

2 FAM 1160

INFORMATION COLLECTIONS

(TL:GEN-295; 09-14-1999)

2 FAM 1161 POLICY, SCOPE, AND AUTHORITY

2 FAM 1161.1 Policies

(TL:GEN-295; 09-14-1999)

(State Only)

a. It is Department of State policy that all information collections are approved through a single program management office and procedure.

b. Department offices and employees must have proper authorization to conduct any information collections. You may not enforce any collection (require information, recordkeeping, etc.) for those collections where the Office of Management and Budget (OMB) approval has expired.

Note: OMB approval is for a maximum of three years. A Paperwork Reduction Act (PRA) submission must be done well before the expiration date to obtain reinstatement and authorization to carry out the collection.

c. Information collections are reviewed periodically for need, effectiveness, burden, and OMB status.

d. Information collections are consolidated to serve several purposes where possible.

e. Where practicable, information collections shall relate to databases, either for collection, retrieval, use, or any combination thereof.

f. Each collection must contain, as appropriate, any or all of the following statements:

- (1) Paperwork Reduction Act;
- (2) Privacy Act; and
- (3) Recordkeeping requirement.

g. Information collections are carried out in various forms, including, but not limited to electronic, paper, interviews, etc. as appropriate. Where telephone surveys or other verbal means are used to gather the information, the information collected shall be maintained and retrievable in accordance with Department policy (see 5 FAM).

2 FAM 1161.2 Scope and Applicability

(TL:GEN-295; 09-14-1999)
(State Only)

a. These policies cover all new, revised, and existing information collections, including printed or interactive forms used to gather the information or reports which draw from databases or other supplied information.

b. These policies and procedures apply to all Department of State employees and units on a worldwide basis.

2 FAM 1161.3 Responsibilities

2 FAM 1161.3-1 Chief Information Officer

(TL:GEN-295; 09-14-1999)
(State Only)

The Chief Information Officer (CIO, the head of the IRM Bureau) has delegated management authority for the Department's information collections to the Assistant Secretary for Administration (A).

2 FAM 1161.3-2 Assistant Secretary for Administration

(TL:GEN-295; 09-14-1999)
(State Only)

a. The Assistant Secretary for Administration (A) is responsible for certifying that each Department collection of information from the public meets the provisions under the PRA.

b. On behalf of the Assistant Secretary for Administration (A), and at the direction of the Deputy Assistant Secretary for Records and Publishing Services (A/RPS), a designated Information Collection Coordinator (located in A/RPS/DIR) administers this program.

2 FAM 1161.3-3 Directives Management Staff

(TL:GEN-295; 09-14-1999)
(State Only)

a. The Department's Information Collection Coordinator, located in the Department's Directives Management Staff (A/RPS/DIR) administers the information collection program for the Department, under the authority of the Chief Information Officer (CIO) and the Assistant Secretary for Administration (A).

b. A/RPS/DIR:

(1) Oversees standards and guidelines;

(2) Reviews information collection submissions, making recommendations when referring proposed collections to the Assistant Secretary for final approval or denial;

(3) Develops and provides to OMB reports on all Department information collections as required;

(4) Maintains the Department's record of all Department-conducted information collections subject to the PRA

(5) Assists in identifying necessary clearances, and may specify clearances; and

(6) Provides design and technical assistance as needed.

c. DIR reviews any proposed information collections or changes to existing collections to ensure achievement of the program policies and objectives stated in 2 FAM 1161.

d. DIR works with program offices to ensure that information collections are renewed, revised, or cancelled before their approval expires.

e. DIR conducts liaison with:

(1) The Office of Management and Budget (OMB) on all matters relating to the Department's information collections (including requests for determinations, public use forms, etc.); and

(2) The *Federal Register*.

2 FAM 1161.3-4 Department

(TL:GEN-295; 09-14-1999)

(State Only)

a. Department units seeking to create or modify an existing information collection are responsible for:

(1) Consulting with A/RPS/DIR prior to:

(a) Formally submitting the information collection to DIR for processing; or

(b) Obtaining other-bureau clearance on or using any information collection;

(2) Meeting documentary requirements for creation, development, design, and approval review;

(3) Taking advantage of or modifying existing information collections to accomplish their mission; and

(4) Obtaining necessary clearances. This includes the clearance of the program office's deputy assistant secretary or equivalent, or executive director.

b. Program offices must minimize the hour and cost burdens associated with their collections, and seek to consolidate collections and their results whenever practicable.

c. Program offices shall ensure that collections are reviewed and either renewed, revised, or cancelled before their expiration deadline.

d. Program offices should make the resultant information available to the public unless Privacy Act or other sensitive or classified considerations are involved.

2 FAM 1161.3-5 Posts

(TL:GEN-295; 09-14-1999)
(State Only)

a. Principal officers at posts abroad are responsible for implementing the standards and procedures prescribed in these regulations.

b. Posts shall ensure that their information collections are reviewed and either renewed, revised, or cancelled before their expiration deadline.

c. When a post needs to create, modify, or discontinue information collections, the process is the same as for Department offices, including the need for review and approval by the regional bureau's executive director, A/RPS/DIR, OMB, and others as appropriate.

2 FAM 1161.4 Definitions

(TL:GEN-295; 09-14-1999)
(State Only)

a. **Forms** are any documents, including form letters, post cards, and memoranda, printed or otherwise reproduced with fixed captions and spaces designed for entering and extracting prescribed information. This includes printed forms that are used for manual entry as well as forms used for office automation to capture or produce information. Certain printed items without fill in space, such as contract provisions, instruction sheets, notices, certificates, tags, labels, and posters, may be considered as forms when it is advantageous to manage and control them as recurring instruments in consonance with the objectives of the forms management program.

b. **Information Collection.** The PRA defines this to be "the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of the form or format used, calling for either:

- (i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on ten or more persons, other than agencies, instrumentalities, or employees of the United States, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit; or
- (ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes."

The PRA defines the word "person" to include individuals (including government contractors), partnerships, associations, corporations, business trusts, legal

representatives, organized groups of individuals, and State, territory, tribal, or local governments or branches or political subdivisions. Specific types of collection of information include:

(1) Requests for information for transmission to the Federal Government, such as grant application forms, written report forms, telephone surveys, and electronic data collections;

(2) Recordkeeping requirements, which may involve compilation and maintenance of records, either alone or in conjunction with the reporting of information to the agency and/or some other person; or

(3) Third party or public disclosure requirements, which may involve a requirement for the disclosure of information to other members of the public directly or through publication in some information media, such as a newspaper or magazine, or by posting the information, by supplying the information on labels, or any other means constituting disclosure to third parties or the public.

Many information collections, recordkeeping requirements, and third party disclosure requirements are contained in or authorized by regulations as monitoring or enforcement tools, while others appear in questionnaires and their accompanying instructions. See also Public Reporting.

c. **Public Reporting (Reports)** are information collections where, generally, forms are not used to gather the information. See Reports.

d. **Public Use Forms** are documents that members of the public fill out for Department or Foreign Service use for information collections (each form requires OMB approval).

e. **Reports** are information collections either extracted from automated data processors, or where the information is gathered by survey, questionnaire, memorandum, or means other than by using a form.

e. **Worldwide** describes a Department activity carried out both domestically and abroad.

2 FAM 1161.5 Authorities

(TL:GEN-295; 09-14-1999)

(State Only)

a. Title 44 U.S.C. 21, 29, 31, and 33 outlines statutory requirements for managing the creation, maintenance, and use of records in Federal agencies. Included in these requirements is the management of forms used by Federal agencies. The General Services Administration (GSA) is assigned the responsibility of issuing Federal regulations and conducting oversight of agency implementation of regulations.

b. FIRMR 201-45.104, issued by GSA contains policies, requirements, responsibilities and guidelines for managing, administering, and implementing forms

management programs in Federal agencies. These policies and requirements are implemented for the Department of State by the following regulations.

c. The Paperwork Reduction Act of 1980 (Pub. L. 96-511), as amended by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, Pub. L. 104-13), instituted the concept of information resources management (IRM) for managing Federal information and records through an integrated program that encompasses all aspects of information including the creation and use of forms to collect data and information from the public. All information collections from the public subject to the PRA are required to have an OMB clearance and PRA statement (see 2 FAM 1163.5).

d. The Privacy Act of 1974 (5 U.S.C. 552a) requires that forms used to collect information from individuals contain a Privacy Act statement citing the authority for collecting the information, the purposes for requesting it, and the penalties for not providing information that is mandatory. The Privacy Act forbids any agency to deny an individual any right, benefit, or privilege provided by law for refusing to disclose her or his social security number, unless disclosure is required by Federal statute or by other laws effective prior to January 1, 1975. The agency must inform the individual whether the disclosure is mandatory or voluntary, by what statutory or other authority such information is solicited, and what uses will be made of it.

e. 5 CFR 1320 states the final rules for Federal agencies to follow in implementing the information collection aspects of the PRA.

f. Delegations of Authority 225 (Public Notice 2911) and 226, which sequentially delegated operating authority from the Secretary to the Chief Information Officer (IRM) to the Assistant Secretary for Administration (A). This authority will be exercised, through the Deputy Assistant Secretary for Records and Publishing Services (A/RPS), by the Department's Information Collection Coordinator in the Directives Management Staff (A/RPS/DIR).

FAM 1162 COLLECTION TYPES

2 FAM 1162.1 Public Reporting

(TL:GEN-295; 09-14-1999)
(State Only)

a. See definition in 2 FAM 1161.4 paragraph c.

b. Public reports cover a wide range of use, including, but not limited to, customer surveys (telephone, interview, etc.), employee applicant information, et al.

2 FAM 1162.2 Public Use Forms

(TL:GEN-295; 09-14-1999)
(State Only)

a. See definition in 2 FAM 1161.4 paragraph d.

b. Public use forms are used to gather information from the public, and cover a wide range of use, including, but not limited to, passport and visa applications, job applications, etc.

2 FAM 1162.3 Recordkeeping Requirements

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(State Only)

- a. Recordkeeping requirements require OMB approval.
- b. These requirements may or may not have time and cost burdens, if the desired recordkeeping is part of the industry standard.
- c. Make recordkeeping requirements only if necessary.

2 FAM 1163 PROCEDURES

2 FAM 1163.1 Criteria

(TL:GEN-295; 09-14-1999)
(State Only)

The Paperwork Reduction Act (PRA) defines the phrase “collection of information” to be “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of the form or format used, calling for either:

- (i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on ten or more persons, other than agencies, instrumentalities, or employees of the United States, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit; or
- (ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes.”

2 FAM 1163.2 Initiation

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(State Only)

a. Offices that believe they may meet the criteria given in 2 FAM 1163.1 should coordinate with the Information Collection Coordinator, located in A/RPS/DIR. This should be as soon as possible, well before any formal submission for approval. Effective and timely coordination enables DIR to provide guidance and constructive assistance in advance of operational commitments.

- b. What the office should do first:

(1) Research the collection's goals, audience, proposed collection method, resultant information use and availability, and other relevant considerations;

(2) Write a description of what the information collection is to do, its associated time and cost burdens (including costs for imposed recordkeeping requirements); and

(3) Review an OMB Form 83-I to see what information will be required for an OMB approval.

c. The program office brings to DIR whatever they have in the way of a concept for the collection. This would include a sample database, for example, or a list of information categories and specifics the program office seeks, etc. The office must be able to discuss the collection's use and availability to the public.

d. When the office consults with DIR it should ensure that:

(1) There is no extant version of the information collection (or the information sought, or purpose);

(2) The reestablishment of a previously discontinued collection will not do; and

(3) There is no existing collection that might be revised to accommodate the new use.

e. DIR can supply copies of Forms DS-1855, OMB 83-I, etc.

2 FAM 1163.3 Submitting and Processing PRA Requests

(TL:GEN-295; 09-14-1999)

(State Only)

a. The formal review, assistance, and approval process begins by clearing with the designated DAS or executive director and L/LM and submitting to DIR:

(1) A completed OMB Form 83-I, Request for Approval and Development of an Information Collection, which requests the following:

(a) A justification statement explaining how the proposed information collection relates to or supports the objectives of the program, etc.; and a certification that similar data cannot be obtained from other sources (submit in paper and electronic formats);

(b) Clearances, in addition to L/LM, from other offices affected by or interested in the program;

(c) An indication as to whether the proposed information collection supersedes existing collections;

(d) The estimated number of annual submissions or responses;

(e) The average number of hours required to assimilate the data and complete one collection and the total aggregate number of annual hours required to complete the collections;

(f) Any recordkeeping requirements and their associated costs;

(2) 60-day *Federal Register* Notice (original and 3 copies, submit in paper and electronic formats);

(3) Submission memoranda as DIR determines;

(4) A draft memorandum to the Assistant Secretary for Administration (A) transmitting the 60-day notice and requesting approval to issue the notice (submit in paper and electronic formats); and

(5) A draft of any proposed report or form or their contents (submit in paper and electronic formats). Form development or change requires a DS-1855 (relevant form policies and procedures are found in 2 FAM 1150); and

(6) The initial draft or outline of relevant FAM/FAH material (see 2 FAM 1163.6).

b. Where a form is necessary, DIR, in conjunction with the program office, will design the form. The form will:

(1) Take into account the standardization policies of the forms program;

(2) Be set up to be interactive from the InfoForms CD-ROM; and

(3) Be useable over the Internet. See 2 FAM 1150.

c. DIR will submit the 60-day notice to the *Federal Register*, and the program office will collect all public comments.

d. After the 60 days are over, the program office incorporates public comments in its final version of the PRA submission, and submits to DIR:

(1) The final version of the OMB Form 83-I (for A signature);

(2) A draft memorandum to the Assistant Secretary for Administration transmitting the 30-day notice to the *Federal Register* and requesting approval to issue the 30-day notice (submit in paper and electronic formats);

(3) The 30-day notice to the *Federal Register* (original and 3 copies of each, submit in paper and electronic formats); and

(4) Copies of the public comments (or a summary and samples, if there are a lot of responses).

e. DIR reviews and submits the package to the Assistant Secretary for Administration for final approval.

f. After the A review and approval, DIR will forward the PRA submission package to OMB, consisting of:

(1) A completed OMB Form 83-I;

(2) A supporting statement;

(3) A summary of the public comments received, including actions taken by the bureau in response to the comments;

(4) Copies of pertinent statutory authority and regulations; and

(5) A copy of the proposed collection in the appropriate form or format.

DIR will also forward the 30-day notice to the *Federal Register*.

g. After the 30 days are over, OMB will issue an approval or denial for the information collection.

2 FAM 1163.4 Implementation

(TL:GEN-295; 09-14-1999)

(State Only)

a. Once the information collection receives OMB approval, DIR will inform the program office of the OMB decision and you may begin to collect the information. **OMB approval is good only for three years**, and the program office will have to get OMB's approval (reinstatement, using a new PRA submission package) to continue collecting. Begin this process by at least eight months before the expiration date.

b. **FORMS ONLY:** After the program office approves the form's final design, receives final clearance from OMB, does an on-site test of the form, and certifies its availability over the Internet, the form may be used to collect the information.

2 FAM 1163.5 Paperwork Reduction Act Statements

(TL:GEN-295; 09-14-1999)

(State Only)

a. All information collections must have a paperwork Reduction Act statement and summary. This information must be part of the form or its accompanying instructions, the summary being easy to find.

b. The summary contains the OMB clearance number, expiration date, and estimated public burden in time and cost amounts for completing one form and obtaining any necessary documentation, or storing the form and its attendant documentation.

c. The statement itself contains the legal authority(ies) for the information collection, the statement that the information may not be required if the OMB approval has expired, and any possible consequences for not providing the information.

d. Be sure to have the Legal Adviser's office (L) review any draft statements before submission.

2 FAM 1163.6 Preparing Related Directives

(TL:GEN-295; 09-14-1999)
(State Only)

In most cases, the applicable directives in the *Foreign Affairs Manual* (FAM) or *Foreign Affairs Handbooks* (FAH) will require changes to include new or revised instructions for the information collection. Attach a copy of any proposed FAM or FAH changes to your submission. See 2 FAM 1110 for instructions for preparing FAM/FAH changes.

2 FAM 1164 DISCONTINUING COLLECTIONS

(TL:GEN-295; 09-14-1999)
(State Only)

a. All areas of the Department and posts having jurisdiction over operations involving the use of information collections must review these requirements periodically in order to eliminate those which are no longer needed.

b. When a review of operations indicates that an information collection should be discontinued, notify A/RPS/DIR as soon as possible.

2 FAM 1165 THROUGH 1169 UNASSIGNED