

**Supporting Statement for Paperwork Reduction Act Submissions
HUD FOIAXpress (FMS2) Tracking System FOIA Portal
(OMB# 2501-xxxx)**

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 Freedom of Information Act (FOIA) established a statutory right of public access to federal agency records within the Executive Branch in the federal government. The FOIA provides that any person has a right, enforceable in court, to obtain access to federal agency records subject to the Act, except to the extent that any portions of such records are protected from public disclosure by one of nine exemptions listed in 5 U.S.C. § 552(b) and 24 C.F.R. § 15.107(b) which protect interests such as personal privacy, national security, and law enforcement.

The mission of the HUD FOIA Program is to comply with the FOIA statute (5 U.S.C. § 552) and HUD's FOIA regulations (24 C.F.R. pt. 15) requirements to disclose any information requested under the FOIA unless it falls under one of the nine FOIA exemptions.

With the current collection process, the Department has used this information to provide appropriate responses specific to the inquiries. In addition, we have been able to create specific template responses for like inquiries to ensure a rapid response.

- 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.**

In accordance with the FOIA requirements respondents have the ability to submit their electronic requests through the Public Access Link. HUD accepts electronic submissions from respondents through the Public Access Link, which would reduce the burden on the public.

HUD has a decentralized approach to FOIA processing, with each of the HUD field offices and HUD FOIA Office in Headquarters processing requests for their own records as the FOIA Requester Service Center and establishing their own FOIA Public Liaison to address any FOIA concerns and questions. The HUD FOIA Office establishes overall policy, procedure, and provides oversight and training to the Headquarters and field offices, ensuring its processes comply with the FOIA's requirements and HUD regulations.

- 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 requesters can submit their FOIA requests electronically using FMS2 tracking system. Requesters may also submit their requests FOIA@hud.gov email box and mail.

- 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.**

HUD is not duplicating this information.

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

The information collected does not have sufficient impact on 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 burden.**

If information is not collected we cannot respond to FOIA request.

- 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 than quarterly; **N/A**
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; **N/A**
- requiring respondents to submit more than an original and two copies of any document; **N/A**
- requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years; **N/A**
- 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; **N/A**
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB; **N/A**

- 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; **N/A** 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. **N/A**

8. If applicable, provide a copy and identify the date and page number of publications 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.

In accordance with 5 CFR 1320.8(d), this information collection soliciting public comments was announced in the Federal Register on, May 8, 2024, Volume, 89, Pages 38913-38912. No Comment(s) were received.

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

HUD does not provide payments or gifts to respondents in exchange for a benefit sought.

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.

A SORN is in the process of being reviewed by the Privacy Act Office and PIA will be worked on. HUD secures and protects the electronic transfer of sensitive information by means of FOIAXpress System, using firewall protection, encryptions, and restricted access security.

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 questions of sensitive nature.

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.

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost Per Response	Annual Cost
Public Access Link	11,510	1	11,510	.33	3,798.30	\$29.76	\$113,037.41
TOTAL	11,510						\$113,037.41

*Estimated cost for respondents is calculated from the May 2022 Department of Labor Statistics report on Employee Costs for all occupations the average per hour is \$29.76.

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.

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.

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost Per Response	Annual Cost
Public Access Link	11,510	1	11,510	.33	3,798.30	\$67.02	\$254,562.67
TOTAL	11,510						\$254,562.67

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

Not Applicable; New collection.

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.

Not applicable.

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

Not applicable.

B. Collections of Information Employing Statistical Methods