

Supporting Statement for Paperwork Reduction Act Submissions
**EXTENSION, WITHOUT CHANGE, OF A CURRENTLY APPROVED COLLECTION
FBI eFOIA FORM**

OMB Control # 1110-0053

Part A. Justification

1. Necessity of Information:

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 Freedom of Information Act (FOIA), Title 5 United States Code (USC), §552 allows the public to seek information about an event, an organization, company or group or another person either living or deceased. The FOIA provides a statutory right of access to federal agency records within the Executive branch, which includes the FBI. The basic purpose is to ensure an informed citizenry and provide a check against corruption by holding the Government accountable. The U.S. Supreme Court has emphasized that FOIA applies to official information that sheds light on an agency's performance of statutory duties. Subsection (a) of the FOIA discuss "public access" and requires that agencies to make information publicly available. The collection of information on this form is necessary to conduct an accurate and timely search FOI/PA request.

2. Needs and Uses:

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.

Freedom of Information Act (FOIA), Title 5 USC, §552, subsection (a)(3) details what makes a proper FOIA request. A proper request must include: 1) a reasonable description of the record and 2) is made in accordance with published agency rules stating time, place, fees (if any) and procedures to be followed. The eFOIA form is utilized to collect this necessary information to process a FOIA request for information relating to requested subject (businesses, investigations, deceased individuals, events, incidents, groups etc.). Affected public who will respond are FOIA requesters. This includes any person: general public, educational institutions, commercial requesters etc. except fugitive from justice, foreign intelligence agencies.

3. Use of Technology:

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.

This form will allow requesters the ability to electronically submit a FOIA request. Upon receipt of a request the FBI will upload the request into the FOIPA Document Processing System (FDPS).

4. Efforts to Identify Duplication:

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.

The FBI searches only FBI records in response to FOIPA requests. If information is found to be generated with another executive federal agency, the information is referred to that agency. Therefore, duplication should not occur.

5. Methods to Minimize Burden on Small Businesses:

If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Small businesses will not be affected by this collection.

6. Consequences of Less Frequent Collection:

Describe the consequence to the 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.

If the respondent/requester wishes to make an electronic request, they must fill out the eFOIA form. The eFOIA form is necessary for every electronic FOIA request. This will ensure accurate and timely processing. The form is utilized to collect information on requester (for purposes of response to request) and subject(s) of the FOIA request. This information will ensure accurate search, retrieval, and release of records to the requester. Failure to collect information on the form would result in the inability to respond to the request.

7. Special Circumstances Influencing Collection:

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines: (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) 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; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in statute of 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; (h) 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.

Under the direction the Freedom of Information and Privacy Acts (Title 5, United States Code 552 and 552a,) the Record Information Dissemination Section (RIDS) effectively plans, develops, directs, and manages responses to requests for access to FBI records and information. The requests and disclosure comply with the Freedom of Information and Privacy Acts (Title 5, United States Code, Sections 552 and 552a) and the Freedom of Information Act Executive Order 13392, as well as the Classified National Security Information Executive Order 13526, other Presidential, Attorney General, and FBI policies, procedures, and mandates; judicial decisions; and Congressional directives. These circumstances will all be considered when handling eFOIA requests.

8. Public Comments and Consultations:

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 FBI website, <www.fbi.gov> provides thorough information relating to the regulations and the process for which an individual may obtain their own identification record. Additionally, the 30 and 60-day Notices of Information Collection was published in the Federal Register and no comments were received.

9. Payment of Gift to Claimants:

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

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

10. Assurance of Confidentiality:

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

Individuals who submit FOIA requests to the FBI do so with the understanding that their identity as a FOIA requester may become a matter of public record because an agency's FOIA activities, including the identity of entities making access requests, are subject to release pursuant to the FOIA.

11. Justification for Sensitive Questions:

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.

This collection does request each respondent/requester voluntarily provide sensitive information relating to themselves and/or subjects of the FOIA request. Failure to provide the requested information may affect the completion of the request. RIDS seeks to provide accurate and timely information to FOIA respondents/ requesters and must have certain information to ensure only the requested information is handled and disseminated properly under Title 5, United States Code, Sections 552 and 552a and the Freedom of Information Act Executive Order 13392, as well as the Classified National Security Information Executive Order 13526, other Presidential, Attorney General, and FBI policies, procedures, and mandates; judicial decisions; and Congressional directives. Additionally, Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

12. Estimate of Hour Burden:

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 for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- 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.

Number of respondents	1,053
Frequency of response	as needed
Total annual responses	1053
Minutes per response:	8
Annual hour burden	137

13. Estimate of Cost Burden:

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

Respondents/requesters will not be charged at the time of the submission. Respondents/requesters will be requested to verify an amount that they agree to pay if fees are chargeable for processed information. Simply, by submitting the eFOIA form a respondent/requester is agreeing to pay up to \$25, but is advised that the cost could exceed this amount. Charges will not be charged if the requester qualifies for a fee waiver. Additionally, respondents/requesters will not incur any capital, start up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government:

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 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.

The cost to analyze and catalog the electronic request is approximately \$1,000.00
 Total Cost: \$1,000.00

15. Reasons for Change in Burden:

With FOIA requesters increasingly wishing to have their requests processed electronically, RIDS needs to implement and maintain a system to allow for this process. RIDS will see increased speed of opening requests, greater accountability and reduced administrative time it takes to process FOIA requests.

16. Plans for Publication:

For collections 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.

There are no plans to publish the information collected.

17. Expiration Date Approval:

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

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:

Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

No exceptions identified.

If no exceptions are required, state the following:

There are no exceptions to the certification statement.