

SUPPORTING STATEMENT - PART A

Request for Individual Access to Records Protected Under the Privacy Act; Consent for Disclosure of Records Protected Under the Privacy Act — 0704-CASES

1. Need for the Information Collection

The Creating Advanced Streamlined Electronic Services for Constituents Act of 2019 (Public Law 116-50), also known as the CASES Act, was enacted to modernize and simplify the process by which individuals can request access to and consent to the disclosure of their personal records held by Federal agencies. Under the Privacy Act of 1974 (5 U.S.C. 552a), individuals have the right to access their records and control the disclosure of their personal information. However, the traditional process of obtaining written consent was often cumbersome, requiring physical signatures and manual transmission of forms. This not only delayed the resolution of inquiries but also created variability in how different Components within DoD handled these requests. The CASES Act mandates the use of electronic access and consent forms, which can be submitted digitally. By allowing digital submissions, the Act aims to streamline the process, reduce delays, and enhance the efficiency of government services.

This information collection facilitated by DD Form 3213, “Request for Individual Access to Records Protected Under the Privacy Act,” and DD Form 3214, “Consent for Disclosure of Records Protected Under the Privacy Act,” is crucial for ensuring compliance with the CASES Act. DD Form 3213 is essential for processing, facilitating, and managing requests from individuals seeking access to their records protected under the Privacy Act. Concurrently, DD Form 3214 is used to obtain consent and verify the identity of individuals requesting access, ensuring that personal data remains secure and accessible only to authorized persons.

By implementing this information collection, the Department of Defense (DoD) ensures systematic handling of records requests, proper verification of identity and consent, thus aligning with principles of transparency and accountability.

2. Use of the Information

The information collected through DD Forms 3213 and 3214 is essential for current and former DoD employees who are seeking access to and consent to the release of their records under the Privacy Act. This collection is conducted electronically to ensure compliance with the CASES Act. Respondents can access and download these forms on the official DoD Forms webpage (<https://www.esd.whs.mil/Directives/forms/>) or the Privacy and Civil Liberties Directorate webpage (<https://dpcl.d.defense.gov/>). There are two distinct approaches to requesting records—one for current DoD employees and another for former DoD employees. Each process follows a slightly different path tailored to their specific status.

Current DoD Employees:

Once respondents download the forms, they must complete them with accurate information, and to ensure the highest level of security and legal standing, sign the documents electronically using a qualified electronic signature. This type of signature employs advanced cryptographic techniques to authenticate the signer's identity and maintain the integrity of the signed document. Ink signatures are not permitted and will invalidate the request.

Respondents then access the DoD SAFE website (<https://safe.apps.mil>), log in using their Common Access Card (CAC Card), and create a “Drop-Off” to upload the completed forms and supporting documentation. Respondents will also encrypt the files using DoD Safe tools like S/MIME or PGP to ensure the protection of sensitive information. After uploading, respondents will send the “Drop-Off,” and the recipient will receive an automated email with instructions to download the files.

Respondents will then follow up with the recipient to confirm receipt and obtain a processing timeline. This comprehensive electronic submission process ensures the secure and efficient handling of sensitive information, allowing current and former DoD employees to access and manage their records under the Privacy Act effectively.

By following these detailed steps, the collection of information via DD Forms 3213 and 3214 adheres to requirements under the CASES Act, ensuring robust data protection and streamlined accessibility for individuals seeking access to their personal records.

Former DoD Employees:

Once respondents download the forms, they must complete them with accurate information, and to ensure the highest level of security and legal standing, sign the documents electronically using a qualified electronic signature. This type of signature employs advanced cryptographic techniques to authenticate the signer's identity and maintain the integrity of the signed document. Ink signatures are not permitted and will invalidate the request.

Respondents will contact their former Component Privacy and Civil Liberties Office (PCLO) via the dropdown tool provided on the CASES Act subsite on the Privacy and Civil Liberties Directorate webpage (<https://dpcl.d.defense.gov/>). The PCLO will then provide the respondent with a request link and code to access the DoD SAFE website (<https://safe.apps.mil>) and create a “Drop-Off” to upload the completed forms and supporting documentation. Respondents will then encrypt the files using DoD Safe tools like S/MIME or PGP to ensure the protection of sensitive information. After uploading, respondents will send the “Drop-Off,” and the recipient will receive an automated email with instructions to download the files.

Respondents will then follow up with the recipient to confirm receipt and obtain a processing timeline. This comprehensive electronic submission process ensures the secure

and efficient handling of sensitive information, allowing current and former DoD employees to access and manage their records under the Privacy Act effectively.

By following these detailed steps, the collection of information via DD Forms 3213 and 3214 adheres to requirements under the CASES Act, ensuring robust data protection and streamlined accessibility for individuals seeking access to their personal records.

3. Use of Information Technology

The process for accessing and consenting to the release of records using DD Forms 3213 and 3214 is 100% electronic. The forms are available for download on the DoD Privacy and Civil Liberties webpage (<https://dpcl.d.defense.gov/>). Individuals and Component PCLOs will utilize the DoD SAFE application (<https://safe.apps.mil/>) to securely encrypt files during transmission, ensuring the safe sending and receiving of Personally Identifiable Information (PII).

4. Non-duplication

The information collected on DD Forms 3213 and 3214 is not otherwise available to the Department and is necessary to process requests for access to records protected under the Privacy Act.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

On occasion, when the subject of the record interacts with their respective Member of Congress by requesting access to and consenting to the disclosure of their records.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Tuesday, September 17, 2024. The 60-Day FRN citation is 89 FRN 76097.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Monday, December 30, 2024. The 30-Day FRN citation is 89 FRN 106452.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the Federal Register was conducted for this submission.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

A Privacy Act Statement is required and has been incorporated into page 1 of DD Forms 3213 and 3214.

A SORN is required for this collection. DoD-0008 SORN can be accessed through the DoD Privacy and Civil Liberties website at <https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-Wide-Notices/DOD-Wide-Article-List/> or via the Federal Register website at <https://www.federalregister.gov/documents/2021/12/22/2021-27710/privacy-act-of-1974-system-of-records>.

The information collection is governed by the DoD SAFE (https://www.disa.mil/-/media/Files/DISA/About/Legal/PIA/PIA_DoDSAFE-signed_section1_25Aug2023v1.pdf) and FOIAXPRESS (<https://www.esd.whs.mil/Portals/54/WHS%20FOIAXPRESS%20PIA.pdf>) Privacy Impact Assessments (PIA).

Records stored in DoD SAFE are considered intermediary records. These temporary records are either destroyed after the final or complete record is created or updated, or when they are no longer required for business use, whichever comes later. Final and complete records are retained and disposed of in accordance with NARA's General Records Schedule 4.2, Information Access and Protection Records. These records are destroyed six years after final agency action (initial response or appeal) or three years after final adjudication by the courts if applicable, whichever is later.

11. Sensitive Questions

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

1) Collection Instrument(s)

DD Form 3213, Request for Individual Access to Records Protected Under the Privacy Act:

- a) Number of Respondents: 15,000
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 15,000
- d) Response Time: 45 Minutes (0.75 hours)
- e) Respondent Burden Hours: 11,250 hours

DD Form 3214, Consent for Disclosure of Records Protected Under the Privacy Act:

- a) Number of Respondents: 15,000
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 15,000
- d) Response Time: 45 Minutes (0.75 hours)
- e) Respondent Burden Hours: 11,250 hours

2) Total Submission Burden (Summation or average based on collection)

- a) Total Number of Respondents: 30,000
- b) Total Number of Annual Responses: 30,000
- c) Total Respondent Burden Hours: 22,500 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instrument(s)

DD Form 3213, Request for Individual Access to Records Protected Under the Privacy Act:

- a) Number of Total Annual Responses: 15,000
- b) Response Time: 45 Minutes (0.75 hours)
- c) Respondent Hourly Wage: \$30.50
- d) Labor Burden per Response: \$22.8
- e) Total Labor Burden: \$343,125

DD Form 3214, Consent for Disclosure of Records Protected Under the Privacy Act:

- a) Number of Total Annual Responses: 15,000
- b) Response Time: 45 Minutes (0.75 hours)
- c) Respondent Hourly Wage: \$30.50
- d) Labor Burden per Response: \$22.8
- e) Total Labor Burden: \$343,125

2) Overall Labor Burden

- a) Total Number of Annual Responses: 30,000
- b) Total Labor Burden: \$686,250

The Respondent hourly wage was determined by using the Bureau of Labor Statistics Wage Estimate Website, https://www.bls.gov/oes/current/oes_nat.htm, median hourly wage of First-Line Supervisors of Office and Administrative Support Workers (43-1011).

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

1) Collection Instrument(s)

DD Form 3213, Request for Individual Access to Records Protected Under the Privacy Act:

- a) Number of Total Annual Responses: 15,000
- b) Processing Time per Response: 3 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$24.60
- d) Cost to Process Each Response: \$73.80
- e) Total Cost to Process Responses: \$1,707.000

DD Form 3214, Consent for Disclosure of Records Protected Under the Privacy Act:

- a) Number of Total Annual Responses: 15,000
- b) Processing Time per Response: 3 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$24.60
- d) Cost to Process Each Response: \$73.80
- e) Total Cost to Process Responses: \$1,707.000

2) Overall Labor Burden to the Federal Government

- a) Total Number of Annual Responses: 30,000
- b) Total Labor Burden: \$3,414,000

Part B: OPERATIONAL AND MAINTENANCE COSTS

1) Cost Categories

- a) Equipment: \$0
- b) Printing: \$0
- c) Postage: \$0
- d) Software Purchases: \$0
- e) Licensing Costs: \$0
- f) Other: \$0

2) Total Operational and Maintenance Cost: \$0

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

1) Total Labor Cost to the Federal Government: \$3,414,000

2) Total Operational and Maintenance Costs: \$0

3) Total Cost to the Federal Government: \$3,414,000

15. Reasons for Change in Burden

This is a new collection with a new associated burden.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.