SUPPORTING STATEMENT - PART A

Freedom of Information/Privacy Act Records Request for Background Investigations
OMB Control Number: 0705-0001

Summary of Changes: Summary of Changes from Previously Approved Collection

- *Updated the Privacy Act Statement to reflect the current SORN reference (DoD-0008)*
- *Updated language in the Instructions section*
- *Updated instructions when making a Freedom of Information Act request.*
- *Updated the Preferred Deliver Method choices limiting the selection to secure e-mail or hardcopy*
- *Standardized language in the Records Requested Section*
- *Clarified that typed or custom font(s) are not acceptable forms of signature*

On September 30, 2019, as authorized by Executive Order 13869, the missions, records, and personnel of the Office of Personnel Management (OPM), National Background Investigations Bureau (NBIB), transferred to the Defense Counterintelligence and Security Agency (DCSA). The legacy NBIB INV 100 *FREEDOM OF INFORMATION / PRIVACY ACT RECORD REQUEST FORM* (OMB#3206-0259) was included in this transfer. This revision serves to notify the public of this transfer as well as the non-substantive format changes.

This is not a new collection. The form is now a DCSA form, under the label Freedom of Information/Privacy Act Records Request for Background Investigations, inclusive of a new OMB# 0705-0001. All references to OPM or NBIB have been removed from the form. Questions about the collection and the public burden should be directed to the Department of Defense (DoD), Washington Headquarters Services.

Additional, non-substantive changes include: (1) the format, (2) a new form title, which provides clarity about the use of the form to request background investigation related records, (3) references to the DoD Privacy and FOIA regulations 32 CFR § 310, and 32 CFR § 286, (4) a reference to the system of records notice (V1-01 Privacy and Freedom of Information Request Records) which this collection will now be maintained within, (5) clarification that the requester's signature may be either handwritten or a CAC/PIV, (6) an update to the address where completed forms are to be mailed, and (7) a list of acceptable identity source documents.

1. Need for the Information Collection

This collection is a renewal and revision to the collection under OMB Control Number 0705-0001, Freedom of Information/Privacy Act Records Request for Background Investigations approved in October 2019, when transferred from the OPM NBIB to the DCSA.

The purpose of the collection is to enable the Defense Counterintelligence and Security Agency, Freedom of Information and Privacy (FOI/P) Office for Investigations, to locate applicable records and provide the requester responsive records pursuant to the Freedom of Information Act (5 U.S.C. § 552), and/or the Privacy Act of 1974 (5 U.S.C. § 552a). Authority to collect this information is contained in 5 U.S.C. § 552, 5 U.S.C. § 552a, 32 C.F.R. § 310, and 32 C.F.R. § 286.

Responsive records are covered by DCSA system of records notice (SORN) *Personnel Vetting Records System*, DUSDI 02-DOD. This SORN was last published in the Federal Register (FR) in October 2018 (https://www.federalregister.gov/documents/2018/10/17/2018-22508/privacy-act-of-1974-system-of-records). On October 1, 2019, as authorized by Executive Order 13869, the missions, records, and personnel of the Office of Personnel Management (OPM), National Background Investigations Bureau (NBIB), transferred to the DCSA. While the records transferred to DCSA, OPM retained responsibility for the IT Systems these records are maintained within. Current privacy impact assessments exist for the systems that hold responsive records. Those systems are: (1) the Personnel Investigations Processing System (PIPS), https://www.opm.gov/information-management/privacy-policy/privacy-policy/pips-pia.pdf , dated 10/4/2017; (2) the Electronic Questionnaires for Investigations Processing (eQIP), https://www.opm.gov/information-management/privacy-policy/privacy-policy/e-qip.pdf, dated 01/19/2018; and (3) the Personnel Investigations Processing System Imaging System (OPIS), https://www.opm.gov/information-management/privacy-policy/privacy-policy/opis.pdf, dated 01/19/2018.

Solicitation of Social Security Numbers (SSN's) by Defense Counterintelligence and Security Agency (DCSA) is authorized under the provisions of Executive Order 9397, dated November 22, 1943. Providing social security numbers is voluntary. Individuals requesting information are asked to provide their SSN's only to facilitate the identification of records relating specifically to that individual. Without an individual's SSN, DCSA may be unable to locate records pertaining to that specific individual. The use of SSN's is necessary because of the large number of Federal employees, contractors, civilians, and military personnel who have identical

names and/or birth dates and whose identities can only be distinguished by their SSNs.

2. Use of the Information

The Freedom of Information/Privacy Act Records Request for Background Investigations form, is an information collection completed by individuals submitting Freedom of Information Act (FOIA), Privacy Act, and Amendment record requests to DCSA's Freedom of Information and Privacy (FOI/P) Office for Investigations. DCSA's FOIP Office for Investigations utilizes the Freedom of Information/Privacy Act Records Request for Background Investigations to standardize collection of data elements specific to the types of record requests. Current record requests can be submitted to DCSA FOIP Office for Investigations in a format chosen by the requester. Often, requests are missing data elements which require contact with the requester, thereby adding time to the process. Standardization of the process will increase the volume of perfected requests received and strike an appropriate balance between the burden to the public in submitting a request and the DCSA FOIP Office for Investigations being able to fulfill FOIA, Privacy Act, and Amendment requests in an efficient manner.

3. Use of Information Technology

The collection does involve a degree of automation, as the form will be available on the internet in a portable document file (PDF) format.

If the requester is submitting a FOIA request, the Freedom of Information/Privacy Act Records Request for Background Investigations may be transmitted electronically once completed, or printed and mailed or faxed to DCSA FOIP Office for Investigations.
Alternatively, if the requester is making a request for records about him/herself, the Freedom of Information/Privacy Act Records Request for Background Investigations must be completed, then signed electronically with a PIV or CAC signature, or printed and contain a handwritten signature. DCSA's *Protection of Privacy and Access to and Amendment of Individual Records under the Privacy Act of 1974* regulation (32 C.F.R. § 310.3) explain a requester must sign the request and have it notarized or submit the request under 28 U.S.C. 1746. . The completed Freedom of Information/Privacy Act Records Request for Background Investigations can then be mailed hardcopy, faxed, or scanned and emailed as an attachment to DCSA FOIP Office for Investigations.

4. Non-duplication

Information collected on the Freedom of Information/Privacy Act Records Request for Background Investigations is specific to DCSA FOIP Office for Investigations. Use of the form is voluntary and collection of the information is only required if the individual makes a FOIA, Privacy Act or Amendment request.

5. Burden on Small Businesses

This information collection does not affect small businesses or other small entities.

6. Less Frequent Collection

Use of the Freedom of Information/Privacy Act Records Request for Background Investigations is intended to organize the collection of the information to simplify and make more efficient the process of making a Freedom of Information Act (5 U.S.C. § 552), and/or Privacy Act of 1974 (5 U.S.C. § 552a) request(s). Additionally, the standardized collection of information will enhance DCSA's request processing and minimize the number of imperfect requests submitted.

7. Paperwork Reduction Act Guidelines

This information collection is in compliance with 5 CFR 1320.6.

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on (Day of the Week, Month, Day, Year). The 60-Day FRN citation is (volume number) FRN (page number).

(Number) comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on (Day of the Week, Month Day, Year). The 30-Day FRN citation is (volume number) FRN (page number).

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the Federal Register are 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. The INV 100 is an optional form for use.

10. Confidentiality

Any disclosure of this record or information in this record is in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a) and routine uses found in System Notice V1-01, Privacy and Freedom of Information Request Records.

11. Sensitive Questions

The questions are not of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

12. Respondent Burden and its Labor Costs

a. Estimation of Respondent Burden

1. Freedom of Information/Privacy Act Records Request for Background Investigations
   a. Number of Respondents: 10,097
   b. Number of Responses Per Respondent: 1
   c. Number of Total Annual Responses (a x b): 10,097
   d. Response Time: 5 minutes
   e. Respondent Burden Hours (c x d/60): 841 hours

Total Submission Burden (Summation or average based on collection)
   a. Total Number of Respondents: 10,097
   b. Total Number of Annual Responses: 10,097
   c. Total Respondent Burden Hours: 841

b. Labor Cost of Respondent Burden

1. Freedom of Information/Privacy Act Records Request for Background Investigations

a. Number of Total Annual Responses: 10,097
b. Response Time: 5 minutes
c. Respondent Hourly Wage: $ 20.71 (~$ .35 per minute)**
d. Labor Burden per Response (5 x .35): $ 1.75
e. Total Labor Burden (a x d): $ 17,670

Overall Labor Burden
a. Total Number of Annual Responses: 10,097
b. Total Labor Burden: $ 17,670

***** Total number of responses 10,097 is based on the number of Freedom of Information/Privacy Act Records Request for Background Investigations submitted to DCSA's Freedom of Information and Privacy (FOI/P) Office in FY19.

** Hourly wage for respondent is based on the approximate salary of a GS-7, Step 1 in the Pittsburgh-New Castle-Weirton, PA-OH-WV area (effective January 20 19): ($ 20.71) rate per hour)/60 minutes=$ .35 (rate per minute)

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 or cost to individual respondents who choose to use this form in lieu of a handwritten request.

14. Cost to the Federal Government

a. Labor Cost to the Federal Government

1. Freedom of Information/Privacy Act Records Request for Background Investigations
a. Number of Total Annual Responses: 10,097
b. Processing Time per Response: .1 hour
c. Hourly Wage of Worker(s) Processing Responses: $20.71*
d. Cost to Process Each Response (b x c): $2.07
e. Total Cost to Process Responses (a x d): $20,900

b. Operational and Maintenance Costs

a. Equipment: $0
b. Printing: $0
c. Postage: $0
d. Software Purchases: $0
e. Licensing Costs: $0
f. Other: $0
g. Total: $0

1. Total Operational and Maintenance Costs: $0
2. Total Labor Cost to the Federal Government: $20,900
3. Total Cost to the Federal Government: $20,900

*Cost to federal government is based on the approximate salary of a GS- 7, Step 1 in the Pittsburgh-New Castle-Weirton, PA-OH-WV (effective January 2019): ($20.71) rate per hour)/60 minutes=$ .35 (rate per minute)

15. Reasons for Change in Burden

There was a decrease in burden since the original approval of this collection in November 2017 due to the public demand.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

DCSA is 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”

DCSA is not requesting any exemptions to the provisions stated in 5 CFR 1320.9.