

**SUPPORTING STATEMENT
U.S. DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION
APPLICATIONS FOR INCLUSION ON THE LISTS OF ARBITRATORS UNDER THE
DATA PRIVACY FRAMEWORK PROGRAM
OMB CONTROL NO. 0625-0281**

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 purpose of this request of Paperwork Reduction Act (PRA) clearance is to allow the Department of Commerce (DOC), as represented by the International Trade Administration (ITA), to collect information from individuals applying for inclusion on the list of arbitrators as specified in Annex I of the EU-U.S. Data Privacy Framework (EU-U.S. DPF) Principles or the supplemental list of arbitrators as specified in Annex I of the Swiss-U.S. Data Privacy Framework (Swiss-U.S. DPF) Principles. The arbitral mechanism outlined in Annex I of the EU-U.S. DPF Principles is a critical component of the EU-U.S. DPF and the UK Extension to the EU-U.S. Data Privacy Framework (UK Extension to the EU-U.S. DPF), as well as the Swiss-U.S. DPF. The arbitral mechanism outlined in Annex I of the Swiss-U.S. DPF Principles is a critical component of the Swiss-U.S. DPF. The ability to collect information from individuals applying for inclusion on these lists of arbitrators (EU-U.S. DPF List of Arbitrators and Swiss-U.S. DPF Supplemental List of Arbitrators) is a necessary step to maintain the binding arbitration option under the Data Privacy Framework program. The DOC previously requested and obtained standard approval of this information collection (OMB Control No. 0625-0281), which expires on July 31, 2026. The DOC currently requests standard renewal of this information collection, which concerns a critical component of the EU-U.S. DPF, the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. DPF and thus a critical component of the Data Privacy Framework program.

The United States, the European Union (EU), the United Kingdom (UK), and Switzerland share a commitment to enhancing privacy protection, the rule of law, and a recognition of the importance of transatlantic data flows to our respective citizens, economies, and societies, but take different approaches to doing so. Given those differences, the DOC developed the EU-U.S. DPF, the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. DPF in consultation with the European Commission, the UK Government, the Swiss Federal Administration, industry, and other stakeholders. These arrangements were respectively developed to provide U.S. organizations reliable mechanisms for personal data transfers to the United States from the European Union, the United Kingdom (and, as applicable, Gibraltar), and Switzerland while ensuring data protection that is consistent with EU, UK, and Swiss law.

The DOC issued the EU-U.S. DPF Principles and the Swiss-U.S. DPF Principles, including the respective sets of Supplemental Principles (collectively the Principles) and Annex I of the Principles, as well as the UK Extension to the EU-U.S. DPF under its statutory authority to foster, promote, and develop international commerce (15 U.S.C. § 1512). ITA administers and

supervises the Data Privacy Framework program, including by maintaining and making publicly available the Data Privacy Framework List, an authoritative list of U.S. organizations that have self-certified to the DOC and declared their commitment to adhere to the Principles pursuant to the EU-U.S. DPF and, as applicable, the UK Extension to the EU-U.S. DPF, and/or the Swiss-U.S. DPF. Such organizations must respond promptly to inquiries and requests from ITA for information relating to their adherence to the Principles. On the basis of the Principles, Executive Order 14086, 28 CFR part 201, and accompanying letters and materials, including ITA’s commitments regarding the administration and supervision of the Data Privacy Framework program, the European Commission, the UK Government, and the Swiss Federal Administration have respectively recognized the adequacy of the protection provided by the EU-U.S. DPF, the UK Extension to the EU-U.S. DPF¹, and the Swiss-U.S. DPF thereby enabling personal data transfers from each respective jurisdiction to U.S. organizations participating in the relevant part of the Data Privacy Framework program.

Organizations participating in the EU-U.S. DPF may receive personal data from the European Union / European Economic Area in reliance on the EU-U.S. DPF effective July 10, 2023. July 10, 2023, is the date of entry into force of the European Commission’s adequacy decision for the EU-U.S. DPF and the effective date of the EU-U.S. DPF Principles, including the Supplemental Principles and Annex I of the Principles. The adequacy decision enables the transfer of EU personal data to participating organizations consistent with EU law.

Organizations participating in the UK Extension to the EU-U.S. DPF may receive personal data from the United Kingdom and Gibraltar in reliance on the UK Extension to the EU-U.S. DPF effective October 12, 2023, which is the date of entry into force of the adequacy regulations implementing the data bridge for the UK Extension to the EU-U.S. DPF. The data bridge for the UK Extension to the EU-U.S. DPF enables the transfer of UK and Gibraltar personal data to participating organizations consistent with UK law.

Organizations participating in the Swiss-U.S. DPF may receive personal data from Switzerland in reliance on the Swiss-U.S. DPF effective September 15, 2024, which is the date of entry into force of Switzerland’s recognition of adequacy for the Swiss-U.S. DPF. While July 17, 2023 was the effective date of the Swiss-U.S. DPF Principles, including the Supplemental Principles and Annex I of the Principles personal data could not have been received from Switzerland in reliance on the Swiss-U.S. DPF until the date of entry into force of Switzerland’s recognition of adequacy for the Swiss-U.S. DPF. The recognition of adequacy enables the transfer of Swiss personal data to participating organizations consistent with Swiss law.

The DOC previously requested and obtained approval of analogous information collections that allowed the DOC, as represented by ITA, to collect information from applicants for inclusion on the EU-U.S. Privacy Shield List of Arbitrators (OMB Control No. 0625-0277) and from applicants for inclusion on the Swiss-U.S. Privacy Shield List of Arbitrators (OMB Control No. 0625-0278). Pursuant to the EU-U.S. DPF, the EU-U.S. Privacy Shield Framework Principles were amended as the “EU-U.S. Data Privacy Framework Principles”; and pursuant to the Swiss-U.S. DPF, the Swiss-U.S. Privacy Shield Framework Principles will be amended as the “Swiss-

¹ Under the UK Extension to the EU-U.S. DPF the safeguards, protections, and administration and supervision of the EU-U.S. DPF will extend to personal data transfers from the United Kingdom and, as applicable, Gibraltar to U.S. organizations that elect to participate in the UK Extension to the EU-U.S. DPF. Such safeguards, protections, and administration and supervision, including relevant enforcement will apply to those personal data transfers from the United Kingdom and, as applicable, Gibraltar in a manner that is consistent with their application to personal data transfers from the European Union to U.S. organizations that participate in the EU-U.S. DPF.

U.S. Data Privacy Framework Principles”. Organizations that self-certified their commitment to comply with the EU-U.S. Privacy Shield Framework Principles and/or the Swiss-U.S. Privacy Shield Framework Principles that wish to enjoy the benefits of participating in the EU-U.S. DPF and/or the Swiss-U.S. DPF (as applicable) must comply with the amended Principles.

More information on the binding arbitration option under the Data Privacy Framework program will be available on the DOC’s Data Privacy Framework program website (<https://www.dataprivacyframework.gov/>).

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.

As respectively described in Annex I of the EU-U.S. DPF Principles, the UK Extension to the EU-U.S. DPF, and Annex I of the Swiss-U.S. DPF Principles, the DOC commits separately with the European Commission, the UK Government, and the Swiss Federal Administration to implement an arbitration mechanism to provide EU, UK, and Swiss individuals with the ability under certain circumstances to invoke binding arbitration to determine, for residual claims, whether an organization has violated its obligations under the Principles as to those individuals. Organizations that self-certify their compliance pursuant to the EU-U.S. DPF, including those that elect to participate in the UK Extension to the EU-U.S. DPF are obligated to arbitrate claims and follow the terms as set forth in Annex I of the EU-U.S. DPF Principles, provided that an EU or UK (as applicable) individual has invoked binding arbitration by delivering notice to the organization at issue and following the procedures and subject to the conditions set forth in Annex I of the EU-U.S. DPF Principles. Organizations that self-certify their compliance pursuant to the Swiss-U.S. DPF are obligated to arbitrate claims and follow the terms as set forth in Annex I of the Swiss-U.S. DPF Principles, provided that a Swiss individual has invoked binding arbitration by delivering notice to the organization at issue and following the procedures and subject to the conditions set forth in Annex I of the Swiss-U.S. DPF Principles. An individual’s decision to invoke this binding arbitration option is entirely voluntary. Arbitral decisions will be binding on all parties to the arbitration. Under this binding arbitration option, a panel (consisting of one or three arbitrators, as agreed by the parties) has the authority to impose individual-specific, non-monetary equitable relief (such as access, correction, deletion, or return of the individual’s data in question) necessary to remedy the violation of the Principles only with respect to the individual. No damages, costs, fees, or other remedies are available. The parties will select the arbitrators from the list(s) of arbitrators described below.

Pursuant to the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF, the DOC and the European Commission has developed and will seek to maintain a list of at least 10 arbitrators. The parties, including the EU or UK individual who has invoked binding arbitration, will select arbitrators for the arbitration panel from that list of arbitrators developed under the EU-U.S. DPF (EU-U.S. DPF List of Arbitrators). To be eligible for inclusion on the EU-U.S. DPF List of Arbitrators, applicants must be admitted to practice law in the United States and be experts in U.S. privacy law, with expertise in EU data protection law; and shall not be subject to any instructions from, or be affiliated with, either party, or any participating organization, or the United States, European Union, or any EU Member State or any other governmental authority, public authority, or enforcement authority. Arbitrators will remain on the EU-U.S. DPF List of Arbitrators for a period of 3 years, absent exceptional circumstances or removal for cause, renewable by the DOC, with prior notification to the European Commission for additional 3-year

terms.

Pursuant to the Swiss-U.S. DPF the DOC and the Swiss Federal Administration has developed and will seek to maintain a list of up to five arbitrators to supplement the list of arbitrators developed under the EU-U.S. DPF. The parties, including the Swiss individual who has invoked binding arbitration, will select arbitrators for the arbitration panel from the list of arbitrators developed under the EU-U.S. DPF (EU-U.S. DPF List of Arbitrators), as supplemented by the list of arbitrators developed under the Swiss-U.S. DPF (Swiss-U.S. DPF Supplemental List of Arbitrators). To be eligible for inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators, applicants must be admitted to practice law in the United States and be experts in U.S. privacy law, with expertise in European or Swiss data protection law; and shall not be subject to any instructions from, or be affiliated with, either party, or any participating organization, or the United States, Switzerland, European Union, or any EU Member State or any other governmental authority, public authority, or enforcement authority. Arbitrators will remain on the Swiss-U.S. DPF Supplemental List of Arbitrators for a period of 3 years, absent exceptional circumstances or removal for cause, renewable by the DOC, with prior notification to the Swiss Federal Administration for additional 3-year terms.

To be considered for inclusion on the EU-U.S. DPF List of Arbitrators or the Swiss-U.S. DPF Supplemental List of Arbitrators, eligible individuals will be respectively evaluated by the DOC and the European Commission and the DOC and the Swiss Federal Administration on the basis of independence, integrity, and expertise:

Independence:

— Freedom from bias and prejudice.

Integrity:

— Held in the highest regard by peers for integrity, fairness, and good judgment.

— Demonstrates high ethical standards and commitment necessary to be an arbitrator.

Expertise:

— Required expertise:

— Admission to practice law in the United States.

— Level of demonstrated expertise in U.S. privacy law and EU and/or Swiss data protection law (as applicable).

— Other expertise that may be considered includes any of the following:

— Relevant educational degrees and professional licenses.

— Relevant professional or academic experience or legal practice.

— Relevant training or experience in arbitration or other forms of dispute resolution.

The DOC has agreed with the European Commission to the adoption of arbitration rules that govern arbitration proceedings and a code of conduct for arbitrators under the EU-U.S. DPF (and similarly agreed with the UK Government as relates to arbitration proceedings under the UK Extension to the EU-U.S. DPF), and the Swiss Federal Administration to the adoption of arbitration rules that govern arbitration proceedings and a code of conduct for arbitrators under the Swiss-U.S. DPF. In the event that the rules governing the proceedings and/or the code of conduct for arbitrators need to be changed, the DOC and the European Commission and the Swiss Federal Administration will agree to amend those rules or adopt a different set of existing, well-established U.S. arbitral procedures, and/or amend the code of conduct for arbitrators (as applicable).

The DOC has selected the International Centre for Dispute Resolution (ICDR), the international

division of the American Arbitration Association (AAA) (collectively ICDR-AAA) to administer arbitrations pursuant to and manage the arbitral fund identified in Annex I of the EU-U.S. DPF Principles, including as relates to the UK Extension to the EU-U.S. DPF, and Annex I of the Swiss-U.S. DPF Principles. Among other things, the ICDR-AAA facilitates arbitrator fee arrangements, including the collection and timely payment of arbitrator fees and other expenses. The DOC and the European Commission (and the UK Government, as appropriate, with regard to the UK Extension to the EU-U.S. DPF) agreed to the adoption of a set of arbitration rules to govern binding arbitration proceedings described in Annex I of the EU-U.S. DPF Principles, as well as a code of conduct for arbitrators that is consistent with generally accepted ethical standards for commercial arbitrators and Annex I of the Principles. The DOC and the Swiss Federal Administration agreed to the adoption of a set of arbitration rules to govern binding arbitration proceedings described in Annex I of the Swiss-U.S. DPF Principles, as well as a code of conduct for arbitrators that is consistent with generally accepted ethical standards for commercial arbitrators and Annex I of the Principles..

Applications:

Applications must be typewritten, electronically submitted, and headed “Application for Inclusion on the EU-U.S. DPF List of Arbitrators” or “Application for Inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators” (as applicable). Applications must include the following information, and each section of the application should be labeled and numbered as indicated below:

- Applicant’s name.
- Applicant’s mailing address, telephone number, and e-mail address.

1. Independence

- Description of the applicant’s affiliations with any organization that has self-certified under the EU-U.S. DPF or the Swiss-U.S. DPF, or the United States, European Union, any EU Member State, Switzerland, or any other governmental authority, public authority, or enforcement authority.

2. Integrity

- The respective names, job titles (as applicable), mailing addresses, telephone numbers, and e-mail addresses of three individuals willing to provide information concerning the applicant’s qualifications for service, including the applicant’s character, reputation, reliability, and judgment.
- Description of the applicant’s willingness and ability to make time commitments necessary to be an arbitrator.

3. Expertise

- Demonstration of admittance to practice law in the United States.
- Relevant academic degrees and professional training and licensing.
- Current employment, including job title and description of responsibility, as well as name and mailing address of employer, and name, job title, telephone number, and e-mail address of supervisor or other reference.
- Employment history, including the dates and mailing addresses of each prior position and a summary of responsibilities.
- Description of expertise in U.S. privacy law and EU and/or Swiss data protection law (as applicable), and, as appropriate, any other European data protection law.

— Description of training or experience in arbitration or other forms of dispute resolution, if applicable.

— A list of publications, testimony, and speeches, if any, concerning U.S. privacy law and EU and/or Swiss data protection law (as applicable).

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.

Individuals interested in being considered for inclusion on the EU-U.S. DPF List of Arbitrators or the Swiss-U.S. DPF Supplemental List of Arbitrators would submit their applications to the DOC online via e-mail at dpf.program@trade.gov. Such applications must be typewritten and headed “Application for Inclusion on the EU-U.S. DPF List of Arbitrators” or “Application for Inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators” (as applicable). Additional communication, if any, between the DOC and such individuals concerning their applications for inclusion, and, as appropriate, their actual inclusion on either of those lists would primarily be via e-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 Question 2.

There is no duplication. This collection of information is unique and directly related to implementing the arbitration mechanism described in Annex I of the EU-U.S. DPF Principles and the UK Extension to the EU-U.S. DPF, and the arbitration mechanism described in Annex I of the Swiss-U.S. DPF Principles. Individuals interested in being considered for inclusion on the EU-U.S. DPF List of Arbitrators or the Swiss-U.S. DPF Supplemental List of Arbitrators must apply and demonstrate that they meet the specific requirements set forth in Annex I of the EU-U.S. DPF Principles or Annex I of the Swiss-U.S. DPF Principles (as applicable).

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

The collection of information is directed at eligible individuals and does not involve small businesses or other small entities. To be eligible for inclusion on the list, applicants must be admitted to practice law in the U.S. and be experts in U.S. privacy law and EU data protection law or Swiss data protection law (as applicable). Applicants shall not be subject to any instructions from, or be affiliated with, either party, any organization that has self-certified under the EU-U.S. DPF or the Swiss-U.S. DPF, or the United States, European Union, any EU Member State, Switzerland, or any other governmental authority, public authority, or enforcement authority.

6. 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.

Preventing or limiting the collection of information associated with applications for inclusion on the lists of arbitrators under the Data Privacy Framework program would prevent the U.S. Government from implementing the EU-U.S. DPF, the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. DPF. As a result, the flow of personal data from the European Union, the United Kingdom (and, as applicable, Gibraltar), and Switzerland to the United States could be disrupted, negatively impacting trade and investment.

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;**
 - The DOC does not anticipate requiring respondents to report information to the DOC more often than quarterly. Under the EU-U.S. DPF the DOC and the European Commission has developed and will seek to maintain a list of at least 10 arbitrators. Arbitrators will remain on the EU-U.S. DPF List of Arbitrators for a period of 3 years, absent exceptional circumstances or removal for cause, renewable by the DOC, with prior notification to the European Commission for additional 3-year terms. Under the Swiss-U.S. DPF the DOC and the Swiss Federal Administration will develop and seek to maintain a list of up to five arbitrators to supplement the list of arbitrators developed under the EU-U.S. DPF. Arbitrators will remain on the Swiss-U.S. DPF Supplemental List of Arbitrators for a period of 3 years, absent exceptional circumstances or removal for cause, renewable by the DOC, with prior notification to the Swiss Federal Administration for additional 3-year terms.
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
 - The DOC does not anticipate 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;**
 - The DOC does not anticipate 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 three years;**
 - The DOC does not anticipate requiring respondents to retain records, other than health, medical, government contract, grant-in- aid, or tax records for more than three 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;**
 - The DOC does not anticipate collecting information from respondents 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;**
 - The DOC does not anticipate collecting information from respondents in a manner 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 which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
 - The DOC does not anticipate collecting information from respondents in a manner 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.
- **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.**
 - The DOC does not anticipate requiring respondents to submit proprietary trade secret, or other confidential information absent a demonstration by the DOC that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

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.

A Federal Register Notice requesting public comments concerning the information collection (OMB Control No. 0625-0281) was published on February 23, 2026 (Volume 91, Number 2026-03470, pages 8412-8415). No public comments were received in response to that notice.

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

Not Applicable. Gifts or payments will not be provided to the respondents.

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

Applications for inclusion on the EU-U.S. DPF List of Arbitrators or the Swiss-U.S. DPF Supplemental List of Arbitrators will be covered by the DOC's Privacy Act System of Records Notice 23. Information collected through applications for inclusion on those lists of arbitrators under the Data Privacy Framework program will not be made publicly available.

Evaluation of applications for inclusion on the EU-U.S. DPF List of Arbitrators will be undertaken by the DOC and the European Commission. Submission of an individual's

application will be considered written consent to share the individual's information with the European Commission to enable joint development of that list of arbitrators.

Evaluation of applications for inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators will be undertaken by the DOC and the Swiss Federal Administration. Submission of an individual's application will be considered written consent to share the individual's information with the Swiss Federal Administration to enable joint development of that list of arbitrators.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or 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 this information collection.

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

- **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.**
- **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 under 'Annual Cost to Federal Government'**

The estimated annual burden in hours is 120.

The DOC estimates that it would receive approximately 20 responses (i.e., application submissions) to each new invitation for applications for inclusion on the EU-U.S. DPF List of Arbitrators.

The DOC estimates that it would receive approximately 10 responses (i.e., application submissions) to each new invitation for applications for inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators.

**EU-U.S. DPF List of Arbitrators:
Estimated Respondent Burden Hours**

| Information Collection Instrument (i.e., Type of Response) | Type of Respondent / Occupational Title | Number of Respondents (a) | Number of Responses Per Respondent (b) | Total Number of Responses (c) = (a) x (b) | Burden Hours Per Response (d) | Total Burden Hours (e) = (c) x (d) |
|---|---|---------------------------|--|---|-------------------------------|------------------------------------|
| Application Submission for Inclusion on the EU-U.S. DPF List of Arbitrators | Lawyers, Judges, and Related Workers | 20 | 1 | 20 | 4 | 80 |

**EU-U.S. DPF List of Arbitrators:
Estimated Respondent Costs (Theoretical Cost of Respondent Time)**

| Type of Respondent/ Occupational Title | Number of Respondents (a) | Number of Responses per Respondent (b) | Burden Hours per Response (c) | Average Respondent Hourly Wage Rate* (d) | Total Cost to Respondents (e) = (a) x (b) x (c) x (d) |
|--|---------------------------|--|-------------------------------|--|---|
| Lawyers, Judges, and Related Workers | 20 | 1 | 4 | \$85.37 | \$6,829.60 |

*The estimate of the average respondent hourly wage rate is based on the U.S. Bureau of Labor Statistics May 2024 National Occupational Employment and Wage Estimates mean hourly wage for ‘Lawyers, Judges, and Related Workers’ (occupation code 23-1000) <https://data.bls.gov/oes/#/industry/000000>

**Swiss-U.S. DPF Supplemental List of Arbitrators:
Estimated Respondent Burden Hours**

| Information Collection Instrument (i.e., Type of Response) | Type of Respondent / Occupational Title | Number of Respondents (a) | Number of Responses Per Respondent (b) | Total Number of Responses (c) = (a) x (b) | Burden Hours Per Response (d) | Total Burden Hours (e) = (c) x (d) |
|---|---|---------------------------|--|---|-------------------------------|------------------------------------|
| Application Submission for Inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators | Lawyers, Judges, and Related Workers | 10 | 1 | 10 | 4 | 40 |

**Swiss-U.S. DPF Supplemental List of Arbitrators:
Estimated Respondent Costs (Theoretical Cost of Respondent Time)**

| Type of Respondent/ Occupational Title | Number of Respondents (a) | Number of Responses per Respondent (b) | Burden Hours per Response (c) | Average Respondent Hourly Wage Rate* (d) | Total Cost to Respondents (e) = (a) x (b) x (c) x (d) |
|---|---------------------------|--|-------------------------------|--|---|
| Lawyers, Judges, and Related Workers | 10 | 1 | 4 | \$85.37 | \$3,414.80 |

*The estimate of the average respondent hourly wage rate is based on the U.S. Bureau of Labor Statistics *May 2024 National Occupational Employment and Wage Estimates United States* mean hourly wage for ‘Lawyers, Judges, and Related Workers’ (occupation code 23-1000) <https://data.bls.gov/oes/#/industry/000000>

(Application Submission for Inclusion on the EU-U.S. DPF List of Arbitrators total: 80 hours) +
(Application Submission for Inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators total: 40 hours) = 120 hours

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

- 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 consider 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 collections 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.

The estimated annual cost burden to respondents, excluding the value of the burden hours in Question 12, is \$0. There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

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.

\$9,013.20 is the total estimated annualized cost to the federal government according to the methodology described below.

Note: This estimate is calculated by first determining the relevant hourly rate, and the estimated time that it takes to process the responses (i.e., application submissions).

- The hourly rate relevant to the review and processing of the responses (i.e., application submissions) is calculated by taking the approximate GS rating/step for the average type of individual performing the relevant tasks and adding 30% to that rate to account for overhead and other basic costs. For purposes of this calculation \$57.78/hour is assumed to be the approximate hourly rate of the GS rating/step of the type of DOC employee performing the relevant tasks; therefore, the rate used is \$75.11 (\$57.78 + \$17.33).

Note: This estimate does not reflect significant website development costs associated with the DOC’s Data Privacy Framework program website or costs associated with the performance of a variety of other important administrative and oversight tasks and outreach to stakeholders, which do not involve information collection instruments. The aforementioned costs, including the ‘total estimated annualized cost to the federal government’ would be paid for from funds collected through the cost recovery program originally implemented by ITA to support the operation of the Privacy Shield program, but which would as part of the transition from the Privacy Shield program to the Data Privacy Framework program support the operation of the latter program.

**EU-U.S. DPF List of Arbitrators:
Estimated Cost to the Federal Government Based on Burden Hours**

| Information Collection Instrument (i.e., Type of Response) Being Reviewed and Processed by DOC Staff | Number of Respondents (a) | Number of Responses Per Respondent (b) | Total Number of Responses (c) = (a) x (b) | Burden Hours Per Response (d) | Total Burden Hours (e) = (c) x (d) | Average DOC Staff Hourly Wage Rate* (f) | Total Cost to Federal Government (g) = (e) x (f) |
|---|----------------------------------|---|--|--------------------------------------|---|--|---|
|---|----------------------------------|---|--|--------------------------------------|---|--|---|

| | | | | | | | |
|---|----|---|----|---|----|---------|------------|
| Application Submission for Inclusion on the EU-U.S. DPF List of Arbitrators | 20 | 1 | 20 | 4 | 80 | \$75.11 | \$6,008.80 |
|---|----|---|----|---|----|---------|------------|

*The estimate of the hourly wage rate is based on the U.S. Office of Personnel Management *SALARY TABLE 2025-DCB* hourly basic rate for ‘GS-13’ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/DCB_h.aspx (plus 30% to account for overhead and other basic costs).

Cost to federal government per response:

Response Time (4 hours [i.e., 240 minutes]) x Hourly Rate (\$75.11/hour) = \$300.44

**Swiss-U.S. DPF Supplemental List of Arbitrators:
Estimated Cost to the Federal Government Based on Burden Hours**

| Information Collection Instrument (i.e., Type of Response) Being Reviewed and Processed by DOC Staff | Number of Respondents (a) | Number of Responses Per Respondent (b) | Total Number of Responses (c) = (a) x (b) | Burden Hours Per Response (d) | Total Burden Hours (e) = (c) x (d) | Average DOC Staff Hourly Wage Rate* (f) | Total Cost to Federal Government (g) = (e) x (f) |
|--|---------------------------|--|---|-------------------------------|------------------------------------|---|--|
| Application Submission for Inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators | 10 | 1 | 10 | 4 | 40 | \$75.11 | \$3,004.40 |

*The estimate of the hourly wage rate is based on the U.S. Office of Personnel Management *SALARY TABLE 2025-DCB* hourly basic rate for ‘GS-13’ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/DCB_h.aspx (plus 30% to account for overhead and other basic costs).

Cost to federal government per response:

Response Time (4 hours [i.e., 240 minutes]) x Hourly Rate (\$75.11/hour) = \$300.44

(EU-U.S. DPF List of Arbitrators total: \$6,008.80) + (Swiss-U.S. DPF Supplemental List of Arbitrators total: \$3,004.40) = \$9,013.20

15. Explain the reasons for any program changes or adjustments.

The DOC currently requests standard renewal of this information collection, which concerns a critical component of the EU-U.S. DPF, the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. DPF and thus a critical component of the Data Privacy Framework program. The purpose

of this request of PRA clearance is to allow the DOC, as represented by the ITA), to collect information from individuals applying for inclusion on the list of arbitrators as specified in Annex I of the EU-U.S. DPF Principles (EU-U.S. DPF List of Arbitrators) or the supplemental list of arbitrators as specified in Annex I of the Swiss-U.S. DPF Principles (Swiss-U.S. DPF Supplemental List of Arbitrators). The arbitral mechanism outlined in Annex I of the EU-U.S. DPF Principles is a critical component of the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF, as well as the Swiss-U.S. DPF. The arbitral mechanism outlined in Annex I of the Swiss-U.S. DPF Principles is a critical component of the Swiss-U.S. DPF. The ability to collect information from individuals applying for inclusion on these lists of arbitrators is a necessary step to maintain the binding arbitration option under the Data Privacy Framework program.

The adjusted figures and by extension the estimates provided in the respective answers to Questions 12 and 14 are projections that take into account the number of “responses” (i.e., the applications) that were received, reviewed, and processed in response to the first invitation for applications for inclusion on the EU-U.S. DPF List of Arbitrators and for applications for inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators. The adjusted figures and by extension the estimates provided in the respective answers to Questions 12 and 14 are projections that also take into account increases in the respective, average hourly rates of the relevant types of individuals (i.e., lawyer, judge, and related worker respondents with regard to Question 12, and DOC employees with regard to Question 14) performing the tasks directly associated with the “responses” that were received, reviewed, and processed in response to the first invitation for applications for inclusion on the EU-U.S. DPF List of Arbitrators and for applications for inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators.

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

The information collected from applicants will be evaluated by the DOC in consultation with the European Commission or the Swiss Federal Administration (as applicable) to develop and maintain the respective lists of arbitrators under the Data Privacy Framework program (i.e., the EU-U.S. DPF List of Arbitrators and the Swiss-U.S. DPF Supplemental List of Arbitrators). The lists of arbitrators selected will be made public on the website of the third party selected by the DOC to administer arbitrations pursuant to and manage the arbitral fund identified in Annex I of the EU-U.S. DPF Principles, including as relates to the UK Extension to the EU-U.S. DPF, and Annex I of the Swiss-U.S. DPF Principles.

The DOC will respectively fulfill its commitments under Annex I of the EU-U.S. DPF Principles and the UK Extension to the EU-U.S. DPF, and Annex I of the Swiss-U.S. DPF Principles, including by maintaining the EU-U.S. DPF List of Arbitrators and the Swiss-U.S. DPF Supplemental List of Arbitrators; and, supporting, as appropriate, the third party selected by the DOC to administer arbitrations pursuant to and manage the arbitral fund identified in Annex I of the EU-U.S. DPF Principles and Annex I of the Swiss-U.S. DPF Principles. The DOC will work with the third party to, among other things, verify that the third party maintains a website with guidance on the arbitration process, including: (1) how to initiate proceedings and submit documents; (2) the EU-U.S. DPF List of Arbitrators and the Swiss-U.S. DPF Supplemental List of Arbitrators and how to select arbitrators from those lists; (3) the governing arbitral procedures and arbitrator code of conduct; and (4) the collection and payment of arbitrator fees.

Note: The DOC has selected the International Centre for Dispute Resolution (ICDR), the

international division of the American Arbitration Association (AAA) (collectively ICDR-AAA) to administer arbitrations pursuant to and manage the arbitral fund identified in Annex I of the EU-U.S. DPF Principles, including as relates to the UK Extension to the EU-U.S. DPF, and Annex I of the Swiss-U.S. DPF Principles. The DOC will facilitate the maintenance of the fund, to which participating organizations will be required to contribute, based in part on the size of the organization, which will cover the arbitral cost, including arbitrator fees, up to maximum amounts. Among other things, the ICDR-AAA facilitates arbitrator fee arrangements, including the collection and timely payment of arbitrator fees and other expenses.

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

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Explain each exception to the certification statement.

Not Applicable. The agency certifies compliance with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.