not limit access to the information to parties that have received specific funding to carry out a study through a grant or contract. Instead, HUD also shares the data with legitimate research organizations that have conceived policy-relevant analyses and that are able and willing to protect the data from unauthorized disclosure. The legal form for the service agreement is herein called a "license."

HUD will continue making the data available for statistical, research, or evaluation purposes to organizations qualified and capable of research and analysis consistent with the statistical, research, or evaluation purposes for which the data were provided or are maintained, but only if the data are used and protected in accordance with the terms and condition stated in the license, upon receipt of such assurance of qualification and capability, and it is agreed by the organization requesting such information and HUD.

All data containing personally identifiable information maintained by HUD that are provided the Licensee and all information derived from that data, and all data resulting from mergers, matches, or other uses of the data provided by HUD with other data are subject to the License and are referred to in this License as subject data.

Subject data under this License may be in the form of CD-ROMs, electronic data, hard copy, etc. The Licensee may only use the subject data in a manner and to purpose consistent with the statistical, research, or evaluation purpose for which the data are maintained. All subject data that

include personally identifiable information are protected under the Privacy Act and may be used only for statistical, research, or evaluation purposes consistent with the purposes for which the data was collected and or is maintained.

This ICR includes four requirements that may result in burden on the public:

- Application for Data License- Interested parties must complete and submit a Data License Application for HUD review and consideration.
- Data License Agreement- Approved applicants will be required to complete a Data License Agreement.
- Affidavit of Nondisclosure- All researchers associated with an approved applicant who will be granted access to data must complete an Affidavit of Nondisclosure.
- Data Destruction Certification Form- At the conclusion of each project, the research institution must attest to the destruction of all personally identifiable information received from HUD under the data license agreement.

The authority to collect information is in Sections 501 and 502 of the Housing and Urban Development Act of 1970 (Public Law 91-609) (12 U.S.C. §§ 1701z-1; 1701z-2(d) and (g)) and Routine Use Inventory (77 FR 17361). The relevant section of HUD's statutory authority is included as part of this ICR.

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 United States Department of Housing and Urban Development (HUD) has collected and maintains personally identifiable information (PII), the confidentiality of which is protected by the Privacy Act of 1974 (5 U.S.C. 552a), which it intends to make available to qualified researchers. The information collected will enable HUD to determine whether a data license permitting access to such PII by legitimate research organizations is in the public interest. HUD has issued numerous data licenses over the years to qualified researchers, and continually refines the documents required to ensure that applicants for a data license are submitting the necessary information to help reviewers assess whether or not a data license should be granted. This ICR includes a revised set of application materials from prior years that better reflects the information HUD requires to make a determination about the suitability of the applicant for a data license. In addition, the reporting requirements were dropped as the reports were not found to add value to the process and served only to add burden to data license holders.

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.

We have maximized the use of email for transmission of documents. Some wet-ink documents must still be physically transmitted.

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.

There is no other source of the required information. Data licenses are issued only for unique research projects, which must be uniquely described. Assurances by research organizations and affidavits by project staff promising not to disclose the PII provided to them must be uniquely subscribed.

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

There is no negative impact on small business or other small entities. In fact, they will benefit from Departmental collected and maintained statistical data that they otherwise would not have access to.

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.

HUD may, under the terms of the Routine Uses published in its various System of Records Notices, share personally identifiable information on tenants in public and assisted housing with researchers whom HUD has awarded contracts, grants, service agreements, or other agreements to further policy-relevant research on the effectiveness of HUD programs. The Data License process described in this Information Collection Request requires awardees to protect the data in accordance with the terms and conditions stated in the license. If this information is not collected, the Department would not be able to operate the license program and would not be able to make these data available for research purposes. The applicant would not be able to conduct the research, and the Department and the public would lose the results of the research.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

The proposed data collection activities are consistent with the guidelines set forth in 5 CFR 1320.6 (Controlling Paperwork Burdens on the Public – General Information Collection Guidelines). There are no special circumstances that would require this information collection to be conducted in a manner that would be inconsistent with OMB guidelines. The following below are “Not Applicable” to this collection:

- requiring respondents to report information to the agency more than quarterly; “Not Applicable”
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; “**Not Applicable**”

- requiring respondents to submit more than an original and two copies of any document; **“Not Applicable”**
- requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years; **“Not Applicable”**
- in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study; **“Not Applicable”**
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB; **“Not Applicable”**
- 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 **“Not Applicable”**
- 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. **“Not Applicable”**

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 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 preclude consultation in a specific situation. These circumstances should be explained.**

On March 12, 2024, a 60-Day Federal Register Notice was published at Volume 89, No. 49, page 17864. No public comments were received. The 60-Day Federal Register Notice is included in this ICR.

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

None

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation or agency policy. If the collection requires a system of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

With respect to the institutions and affiliated researchers applying for the licenses: we make no assurance of confidentiality with respect to the documents submitted in support of any data license, whether the application, the license, the non-disclosure affidavit, or the certificate of data destruction

With respect to the HUD-assisted tenants or other parties whose personal or sensitive information is requested, the licensee undertakes to share that information only with members of the research team, to protect the information from disclosure to others, to store the data on a non-networked computer in a locked room, and to publish research based on the information only after review by HUD to prevent unlawful disclosures.

Any forms in this information collection that do contain person/sensitive information do contain the appropriate Privacy Act Notice in the document and are protected under the Privacy Act and Freedom of Information Act (FOIA) - 5 U.S. Code § 552. HUD assures confidentiality to respondent on other information collected if it would result in competitive harm in accord with the FOIA provision and/or Department's mission.

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.

No questions of a sensitive nature are included in any of the data license materials.

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 covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in chart below; and
- 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 13.

The total annual burden of this ICR is 42.75 hours and has an estimated annual cost of \$1,910.74 . Table 1 details the data collection activities and their anticipated burden.

Table 1: Data Collection Activities and Annualized Burden

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hours per Response	Annual Burden Hours	Hourly Cost per Response	Annual Cost
Application for Data License	15	1	15	1	15	\$47.31	\$709.65
Data License Agreement	15	1	15	1	15	\$57.63	\$864.45
Affidavit of Nondisclosure	45	1	45	0.25	11.25	\$23.41	\$263.36
Data Destruction Certification Form	6	1	6	0.25	1.5	\$48.85	\$73.28
Total Burden Hours	81				42.75		\$1,910.74

Application for Data License. Estimate assumes each applicant spends about one person-hour to complete the *Application for Data License*. Most of this time is invested by a professor or other senior staff person associated with the institution. For purposes of estimating, we use the Postsecondary wage rate for a Political Science Teacher for an average hourly rate of \$47.31¹. Each applicant would incur costs equal to one hour x \$47.31 = \$47.31. Total costs to applicants, assuming 15 applicants, will equal 15 x \$47.31= \$709.65.

Data License Agreement. Each awardee will be required to complete and submit a *Data License Agreement* that outlines the terms and conditions under which the data will be made available to the research institution. Estimate assumes that the agreement will be completed by the institution’s information security officer. For purposes of estimating, we use the Information Security Analyst wage rate at an estimated rate at \$57.63 per hour. We estimate that will take approximately one

¹ Average wage rates for all three labor categories cited were derived from the May 2022 National Occupational Employment and Wage Estimates produced by the U.S. Bureau of Labor Statistics and found here: https://www.bls.gov/oes/current/oes_nat.htm

person-hour to complete the data license agreement. Total costs to awardees, assuming 15 applicants, will equal $15 \times \$57.63 = \864.45 .

Affidavit of Nondisclosure. Each person having access to the data would be required to fill out and notarize an *Affidavit of Nondisclosure* promising not to disclose the data to third parties. It is expected that completing the affidavit will take approximately 15 minutes per person, and it is expected that there will be, on average, three such persons per license. For the purposes of estimating, we use the average wage of the likely respondent, a graduate assistant, categorized as Other Teachers and Instructors, at an estimated \$23.41 per hour. Assuming 15 awardees per year and three respondents per awardee, total annual burden would be 45×0.25 hours (11.25 hours total) at \$23.41/hour for an annual cost of \$263.36.

Data Destruction Certification Form. Finally, at the conclusion of each project, the institution must submit a *Data Destruction Certification Form*, attesting to destruction of all personally identifiable information received from HUD. It is expected that completing the form will take approximately 15 minutes per person, and it is expected that there will be, on average, six projects concluding each year. The average wage of the likely respondent, the Project Director (Project Management Specialist wage rate), is estimated at \$48.85 per hour. Assuming 6 project close-outs per year, total annual burden would be 6×0.25 hours (1.5 hours total) at \$48.85/hour for an annual cost of \$73.28.

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 already reflected on the burden worksheet 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 purchase of services 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.**

There is no additional total annual cost burden to respondents or record-keepers beyond the labor cost of burden-hours described in item 12 above.

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. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The estimated annual cost to the Federal government is \$1,102.05, which is approximately 15 hours of HUD staff time per year. Application review is typically conducted by HUD GS-14 staff at \$73.47 an hour, equivalent to a GS-14 step 4².

The data license application is reviewed by 3 different people to establish:

- 1) Applicant proposes data security provisions consistent with HUD regulations. (20 minutes)
- 2) Applicant presents a plausible policy-relevant scientific hypothesis to be tested. (20 minutes)
- 3) Applicant’s proposal would not unreasonably burden HUD-PD&R resources. (20 minutes)

Table 2: Annualized Cost to the Federal Government

Cost Item	Hours	Hourly Rate	Annual Cost
Applicant proposes data security provisions consistent with HUD regulations.	5	\$73.47	\$367.35
Applicant presents a plausible policy-relevant scientific hypothesis to be tested.	5	\$73.47	\$367.35
Applicant’s proposal would not unreasonably burden HUD-PD&R resources.	5	\$73.47	\$367.35
TOTAL	15		\$1,102.05

15. Explain the reasons for any program changes or adjustments reported in Items 12 and 14 of the Supporting Statement.

This ICR submission is a reinstatement of a previously approved collection. The total burden of this information collection has been reduced since the last submission as the reporting requirements have been eliminated. The information collection now includes only the materials that an applicant must submit to HUD such that HUD can make a determination as to whether or not an applicant should be issued a data license. The prior reporting requirements were dropped as

² https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB_h.aspx

the reports were not found to add value to the process and served only to add burden to data license holders.

- 16. For collection 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.**

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.**

The expiration date for OMB approval will be displayed on all forms completed as part of the data collection.

- 18. Explain each exception to the certification statement identified in item 19.**

This submission describing data collection requests no exceptions to the Certificate for Paperwork Reduction Act (5 CFR 1320.9).

B. Collections of Information Employing Statistical Methods

No statistical methods will be used to study applicants for this license.